



Rep. Denyse Wang Stoneback

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10200HB5535ham001

LRB102 25390 RLC 35914 a

1 AMENDMENT TO HOUSE BILL 5535

2 AMENDMENT NO. _____. Amend House Bill 5535 by replacing
3 everything after the enacting clause with the following:

4 "Section .05. This Act may be referred to as the Reduction
5 in Gun Crime Act.

6 Section 1. Short title. This Act may be cited as the
7 Commission on Interstate and Intrastate Trafficking of
8 Firearms Act.

9 Section 5. Commission on Interstate and Intrastate
10 Trafficking of Firearms.

11 (a) The Commission on Interstate and Intrastate
12 Trafficking of Firearms is created within the Illinois State
13 Police to assess the current needs relating to firearms
14 trafficking and advise the Governor and General Assembly on
15 necessary strategies to reduce illegal firearms trafficking.

1 (b) The Commission shall be composed of the following
2 members:

3 (1) the Director of the Illinois State Police, or his
4 or her designee;

5 (2) the Director of the Office of Firearm Violence
6 Prevention;

7 (3) the President of the Illinois Sheriffs'
8 Association, or his or her designee;

9 (4) an Illinois sheriff from each of the counties
10 whose gun homicide rate is the highest 5 counties per
11 100,000 residents, appointed by the sheriff of those
12 counties;

13 (5) the President of the Illinois Association of
14 Chiefs of Police, or his or her designee;

15 (6) a representative of the local municipal law
16 enforcement agencies from each of the 5 municipalities in
17 Illinois whose gun homicide rate is the highest per
18 100,000 residents, appointed by the chiefs of police of
19 those municipalities;

20 (7) the Attorney General, or his or her designee;

21 (8) the President of the Illinois States Attorneys
22 Association, or his or her designee;

23 (9) one Representative, appointed by the Speaker of
24 the House of Representatives;

25 (10) one Representative, appointed by the Minority
26 Leader of the House of Representatives;

1 (11) one Senator, appointed by the President of the
2 Senate; and

3 (12) one Senator, appointed by the Minority Leader of
4 the Senate.

5 (b) The Director of the Illinois State Police shall choose
6 the Chairperson of the Commission. Members shall serve 3-year
7 terms without compensation. The Commission shall form 2
8 subcommittees, one for interstate gun trafficking solutions
9 and another for intrastate gun trafficking solutions.

10 (c) The Commission shall attempt to seek input and advice
11 from:

12 (1) a law enforcement expert from each of the National
13 Integrated Ballistics Information Network (NIBIN) centers
14 in Illinois that process the most cartridge casings from
15 crime scenes;

16 (2) a law enforcement expert from the Crime Gun
17 Intelligence Center (CGIC) in Illinois with experience
18 with gun trafficking cases in Illinois;

19 (3) an individual with experience working with a joint
20 federal and local task force to disrupt the gun
21 trafficking network;

22 (4) a prosecutor with experience prosecuting gun
23 trafficking cases in another state where that state's gun
24 trafficking cases has achieved high rates of successful
25 prosecution nominated by the National District Attorneys
26 Association;

1 (5) a representative from the Federal Bureau of
2 Investigation who has extensive experience with gun
3 trafficking cases in Illinois;

4 (6) the Special Agent in Charge of the offices of the
5 Bureau of Alcohol Tobacco, Firearms and Explosives (ATF),
6 or his or her designee in each of the neighboring states of
7 Illinois: Wisconsin, Iowa, Missouri, Kentucky, and
8 Indiana; and

9 (7) the Special Agent in Charge of each of the offices
10 of the Bureau of Alcohol Tobacco, Firearms and Explosives
11 (ATF), or his or her designee, in each of the states with
12 the highest incidence of gun trafficking to and from
13 Illinois.

14 Section 90. The Firearm Owners Identification Card Act is
15 amended by changing Sections 3, 3.1, 4, and 8 and by adding
16 Section 3.4 as follows:

17 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

19 Sec. 3. (a) Except as provided in Section 3a, no person may
20 knowingly transfer, or cause to be transferred, any firearm,
21 firearm ammunition, stun gun, or taser to any person within
22 this State unless the transferee with whom he deals displays
23 either: (1) a currently valid Firearm Owner's Identification
24 Card which has previously been issued in his or her name by the

1 Illinois State Police under the provisions of this Act; or (2)
2 a currently valid license to carry a concealed firearm which
3 has previously been issued in his or her name by the Illinois
4 State Police under the Firearm Concealed Carry Act. In
5 addition, all ~~firearm,~~ stun gun~~,~~ and taser transfers by
6 federally licensed firearm dealers are subject to Section 3.1.

7 (a-1) Before a person purchases or receives a firearm from
8 a federally licensed firearm dealer, the person must display
9 to the dealer of the firearm a permit to purchase or receive
10 the firearm issued by the local law enforcement agency under
11 Section 3.4.

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

18 (a-10) Notwithstanding item (2) of subsection (a) of this
19 Section, any person who is not a federally licensed firearm
20 dealer and who desires to transfer or sell a firearm or
21 firearms to any person who is not a federally licensed firearm
22 dealer shall, before selling or transferring the firearms,
23 contact the Illinois State Police with the transferee's or
24 purchaser's Firearm Owner's Identification Card number to
25 determine the validity of the transferee's or purchaser's
26 Firearm Owner's Identification Card. This subsection shall not

1 be effective until January 1, 2014. The Illinois State Police
2 may adopt rules concerning the implementation of this
3 subsection. The Illinois State Police shall provide the seller
4 or transferor an approval number if the purchaser's Firearm
5 Owner's Identification Card is valid. Approvals issued by the
6 Illinois State Police Department for the purchase of a firearm
7 pursuant to this subsection are valid for 30 days from the date
8 of issue.

