



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB1760

Introduced 2/26/2021, by Sen. Neil Anderson

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/6.2 new	
430 ILCS 66/11 new	

Amends the Firearm Owners Identification Card Act. Provides that the Illinois State Police may develop a system under which the holder of a Firearm Owner's Identification Card may display an electronic version of his or her Firearm Owner's Identification Card on a mobile telephone or other portable electronic device. Provides that an electronic version of a Firearm Owner's Identification Card shall contain security features the Illinois State Police determines to be necessary to ensure that the electronic version is accurate and current and shall satisfy other requirements the Illinois State Police determines to be necessary regarding form and content. Provides that the display or possession of an electronic version of a valid Firearm Owner's Identification Card in accordance with the requirements of the Illinois State Police satisfies all requirements for the display or possession of a valid Firearm Owner's Identification Card under the laws of the State. Amends the Firearm Concealed Carry Act. Provides that the Illinois State Police may develop a system under which the holder of a concealed carry license may display an electronic version of his or her license on a mobile telephone or other portable electronic device. Provides that an electronic version of a license shall contain security features the Illinois State Police determines to be necessary to ensure that the electronic version is accurate and current and shall satisfy other requirements the Illinois State Police determines to be necessary regarding form and content. Provides that the display or possession of an electronic version of a license in accordance with the requirements of the Illinois State Police satisfies all requirements for the display or possession of a valid license under the laws of this State. Makes conforming changes.

LRB102 14453 RLC 19805 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 2 and 3 and by adding Section 6.2  
6 as follows:

7 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

8 Sec. 2. Firearm Owner's Identification Card required;  
9 exceptions.

10 (a) (1) A ~~No~~ person shall not ~~may~~ acquire or possess any  
11 firearm, stun gun, or taser within this State without  
12 possessing ~~having in his or her possession~~ a Firearm Owner's  
13 Identification Card previously issued in his or her name by  
14 the Department of State Police under the provisions of this  
15 Act.

16 (2) A ~~No~~ person shall not ~~may~~ acquire or possess firearm  
17 ammunition within this State without possessing ~~having in his~~  
18 ~~or her possession~~ a Firearm Owner's Identification Card  
19 previously issued in his or her name by the Department of State  
20 Police under the provisions of this Act.

21 (b) The provisions of this Section regarding the  
22 possession of firearms, firearm ammunition, stun guns, and  
23 tasers do not apply to:

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

3           (2) Members of the Armed Forces of the United States  
4 or the National Guard, while engaged in the operation of  
5 their official duties;

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

8           (4) Members of bona fide veterans organizations which  
9 receive firearms directly from the armed forces of the  
10 United States, while using the firearms for ceremonial  
11 purposes with blank ammunition;

12           (5) Nonresident hunters during hunting season, with  
13 valid nonresident hunting licenses and while in an area  
14 where hunting is permitted; however, at all other times  
15 and in all other places these persons must have their  
16 firearms unloaded and enclosed in a case;

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

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

26           (8) Nonresidents while at a firearm showing or display

1 recognized by the Department of State Police; however, at  
2 all other times and in all other places these persons must  
3 have their firearms unloaded and enclosed in a case;

4 (9) Nonresidents whose firearms are unloaded and  
5 enclosed in a case;

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

8 (11) Unemancipated minors while in the custody and  
9 immediate control of their parent or legal guardian or  
10 other person in loco parentis to the minor if the parent or  
11 legal guardian or other person in loco parentis to the  
12 minor possesses ~~has~~ a ~~currently valid~~ Firearm Owner's  
13 Identification Card;

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

17 (13) Nonresident hunters whose state of residence does  
18 not require them to be licensed or registered to possess a  
19 firearm and only during hunting season, with valid hunting  
20 licenses, while accompanied by, and using a firearm owned  
21 by, a person who possesses a valid Firearm Owner's  
22 Identification Card and while in an area within a  
23 commercial club licensed under the Wildlife Code where  
24 hunting is permitted and controlled, but in no instance  
25 upon sites owned or managed by the Department of Natural  
26 Resources;

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

6           (15) A person who is otherwise eligible to obtain a  
7 Firearm Owner's Identification Card under this Act and is  
8 under the direct supervision of a holder of a Firearm  
9 Owner's Identification Card who is 21 years of age or  
10 older while the person is on a firing or shooting range or  
11 is a participant in a firearms safety and training course  
12 recognized by a law enforcement agency or a national,  
13 statewide shooting sports organization; and

14           (16) Competitive shooting athletes whose competition  
15 firearms are sanctioned by the International Olympic  
16 Committee, the International Paralympic Committee, the  
17 International Shooting Sport Federation, or USA Shooting  
18 in connection with such athletes' training for and  
19 participation in shooting competitions at the 2016 Olympic  
20 and Paralympic Games and sanctioned test events leading up  
21 to the 2016 Olympic and Paralympic Games.