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

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

25 (2) transfers as a bona fide gift to the transferor's
26 husband, wife, son, daughter, stepson, stepdaughter,

1 father, mother, stepfather, stepmother, brother, sister,
2 nephew, niece, uncle, aunt, grandfather, grandmother,
3 grandson, granddaughter, father-in-law, mother-in-law,
4 son-in-law, or daughter-in-law;

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

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

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

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

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

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

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

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

12 (b) Any person within this State who transfers or causes
13 to be transferred any firearm, stun gun, or taser shall keep a
14 record of such transfer for a period of 10 years from the date
15 of transfer. Such record shall contain the date of the
16 transfer; the description, serial number or other information
17 identifying the firearm, stun gun, or taser if no serial
18 number is available; and, if the transfer was completed within
19 this State, the transferee's Firearm Owner's Identification
20 Card number and any approval number or documentation provided
21 by the Illinois State Police pursuant to subsection (a-10) of
22 this Section; if the transfer was not completed within this
23 State, the record shall contain the name and address of the
24 transferee. On or after January 1, 2006, the record shall
25 contain the date of application for transfer of the firearm.
26 On 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 For transfers of a firearm, stun gun, or taser made on or after
6 January 18, 2019 (the effective date of Public Act 100-1178)
7 ~~this amendatory Act of the 100th General Assembly~~, failure by
8 the private seller to maintain the transfer records in
9 accordance with this Section is a Class A misdemeanor for the
10 first offense and a Class 4 felony for a second or subsequent
11 offense. A transferee shall not be criminally liable under
12 this Section provided that he or she provides the Illinois
13 State Police with the transfer records in accordance with
14 procedures established by the Illinois State Police
15 ~~Department~~. The Illinois State Police ~~Department~~ shall
16 establish, by rule, a standard form on its website.

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

1 documents.

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

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

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

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

19 (a-1) Before a person purchases or receives a firearm from
20 a federally licensed firearm dealer, the person must display
21 to the dealer of the firearm a permit to purchase or receive
22 the firearm issued by the local law enforcement agency under
23 Section 3.4.

24 (a-5) Any person who is not a federally licensed firearm
25 dealer and who desires to transfer or sell a firearm while that

1 person is on the grounds of a gun show must, before selling or
2 transferring the firearm, request the Illinois State Police to
3 conduct a background check on the prospective recipient of the
4 firearm in accordance with Section 3.1.

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

1 to this subsection are valid for 30 days from the date of
2 issue.

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

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

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

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

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

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

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

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

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

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

24 (a-20) The Illinois State Police shall develop an
25 Internet-based system for individuals to determine the
26 validity of a Firearm Owner's Identification Card prior to the

1 sale or transfer of a firearm. The Illinois State Police
2 ~~Department~~ shall have the Internet-based system updated and
3 available for use by January 1, 2024. The Illinois State
4 Police shall adopt rules not inconsistent with this Section to
5 implement this system; but no rule shall allow the Illinois
6 State Police to retain records in contravention of State and
7 federal law.

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

18 (b) Any person within this State who transfers or causes
19 to be transferred any firearm, stun gun, or taser shall keep a
20 record of such transfer for a period of 10 years from the date
21 of transfer. Any person within this State who receives any
22 firearm, stun gun, or taser pursuant to subsection (a-10)
23 shall provide a record of the transfer within 10 days of the
24 transfer to a federally licensed firearm dealer and shall not
25 be required to maintain a transfer record. The federally
26 licensed firearm dealer shall maintain the transfer record for

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

1 or after January 18, 2019 (the effective date of Public Act
2 100-1178) ~~this amendatory Act of the 100th General Assembly,~~
3 failure by the private seller to maintain the transfer records
4 in 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. Whenever any
11 person who has not previously been convicted of any violation
12 of subsection (a-5), the court may grant supervision pursuant
13 to and consistent with the limitations of Section 5-6-1 of the
14 Unified Code of Corrections. A transferee or transferor shall
15 not be criminally liable under this Section provided that he
16 or she provides the Illinois State Police with the transfer
17 records in accordance with procedures established by the
18 Illinois State Police Department. The Illinois State Police
19 ~~Department~~ shall establish, by rule, a standard form on its
20 website.

21 (b-5) Any resident may purchase ammunition from a person
22 within or outside of Illinois if shipment is by United States
23 mail or by a private express carrier authorized by federal law
24 to ship ammunition. Any resident purchasing ammunition within
25 or outside the State of Illinois must provide the seller with a
26 copy of his or her valid Firearm Owner's Identification Card

1 or valid concealed carry license and either his or her
2 Illinois driver's license or Illinois State Identification
3 Card prior to the shipment of the ammunition. The ammunition
4 may be shipped only to an address on either of those 2
5 documents.

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

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

11 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

12 Sec. 3.1. Firearm Transfer Inquiry Program.

13 (a) The Illinois State Police shall provide a dial up
14 telephone system or utilize other existing technology which
15 shall be used by any ~~federally licensed firearm dealer~~, gun
16 show promoter~~7~~ or gun show vendor who is to transfer a firearm,
17 stun gun, or taser under the provisions of this Act. The
18 Illinois State Police may utilize existing technology which
19 allows the caller to be charged a fee not to exceed \$2. Fees
20 collected by the Illinois State Police shall be deposited in
21 the State Police Firearm Services Fund and used to provide the
22 service.

23 (b) Upon receiving a request from a ~~federally licensed~~
24 ~~firearm dealer~~, gun show promoter~~7~~ or gun show vendor, the
25 Illinois State Police shall immediately approve~~7~~ or L within

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

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

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

26 (1) assign a unique identification number to the

1 transfer; and

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

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

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

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

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

1 the seizure of the person's Firearm Owner's Identification
2 Card.

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

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

7 (430 ILCS 65/3.4 new)

8 Sec. 3.4. Firearms transfers; permits.

9 (a) Notwithstanding any other law to the contrary, each
10 local law enforcement agency shall issue a firearm permit to
11 an applicant who seeks the purchase of a firearm to verify the
12 identity of the purchaser and shall complete a full criminal
13 background check of the applicant that includes obtaining
14 fingerprints from the prospective firearm purchaser. The
15 requirement that an applicant for a firearm submit a full set
16 of fingerprints before being issued a firearm permit applies
17 to the first issuance of a firearm permit under this
18 amendatory Act of the 102nd General Assembly. Subsequent
19 applications for firearm permits issued to an applicant do not
20 require the re-submission of the applicant's fingerprints.

21 (b) Each local law enforcement agency shall keep records
22 of those permits and make them available to the Illinois State
23 Police through the Law Enforcement Agencies Data System
24 (LEADS).

25 (c) The duration of the permit shall be 10 days after its

1 issuance.

2 (d) The local law enforcement agency may deny a permit to
3 purchase a firearm to an applicant if the agency, in its
4 discretion, believes it is in the interest of public safety.

5 (e) Prior to the purchase of a firearm, a person must
6 submit the permit issued by the local law enforcement agency
7 to the dealer or transferor of the firearm.

8 (f) In this Section, "local law enforcement agency" means
9 the municipal police department of the municipality in which
10 the applicant for the firearm purchase resides, or if the
11 applicant resides in an unincorporated area, or if no
12 municipal police department exists in the applicant's
13 municipality of residence, then "local law enforcement agency"
14 means the office of the sheriff of the county of the
15 applicant's residence.

16 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

17 Sec. 4. Application for Firearm Owner's Identification
18 Cards.

19 (a) Each applicant for a Firearm Owner's Identification
20 Card must:

21 (1) Submit an application as made available by the
22 Illinois State Police; and

23 (2) Submit evidence to the Illinois State Police that:

24 (i) This subparagraph (i) applies through the
25 180th day following July 12, 2019 (the effective date

1 of Public Act 101-80) ~~this amendatory Act of the 101st~~
2 ~~General Assembly~~. He or she is 21 years of age or over,
3 or if he or she is under 21 years of age that he or she
4 has the written consent of his or her parent or legal
5 guardian to possess and acquire firearms and firearm
6 ammunition and that he or she has never been convicted
7 of a misdemeanor other than a traffic offense or
8 adjudged delinquent, provided, however, that such
9 parent or legal guardian is not an individual
10 prohibited from having a Firearm Owner's
11 Identification Card and files an affidavit with the
12 Department as prescribed by the Department stating
13 that he or she is not an individual prohibited from
14 having a Card;

15 (i-5) This subparagraph (i-5) applies on and after
16 the 181st day following July 12, 2019 (the effective
17 date of Public Act 101-80) ~~this amendatory Act of the~~
18 ~~101st General Assembly~~. He or she is 21 years of age or
19 over, or if he or she is under 21 years of age that he
20 or she has never been convicted of a misdemeanor other
21 than a traffic offense or adjudged delinquent and is
22 an active duty member of the United States Armed
23 Forces or has the written consent of his or her parent
24 or legal guardian to possess and acquire firearms and
25 firearm ammunition, provided, however, that such
26 parent or legal guardian is not an individual

1 prohibited from having a Firearm Owner's
2 Identification Card and files an affidavit with the
3 Illinois State Police Department as prescribed by the
4 Illinois State Police Department stating that he or
5 she is not an individual prohibited from having a Card
6 or the active duty member of the United States Armed
7 Forces under 21 years of age annually submits proof to
8 the Illinois State Police, in a manner prescribed by
9 the Illinois State Police Department;

10 (ii) He or she has not been convicted of a felony
11 under the laws of this or any other jurisdiction;

12 (iii) He or she is not addicted to narcotics;

13 (iv) He or she has not been a patient in a mental
14 health facility within the past 5 years or, if he or
15 she has been a patient in a mental health facility more
16 than 5 years ago submit the certification required
17 under subsection (u) of Section 8 of this Act;

18 (v) He or she is not a person with an intellectual
19 disability;

20 (vi) He or she is not an alien who is unlawfully
21 present in the United States under the laws of the
22 United States;

23 (vii) He or she is not subject to an existing order
24 of protection prohibiting him or her from possessing a
25 firearm;

26 (viii) He or she has not been convicted within the

1 past 5 years of battery, assault, aggravated assault,
2 violation of an order of protection, or a
3 substantially similar offense in another jurisdiction,
4 in which a firearm was used or possessed;

5 (ix) He or she has not been convicted of domestic
6 battery, aggravated domestic battery, or a
7 substantially similar offense in another jurisdiction
8 committed before, on or after January 1, 2012 (the
9 effective date of Public Act 97-158). If the applicant
10 knowingly and intelligently waives the right to have
11 an offense described in this clause (ix) tried by a
12 jury, and by guilty plea or otherwise, results in a
13 conviction for an offense in which a domestic
14 relationship is not a required element of the offense
15 but in which a determination of the applicability of
16 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of
17 the Code of Criminal Procedure of 1963, an entry by the
18 court of a judgment of conviction for that offense
19 shall be grounds for denying the issuance of a Firearm
20 Owner's Identification Card under this Section;

21 (x) (Blank);

22 (xi) He or she is not an alien who has been
23 admitted to the United States under a non-immigrant
24 visa (as that term is defined in Section 101(a) (26) of
25 the Immigration and Nationality Act (8 U.S.C.
26 1101(a) (26))), or that he or she is an alien who has

1 been lawfully admitted to the United States under a
2 non-immigrant visa if that alien is:

3 (1) admitted to the United States for lawful
4 hunting or sporting purposes;

5 (2) an official representative of a foreign
6 government who is:

7 (A) accredited to the United States
8 Government or the Government's mission to an
9 international organization having its
10 headquarters in the United States; or

11 (B) en route to or from another country to
12 which that alien is accredited;

13 (3) an official of a foreign government or
14 distinguished foreign visitor who has been so
15 designated by the Department of State;

16 (4) a foreign law enforcement officer of a
17 friendly foreign government entering the United
18 States on official business; or

19 (5) one who has received a waiver from the
20 Attorney General of the United States pursuant to
21 18 U.S.C. 922 (y) (3);