22           (c) The provisions of this Section regarding the  
23 acquisition and possession of firearms, firearm ammunition,  
24 stun guns, and tasers do not apply to law enforcement  
25 officials of this or any other jurisdiction, while engaged in  
26 the operation of their official duties.

1 (c-5) The provisions of paragraphs (1) and (2) of  
2 subsection (a) of this Section regarding the possession of  
3 firearms and firearm ammunition do not apply to the holder of a  
4 valid concealed carry license issued under the Firearm  
5 Concealed Carry Act who possesses a ~~is in physical possession~~  
6 ~~of the~~ concealed carry license.

7 (d) Any person who becomes a resident of this State, who is  
8 not otherwise prohibited from obtaining, possessing, or using  
9 a firearm or firearm ammunition, shall not be required to have  
10 a Firearm Owner's Identification Card to possess firearms or  
11 firearms ammunition until 60 calendar days after he or she  
12 obtains an Illinois driver's license or Illinois  
13 Identification Card.

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

15 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

16 Sec. 3. (a) Except as provided in Section 3a, no person may  
17 knowingly transfer, or cause to be transferred, any firearm,  
18 firearm ammunition, stun gun, or taser to any person within  
19 this State unless the transferee with whom he or she deals  
20 possesses ~~displays~~ either: (1) a currently valid Firearm  
21 Owner's Identification Card which has previously been issued  
22 in his or her name by the Department of State Police under the  
23 provisions of this Act; or (2) a currently valid license to  
24 carry a concealed firearm which has previously been issued in  
25 his or her name by the Department of State Police under the

1 Firearm Concealed Carry Act. In addition, all firearm, stun  
2 gun, and taser transfers by federally licensed firearm dealers  
3 are subject to Section 3.1.

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

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

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

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

1 1, 2015. The Department shall adopt rules not inconsistent  
2 with this Section to implement this system.

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

1 for a second or subsequent offense. A transferee shall not be  
2 criminally liable under this Section provided that he or she  
3 provides the Department of State Police with the transfer  
4 records in accordance with procedures established by the  
5 Department. The Department shall establish, by rule, a  
6 standard form on its website.

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

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

21 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

22 (430 ILCS 65/6.2 new)

23 Sec. 6.2. Electronic Firearm Owner's Identification Cards.  
24 The Illinois State Police may develop a system under which the  
25 holder of a Firearm Owner's Identification Card may display an

1 electronic version of his or her Firearm Owner's  
2 Identification Card on a mobile telephone or other portable  
3 electronic device. An electronic version of a Firearm Owner's  
4 Identification Card shall contain security features the  
5 Illinois State Police determines to be necessary to ensure  
6 that the electronic version is accurate and current and shall  
7 satisfy other requirements the Illinois State Police  
8 determines to be necessary regarding form and content. The  
9 display or possession of an electronic version of a valid  
10 Firearm Owner's Identification Card in accordance with the  
11 requirements of the Illinois State Police satisfies all  
12 requirements for the display or possession of a valid Firearm  
13 Owner's Identification Card under the laws of this State. The  
14 possession or display of an electronic Firearm Owner's  
15 Identification Card on a mobile telephone or other portable  
16 electronic device does not constitute consent for a law  
17 enforcement officer, court, or other officer of the court to  
18 access other contents of the mobile telephone or other  
19 portable electronic device. The Illinois State Police may  
20 adopt rules to implement this Section.

21 Section 10. The Firearm Concealed Carry Act is amended by  
22 adding Section 11 as follows:

23 (430 ILCS 66/11 new)

24 Sec. 11. Electronic concealed carry licenses. The Illinois

1 State Police may develop a system under which the holder of a  
2 concealed carry license may display an electronic version of  
3 his or her license on a mobile telephone or other portable  
4 electronic device. An electronic version of a license shall  
5 contain security features the Illinois State Police determines  
6 to be necessary to ensure that the electronic version is  
7 accurate and current and shall satisfy other requirements the  
8 Illinois State Police determines to be necessary regarding  
9 form and content. The display or possession of an electronic  
10 version of a license in accordance with the requirements of  
11 the Illinois State Police satisfies all requirements for the  
12 display or possession of a valid license under the laws of this  
13 State. The possession or display of an electronic license on a  
14 mobile telephone or other portable electronic device does not  
15 constitute consent for a law enforcement officer, court, or  
16 other officer of the court to access other contents of the  
17 mobile telephone or other portable electronic device. The  
18 Illinois State Police may adopt rules to implement this  
19 Section.