22 (xii) He or she is not a minor subject to a
23 petition filed under Section 5-520 of the Juvenile
24 Court Act of 1987 alleging that the minor is a
25 delinquent minor for the commission of an offense that
26 if committed by an adult would be a felony;

1 (xiii) He or she is not an adult who had been
2 adjudicated a delinquent minor under the Juvenile
3 Court Act of 1987 for the commission of an offense that
4 if committed by an adult would be a felony;

5 (xiv) He or she is a resident of the State of
6 Illinois;

7 (xv) He or she has not been adjudicated as a person
8 with a mental disability;

9 (xvi) He or she has not been involuntarily
10 admitted into a mental health facility; ~~and~~

11 (xvii) He or she is not a person with a
12 developmental disability; and

13 (xviii) On or after the effective date of this
14 amendatory Act of the 102nd General Assembly if he or she
15 is applying for or renewing a Firearm Owner's
16 Identification Card that he or she has completed at least
17 8 hours of handgun safety training approved by the
18 Director of the Illinois State Police; and

19 (3) Upon request by the Illinois State Police, sign a
20 release on a form prescribed by the Illinois State Police
21 waiving any right to confidentiality and requesting the
22 disclosure to the Illinois State Police of limited mental
23 health institution admission information from another
24 state, the District of Columbia, any other territory of
25 the United States, or a foreign nation concerning the
26 applicant for the sole purpose of determining whether the

1 applicant is or was a patient in a mental health
2 institution and disqualified because of that status from
3 receiving a Firearm Owner's Identification Card. No mental
4 health care or treatment records may be requested. The
5 information received shall be destroyed within one year of
6 receipt.

7 (a-1) A person applying for a Firearm Owner's
8 Identification Card shall acknowledge that if the person's
9 Firearm Owner's Identification Card is revoked by a court or
10 as a result of a criminal conviction that makes the person
11 ineligible for a Firearm Owner's Identification Card, a court
12 has probable cause to issue a search warrant to seize any
13 firearms in the person's possession.

14 (a-5) Each applicant for a Firearm Owner's Identification
15 Card who is over the age of 18 shall furnish to the Illinois
16 State Police either his or her Illinois driver's license
17 number or Illinois Identification Card number, except as
18 provided in subsection (a-10).

19 (a-10) Each applicant for a Firearm Owner's Identification
20 Card, who is employed as a law enforcement officer, an armed
21 security officer in Illinois, or by the United States Military
22 permanently assigned in Illinois and who is not an Illinois
23 resident, shall furnish to the Illinois State Police his or
24 her driver's license number or state identification card
25 number from his or her state of residence. The Illinois State
26 Police may adopt rules to enforce the provisions of this

1 subsection (a-10).

2 (a-15) If an applicant applying for a Firearm Owner's
3 Identification Card moves from the residence address named in
4 the application, he or she shall immediately notify in a form
5 and manner prescribed by the Illinois State Police of that
6 change of address.

7 (a-20) Each applicant for a Firearm Owner's Identification
8 Card shall furnish to the Illinois State Police his or her
9 photograph. An applicant who is 21 years of age or older
10 seeking a religious exemption to the photograph requirement
11 must furnish with the application an approved copy of United
12 States Department of the Treasury Internal Revenue Service
13 Form 4029. In lieu of a photograph, an applicant regardless of
14 age seeking a religious exemption to the photograph
15 requirement shall submit fingerprints on a form and manner
16 prescribed by the Illinois State Police ~~Department~~ with his or
17 her application.

18 (a-25) Beginning January 1, 2023, each applicant for the
19 issuance of a Firearm Owner's Identification Card may include
20 a full set of his or her fingerprints in electronic format to
21 the Illinois State Police, unless the applicant has previously
22 provided a full set of his or her fingerprints to the Illinois
23 State Police under this Act or the Firearm Concealed Carry
24 Act.

25 The fingerprints must be transmitted through a live scan
26 fingerprint vendor licensed by the Department of Financial and

1 Professional Regulation. The fingerprints shall be checked
2 against the fingerprint records now and hereafter filed in the
3 Illinois State Police and Federal Bureau of Investigation
4 criminal history records databases, including all available
5 State and local criminal history record information files.

6 The Illinois State Police shall charge applicants a
7 one-time fee for conducting the criminal history record check,
8 which shall be deposited into the State Police Services Fund
9 and shall not exceed the actual cost of the State and national
10 criminal history record check.

11 (a-26) The Illinois State Police shall research, explore,
12 and report to the General Assembly by January 1, 2022 on the
13 feasibility of permitting voluntarily submitted fingerprints
14 obtained for purposes other than Firearm Owner's
15 Identification Card enforcement that are contained in the
16 Illinois State Police database for purposes of this Act.

17 (b) Each application form shall include the following
18 statement printed in bold type: "Warning: Entering false
19 information on an application for a Firearm Owner's
20 Identification Card is punishable as a Class 2 felony in
21 accordance with subsection (d-5) of Section 14 of the Firearm
22 Owners Identification Card Act.".

23 (c) Upon such written consent, pursuant to Section 4,
24 paragraph (a)(2)(i), the parent or legal guardian giving the
25 consent shall be liable for any damages resulting from the
26 applicant's use of firearms or firearm ammunition.

1 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;
2 102-538, eff. 8-20-21; revised 10-12-21.)

3 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

4 Sec. 8. Grounds for denial and revocation. The Illinois
5 State Police has authority to deny an application for or to
6 revoke and seize a Firearm Owner's Identification Card
7 previously issued under this Act only if the Illinois State
8 Police Department finds that the applicant or the person to
9 whom such card was issued is or was at the time of issuance:

10 (a) A person under 21 years of age who has been
11 convicted of a misdemeanor other than a traffic offense or
12 adjudged delinquent;

13 (b) This subsection (b) applies through the 180th day
14 following July 12, 2019 (the effective date of Public Act
15 101-80) ~~this amendatory Act of the 101st General Assembly.~~
16 A person under 21 years of age who does not have the
17 written consent of his parent or guardian to acquire and
18 possess firearms and firearm ammunition, or whose parent
19 or guardian has revoked such written consent, or where
20 such parent or guardian does not qualify to have a Firearm
21 Owner's Identification Card;

22 (b-5) This subsection (b-5) applies on and after the
23 181st day following July 12, 2019 (the effective date of
24 Public Act 101-80) ~~this amendatory Act of the 101st~~
25 ~~General Assembly.~~ A person under 21 years of age who is not

1 an active duty member of the United States Armed Forces
2 and does not have the written consent of his or her parent
3 or guardian to acquire and possess firearms and firearm
4 ammunition, or whose parent or guardian has revoked such
5 written consent, or where such parent or guardian does not
6 qualify to have a Firearm Owner's Identification Card;

7 (c) A person convicted of a felony under the laws of
8 this or any other jurisdiction;

9 (d) A person addicted to narcotics;

10 (e) A person who has been a patient of a mental health
11 facility within the past 5 years or a person who has been a
12 patient in a mental health facility more than 5 years ago
13 who has not received the certification required under
14 subsection (u) of this Section. An active law enforcement
15 officer employed by a unit of government or a Department
16 of Corrections employee authorized to possess firearms who
17 is denied, revoked, or has his or her Firearm Owner's
18 Identification Card seized under this subsection (e) may
19 obtain relief as described in subsection (c-5) of Section
20 10 of this Act if the officer or employee did not act in a
21 manner threatening to the officer or employee, another
22 person, or the public as determined by the treating
23 clinical psychologist or physician, and the officer or
24 employee seeks mental health treatment;

25 (f) A person whose mental condition is of such a
26 nature that it poses a clear and present danger to the

1 applicant, any other person or persons, or the community;

2 (g) A person who has an intellectual disability;

3 (h) A person who intentionally makes a false statement
4 in the Firearm Owner's Identification Card application;

5 (i) An alien who is unlawfully present in the United
6 States under the laws of the United States;

7 (i-5) An alien who has been admitted to the United
8 States under a non-immigrant visa (as that term is defined
9 in Section 101(a)(26) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a)(26))), except that this subsection
11 (i-5) does not apply to any alien who has been lawfully
12 admitted to the United States under a non-immigrant visa
13 if that alien is:

14 (1) admitted to the United States for lawful
15 hunting or sporting purposes;

16 (2) an official representative of a foreign
17 government who is:

18 (A) accredited to the United States Government
19 or the Government's mission to an international
20 organization having its headquarters in the United
21 States; or

22 (B) en route to or from another country to
23 which that alien is accredited;

24 (3) an official of a foreign government or
25 distinguished foreign visitor who has been so
26 designated by the Department of State;

1 (4) a foreign law enforcement officer of a
2 friendly foreign government entering the United States
3 on official business; or

4 (5) one who has received a waiver from the
5 Attorney General of the United States pursuant to 18
6 U.S.C. 922(y)(3);

7 (j) (Blank);

8 (k) A person who has been convicted within the past 5
9 years of battery, assault, aggravated assault, violation
10 of an order of protection, or a substantially similar
11 offense in another jurisdiction, in which a firearm was
12 used or possessed;

13 (l) A person who has been convicted of domestic
14 battery, aggravated domestic battery, or a substantially
15 similar offense in another jurisdiction committed before,
16 on or after January 1, 2012 (the effective date of Public
17 Act 97-158). If the applicant or person who has been
18 previously issued a Firearm Owner's Identification Card
19 under this Act knowingly and intelligently waives the
20 right to have an offense described in this paragraph (l)
21 tried by a jury, and by guilty plea or otherwise, results
22 in a conviction for an offense in which a domestic
23 relationship is not a required element of the offense but
24 in which a determination of the applicability of 18 U.S.C.
25 922(g)(9) is made under Section 112A-11.1 of the Code of
26 Criminal Procedure of 1963, an entry by the court of a

1 judgment of conviction for that offense shall be grounds
2 for denying an application for and for revoking and
3 seizing a Firearm Owner's Identification Card previously
4 issued to the person under this Act;

5 (m) (Blank);

6 (n) A person who is prohibited from acquiring or
7 possessing firearms or firearm ammunition by any Illinois
8 State statute or by federal law;

9 (o) A minor subject to a petition filed under Section
10 5-520 of the Juvenile Court Act of 1987 alleging that the
11 minor is a delinquent minor for the commission of an
12 offense that if committed by an adult would be a felony;

13 (p) An adult who had been adjudicated a delinquent
14 minor under the Juvenile Court Act of 1987 for the
15 commission of an offense that if committed by an adult
16 would be a felony;

17 (q) A person who is not a resident of the State of
18 Illinois, except as provided in subsection (a-10) of
19 Section 4;

20 (r) A person who has been adjudicated as a person with
21 a mental disability;

22 (s) A person who has been found to have a
23 developmental disability;

24 (t) A person involuntarily admitted into a mental
25 health facility; ~~or~~

26 (u) A person who has had his or her Firearm Owner's

1 Identification Card revoked or denied under subsection (e)
2 of this Section or item (iv) of paragraph (2) of
3 subsection (a) of Section 4 of this Act because he or she
4 was a patient in a mental health facility as provided in
5 subsection (e) of this Section, shall not be permitted to
6 obtain a Firearm Owner's Identification Card, after the
7 5-year period has lapsed, unless he or she has received a
8 mental health evaluation by a physician, clinical
9 psychologist, or qualified examiner as those terms are
10 defined in the Mental Health and Developmental
11 Disabilities Code, and has received a certification that
12 he or she is not a clear and present danger to himself,
13 herself, or others. The physician, clinical psychologist,
14 or qualified examiner making the certification and his or
15 her employer shall not be held criminally, civilly, or
16 professionally liable for making or not making the
17 certification required under this subsection, except for
18 willful or wanton misconduct. This subsection does not
19 apply to a person whose firearm possession rights have
20 been restored through administrative or judicial action
21 under Section 10 or 11 of this Act ; or

22 (v) On or after the effective date of this amendatory
23 Act of the 102nd General Assembly if he or she is applying
24 for or renewing a Firearm Owner's Identification Card that
25 he or she has not completed at least 8 hours of handgun
26 safety training approved by the Director of the Illinois

1 State Police.

2 Upon revocation of a person's Firearm Owner's
3 Identification Card, the Illinois State Police shall provide
4 notice to the person and the person shall comply with Section
5 9.5 of this Act.

6 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
7 102-645, eff. 1-1-22; revised 10-14-21.)

8 Section 95. The Criminal Code of 2012 is amended by
9 changing Sections 24-3 and 24-3.5 as follows:

10 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

11 Sec. 24-3. Unlawful sale or delivery of firearms.

12 (A) A person commits the offense of unlawful sale or
13 delivery of firearms when he or she knowingly does any of the
14 following:

15 (a) Sells or gives any firearm of a size which may be
16 concealed upon the person to any person under 18 years of
17 age.

18 (b) Sells or gives any firearm to a person under 21
19 years of age who has been convicted of a misdemeanor other
20 than a traffic offense or adjudged delinquent.

21 (c) Sells or gives any firearm to any narcotic addict.

22 (d) Sells or gives any firearm to any person who has
23 been convicted of a felony under the laws of this or any
24 other jurisdiction.

1 (e) Sells or gives any firearm to any person who has
2 been a patient in a mental institution within the past 5
3 years. In this subsection (e):

4 "Mental institution" means any hospital,
5 institution, clinic, evaluation facility, mental
6 health center, or part thereof, which is used
7 primarily for the care or treatment of persons with
8 mental illness.

9 "Patient in a mental institution" means the person
10 was admitted, either voluntarily or involuntarily, to
11 a mental institution for mental health treatment,
12 unless the treatment was voluntary and solely for an
13 alcohol abuse disorder and no other secondary
14 substance abuse disorder or mental illness.

15 (f) Sells or gives any firearms to any person who is a
16 person with an intellectual disability.

17 (g) Delivers any firearm, incidental to a sale,
18 without withholding delivery of the firearm for at least
19 72 hours after application for its purchase has been made,
20 or delivers a stun gun or taser, incidental to a sale,
21 without withholding delivery of the stun gun or taser for
22 at least 24 hours after application for its purchase has
23 been made. However, this paragraph (g) does not apply to:

24 (1) the sale of a firearm to a law enforcement officer if
25 the seller of the firearm knows that the person to whom he
26 or she is selling the firearm is a law enforcement officer

1 or the sale of a firearm to a person who desires to
2 purchase a firearm for use in promoting the public
3 interest incident to his or her employment as a bank
4 guard, armed truck guard, or other similar employment; (2)
5 a mail order sale of a firearm from a federally licensed
6 firearms dealer to a nonresident of Illinois under which
7 the firearm is mailed to a federally licensed firearms
8 dealer outside the boundaries of Illinois; (3) (blank);
9 (4) the sale of a firearm to a dealer licensed as a federal
10 firearms dealer under Section 923 of the federal Gun
11 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
12 sale of any rifle, shotgun, or other long gun to a resident
13 registered competitor or attendee or non-resident
14 registered competitor or attendee by any dealer licensed
15 as a federal firearms dealer under Section 923 of the
16 federal Gun Control Act of 1968 at competitive shooting
17 events held at the World Shooting Complex sanctioned by a
18 national governing body. For purposes of transfers or
19 sales under subparagraph (5) of this paragraph (g), the
20 Department of Natural Resources shall give notice to the
21 Illinois State Police at least 30 calendar days prior to
22 any competitive shooting events at the World Shooting
23 Complex sanctioned by a national governing body. The
24 notification shall be made on a form prescribed by the
25 Illinois State Police. The sanctioning body shall provide
26 a list of all registered competitors and attendees at

1 least 24 hours before the events to the Illinois State
2 Police. Any changes to the list of registered competitors
3 and attendees shall be forwarded to the Illinois State
4 Police as soon as practicable. The Illinois State Police
5 must destroy the list of registered competitors and
6 attendees no later than 30 days after the date of the
7 event. Nothing in this paragraph (g) relieves a federally
8 licensed firearm dealer from the requirements of
9 conducting a NICS background check through the Illinois
10 Point of Contact under 18 U.S.C. 922(t). For purposes of
11 this paragraph (g), "application" means when the buyer and
12 seller reach an agreement to purchase a firearm. For
13 purposes of this paragraph (g), "national governing body"
14 means a group of persons who adopt rules and formulate
15 policy on behalf of a national firearm sporting
16 organization.

17 (h) While holding any license as a dealer, importer,
18 manufacturer or pawnbroker under the federal Gun Control
19 Act of 1968, manufactures, sells or delivers to any
20 unlicensed person a handgun having a barrel, slide, frame
21 or receiver which is a die casting of zinc alloy or any
22 other nonhomogeneous metal which will melt or deform at a
23 temperature of less than 800 degrees Fahrenheit. For
24 purposes of this paragraph, (1) "firearm" is defined as in
25 the Firearm Owners Identification Card Act; and (2)
26 "handgun" is defined as a firearm designed to be held and

1 fired by the use of a single hand, and includes a
2 combination of parts from which such a firearm can be
3 assembled.

4 (i) Sells or gives a firearm of any size to any person
5 under 18 years of age who does not possess a valid Firearm
6 Owner's Identification Card.

7 (j) Sells or gives a firearm while engaged in the
8 business of selling firearms at wholesale or retail
9 without being licensed as a federal firearms dealer under
10 Section 923 of the federal Gun Control Act of 1968 (18
11 U.S.C. 923). In this paragraph (j):

12 A person "engaged in the business" means a person who
13 devotes time, attention, and labor to engaging in the
14 activity as a regular course of trade or business with the
15 principal objective of livelihood and profit, but does not
16 include a person who makes occasional repairs of firearms
17 or who occasionally fits special barrels, stocks, or
18 trigger mechanisms to firearms.

19 "With the principal objective of livelihood and
20 profit" means that the intent underlying the sale or
21 disposition of firearms is predominantly one of obtaining
22 livelihood and pecuniary gain, as opposed to other
23 intents, such as improving or liquidating a personal
24 firearms collection; however, proof of profit shall not be
25 required as to a person who engages in the regular and
26 repetitive purchase and disposition of firearms for

1 criminal purposes or terrorism.

2 (k) Sells or transfers ownership of a firearm to a
3 person who does not display to the seller or transferor of
4 the firearm either: (1) a currently valid Firearm Owner's
5 Identification Card that has previously been issued in the
6 transferee's name by the Illinois State Police under the
7 provisions of the Firearm Owners Identification Card Act;
8 or (2) a currently valid license to carry a concealed
9 firearm that has previously been issued in the
10 transferee's name by the Illinois State Police under the
11 Firearm Concealed Carry Act. This paragraph (k) does not
12 apply to the transfer of a firearm to a person who is
13 exempt from the requirement of possessing a Firearm
14 Owner's Identification Card under Section 2 of the Firearm
15 Owners Identification Card Act. For the purposes of this
16 Section, a currently valid Firearm Owner's Identification
17 Card or license to carry a concealed firearm means receipt
18 of an approval number issued in accordance with subsection
19 (a-10) of Section ~~subsection~~ 3 or Section 3.1 of the
20 Firearm Owners Identification Card Act.

21 (1) In addition to the other requirements of this
22 paragraph (k), all persons who are not federally
23 licensed firearms dealers must also have complied with
24 subsection (a-10) of Section 3 of the Firearm Owners
25 Identification Card Act by determining the validity of
26 a purchaser's Firearm Owner's Identification Card.

1 (2) All sellers or transferors who have complied
2 with the requirements of subparagraph (1) of this
3 paragraph (k) shall not be liable for damages in any
4 civil action arising from the use or misuse by the
5 transferee of the firearm transferred, except for
6 willful or wanton misconduct on the part of the seller
7 or transferor.

8 (1) Not being entitled to the possession of a firearm,
9 delivers the firearm, knowing it to have been stolen or
10 converted. It may be inferred that a person who possesses
11 a firearm with knowledge that its serial number has been
12 removed or altered has knowledge that the firearm is
13 stolen or converted.

14 (B) Paragraph (h) of subsection (A) does not include
15 firearms sold within 6 months after enactment of Public Act
16 78-355 (approved August 21, 1973, effective October 1, 1973),
17 nor is any firearm legally owned or possessed by any citizen or
18 purchased by any citizen within 6 months after the enactment
19 of Public Act 78-355 subject to confiscation or seizure under
20 the provisions of that Public Act. Nothing in Public Act
21 78-355 shall be construed to prohibit the gift or trade of any
22 firearm if that firearm was legally held or acquired within 6
23 months after the enactment of that Public Act.

24 (m) Sells or gives a firearm to a person who does not
25 display to the seller or transferor a permit to purchase
26 the firearm issued by the local law enforcement agency

1 under Section 3.4 of the Firearm Owners Identification
2 Card Act.

3 (C) Sentence.

4 (1) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (c), (e), (f), (g),
6 or (h) of subsection (A) commits a Class 4 felony.

7 (2) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (b) or (i) of
9 subsection (A) commits a Class 3 felony.

10 (3) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (a) of subsection
12 (A) commits a Class 2 felony.

13 (4) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (a), (b), or (i) of
15 subsection (A) in any school, on the real property
16 comprising a school, within 1,000 feet of the real
17 property comprising a school, at a school related
18 activity, or on or within 1,000 feet of any conveyance
19 owned, leased, or contracted by a school or school
20 district to transport students to or from school or a
21 school related activity, regardless of the time of day or
22 time of year at which the offense was committed, commits a
23 Class 1 felony. Any person convicted of a second or
24 subsequent violation of unlawful sale or delivery of
25 firearms in violation of paragraph (a), (b), or (i) of
26 subsection (A) in any school, on the real property

1 comprising a school, within 1,000 feet of the real
2 property comprising a school, at a school related
3 activity, or on or within 1,000 feet of any conveyance
4 owned, leased, or contracted by a school or school
5 district to transport students to or from school or a
6 school related activity, regardless of the time of day or
7 time of year at which the offense was committed, commits a
8 Class 1 felony for which the sentence shall be a term of
9 imprisonment of no less than 5 years and no more than 15
10 years.

11 (5) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (a) or (i) of
13 subsection (A) in residential property owned, operated, or
14 managed by a public housing agency or leased by a public
15 housing agency as part of a scattered site or mixed-income
16 development, in a public park, in a courthouse, on
17 residential property owned, operated, or managed by a
18 public housing agency or leased by a public housing agency
19 as part of a scattered site or mixed-income development,
20 on the real property comprising any public park, on the
21 real property comprising any courthouse, or on any public
22 way within 1,000 feet of the real property comprising any
23 public park, courthouse, or residential property owned,
24 operated, or managed by a public housing agency or leased
25 by a public housing agency as part of a scattered site or
26 mixed-income development commits a Class 2 felony.

1 (6) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (j) of subsection
3 (A) commits a Class A misdemeanor. A second or subsequent
4 violation is a Class 4 felony.

5 (7) Any person convicted of unlawful sale or delivery
6 of firearms in violation of paragraph (k) of subsection
7 (A) commits a Class 4 felony, except that a violation of
8 subparagraph (1) of paragraph (k) of subsection (A) shall
9 not be punishable as a crime or petty offense. A third or
10 subsequent conviction for a violation of paragraph (k) of
11 subsection (A) is a Class 1 felony.

12 (8) A person 18 years of age or older convicted of
13 unlawful sale or delivery of firearms in violation of
14 paragraph (a) or (i) of subsection (A), when the firearm
15 that was sold or given to another person under 18 years of
16 age was used in the commission of or attempt to commit a
17 forcible felony, shall be fined or imprisoned, or both,
18 not to exceed the maximum provided for the most serious
19 forcible felony so committed or attempted by the person
20 under 18 years of age who was sold or given the firearm.

21 (9) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (d) of subsection
23 (A) commits a Class 3 felony.

24 (10) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (l) of subsection
26 (A) commits a Class 2 felony if the delivery is of one

1 firearm. Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (1) of subsection
3 (A) commits a Class 1 felony if the delivery is of not less
4 than 2 and not more than 5 firearms at the same time or
5 within a one-year ~~one-year~~ period. Any person convicted of
6 unlawful sale or delivery of firearms in violation of
7 paragraph (1) of subsection (A) commits a Class X felony
8 for which he or she shall be sentenced to a term of
9 imprisonment of not less than 6 years and not more than 30
10 years if the delivery is of not less than 6 and not more
11 than 10 firearms at the same time or within a 2-year ~~2-year~~
12 period. Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (1) of subsection
14 (A) commits a Class X felony for which he or she shall be
15 sentenced to a term of imprisonment of not less than 6
16 years and not more than 40 years if the delivery is of not
17 less than 11 and not more than 20 firearms at the same time
18 or within a 3-year ~~3-year~~ period. Any person convicted of
19 unlawful sale or delivery of firearms in violation of
20 paragraph (1) of subsection (A) commits a Class X felony
21 for which he or she shall be sentenced to a term of
22 imprisonment of not less than 6 years and not more than 50
23 years if the delivery is of not less than 21 and not more
24 than 30 firearms at the same time or within a 4-year ~~4-year~~
25 period. Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (1) of subsection

1 (A) commits a Class X felony for which he or she shall be
2 sentenced to a term of imprisonment of not less than 6
3 years and not more than 60 years if the delivery is of 31
4 or more firearms at the same time or within a 5-year ~~5-year~~
5 period.

6 (11) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (m) of subsection
8 (A) commits a Class 1 felony.

9 (D) For purposes of this Section:

10 "School" means a public or private elementary or secondary
11 school, community college, college, or university.

12 "School related activity" means any sporting, social,
13 academic, or other activity for which students' attendance or
14 participation is sponsored, organized, or funded in whole or
15 in part by a school or school district.

16 (E) A prosecution for a violation of paragraph (k) of
17 subsection (A) of this Section may be commenced within 6 years
18 after the commission of the offense. A prosecution for a
19 violation of this Section other than paragraph (g) of
20 subsection (A) of this Section may be commenced within 5 years
21 after the commission of the offense defined in the particular
22 paragraph.

23 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
24 revised 10-12-21.)

25 (720 ILCS 5/24-3.5)

1 Sec. 24-3.5. Unlawful purchase of a firearm.

2 (a) For purposes of this Section, "firearms transaction
3 record form" means a form:

4 (1) executed by a transferee of a firearm stating: (i)
5 the transferee's name and address (including county or
6 similar political subdivision); (ii) whether the
7 transferee is a citizen of the United States; (iii) the
8 transferee's State of residence; and (iv) the date and
9 place of birth, height, weight, and race of the
10 transferee; and

11 (2) on which the transferee certifies that he or she
12 is not prohibited by federal law from transporting or
13 shipping a firearm in interstate or foreign commerce or
14 receiving a firearm that has been shipped or transported
15 in interstate or foreign commerce or possessing a firearm
16 in or affecting commerce.

17 (b) A person commits the offense of unlawful purchase of a
18 firearm who knowingly purchases or attempts to purchase a
19 firearm with the intent to deliver that firearm to another
20 person who is prohibited by federal or State law from
21 possessing a firearm.

22 (c) A person commits the offense of unlawful purchase of a
23 firearm when he or she, in purchasing or attempting to
24 purchase a firearm, intentionally provides false or misleading
25 information on a United States Department of the Treasury,
26 Bureau of Alcohol, Tobacco and Firearms firearms transaction

1 record form.

2 (c-5) A person commits the offense of unlawful purchase of
3 a firearm when he or she, in purchasing or attempting to
4 purchase a firearm does not display to the seller or
5 transferor of the firearm a permit to purchase the firearm
6 issued by the local law enforcement agency under Section 3.4
7 of the Firearm Owners Identification Card Act.

8 (d) Exemption. It is not a violation of subsection (b) of
9 this Section for a person to make a gift or loan of a firearm
10 to a person who is not prohibited by federal or State law from
11 possessing a firearm if the transfer of the firearm is made in
12 accordance with Section 3 of the Firearm Owners Identification
13 Card Act.

14 (e) Sentence.

15 (1) A person who commits the offense of unlawful
16 purchase of a firearm:

17 (A) is guilty of a Class 2 felony for purchasing or
18 attempting to purchase one firearm;

19 (B) is guilty of a Class 1 felony for purchasing or
20 attempting to purchase not less than 2 firearms and
21 not more than 5 firearms at the same time or within a
22 one year period;

23 (C) is guilty of a Class X felony for which the
24 offender shall be sentenced to a term of imprisonment
25 of not less than 9 years and not more than 40 years for
26 purchasing or attempting to purchase not less than 6

1 firearms at the same time or within a 2 year period.

2 (D) is guilty of a Class 2 felony for purchasing or
3 attempting to purchase a firearm in violation of
4 subsection (c-5).

5 (2) In addition to any other penalty that may be
6 imposed for a violation of this Section, the court may
7 sentence a person convicted of a violation of subsection
8 (c) of this Section to a fine not to exceed \$250,000 for
9 each violation.

10 (f) A prosecution for unlawful purchase of a firearm may
11 be commenced within 6 years after the commission of the
12 offense.

13 (Source: P.A. 95-882, eff. 1-1-09.)

14 Section 995. No acceleration or delay. Where this Act
15 makes changes in a statute that is represented in this Act by
16 text that is not yet or no longer in effect (for example, a
17 Section represented by multiple versions), the use of that
18 text does not accelerate or delay the taking effect of (i) the
19 changes made by this Act or (ii) provisions derived from any
20 other Public Act."