

HB3274



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3274

Introduced 2/17/2023, by Rep. Dennis Tipsword, Jr.

SYNOPSIS AS INTRODUCED:

430 ILCS 65/5 from Ch. 38, par. 83-5
430 ILCS 66/10
430 ILCS 66/30
430 ILCS 66/40
430 ILCS 66/50
430 ILCS 66/55

Amends the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act. Eliminates fees under the Acts for applying for and renewing a Firearm Owners Identification Card or a concealed carry license.

LRB103 27833 RLC 57555 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 Section 5 as follows:

6 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

7 Sec. 5. Application and renewal.

8 (a) The Illinois State Police shall either approve or deny
9 all applications within 30 days from the date they are
10 received, except as provided in subsections (b) and (c), and
11 every applicant found qualified under Section 8 of this Act by
12 the Illinois State Police shall be entitled to a Firearm
13 Owner's Identification Card without charge ~~upon the payment of~~
14 ~~a \$10 fee and applicable processing fees. The processing fees~~
15 ~~shall be limited to charges by the State Treasurer for using~~
16 ~~the electronic online payment system. Any applicant who is an~~
17 ~~active duty member of the Armed Forces of the United States, a~~
18 ~~member of the Illinois National Guard, or a member of the~~
19 ~~Reserve Forces of the United States is exempt from the~~
20 ~~application fee. \$5 of each fee derived from the issuance of a~~
21 ~~Firearm Owner's Identification Card or renewals thereof shall~~
22 ~~be deposited in the State Police Firearm Services Fund and \$5~~
23 ~~into the State Police Revocation Enforcement Fund.~~

1 (b) Renewal applications shall be approved or denied
2 within 60 business days, provided the applicant submitted his
3 or her renewal application prior to the expiration of his or
4 her Firearm Owner's Identification Card. If a renewal
5 application has been submitted prior to the expiration date of
6 the applicant's Firearm Owner's Identification Card, the
7 Firearm Owner's Identification Card shall remain valid while
8 the Illinois State Police processes the application, unless
9 the person is subject to or becomes subject to revocation
10 under this Act. ~~The cost for a renewal application shall be \$10~~
11 ~~and may include applicable processing fees, which shall be~~
12 ~~limited to charges by the State Treasurer for using the~~
13 ~~electronic online payment system, which shall be deposited~~
14 ~~into the State Police Firearm Services Fund.~~

15 (c) If the Firearm Owner's Identification Card of a
16 licensee under the Firearm Concealed Carry Act expires during
17 the term of the licensee's concealed carry license, the
18 Firearm Owner's Identification Card and the license remain
19 valid and the licensee does not have to renew his or her
20 Firearm Owner's Identification Card during the duration of the
21 concealed carry license. Unless the Illinois State Police has
22 reason to believe the licensee is no longer eligible for the
23 card, the Illinois State Police may automatically renew the
24 licensee's Firearm Owner's Identification Card and send a
25 renewed Firearm Owner's Identification Card to the licensee.

26 (d) The Illinois State Police may adopt rules concerning

1 the use of voluntarily submitted fingerprints, as allowed by
2 State and federal law.

3 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
4 102-813, eff. 5-13-22.)

5 Section 10. The Firearm Concealed Carry Act is amended by
6 changing Sections 10, 30, 40, 50, and 55 as follows:

7 (430 ILCS 66/10)

8 Sec. 10. Issuance of licenses to carry a concealed
9 firearm.

10 (a) The Illinois State Police shall issue a license to
11 carry a concealed firearm under this Act without charge to an
12 applicant who:

13 (1) meets the qualifications of Section 25 of this
14 Act;

15 (2) has provided the application and documentation
16 required in Section 30 of this Act;

17 (3) (blank) ~~has submitted the requisite fees;~~ and

18 (4) does not pose a danger to himself, herself, or
19 others, or a threat to public safety as determined by the
20 Concealed Carry Licensing Review Board in accordance with
21 Section 20.

22 (b) The Illinois State Police shall issue a renewal,
23 corrected, or duplicate license as provided in this Act.

24 (c) A license shall be valid throughout the State for a

1 period of 5 years from the date of issuance. A license shall
2 permit the licensee to:

3 (1) carry a loaded or unloaded concealed firearm,
4 fully concealed or partially concealed, on or about his or
5 her person; and

6 (2) keep or carry a loaded or unloaded concealed
7 firearm on or about his or her person within a vehicle.

8 (d) The Illinois State Police shall make applications for
9 a license available no later than 180 days after July 9, 2013
10 (the effective date of this Act). The Illinois State Police
11 shall establish rules for the availability and submission of
12 applications in accordance with this Act.

13 (e) An application for a license submitted to the Illinois
14 State Police that contains all the information and materials
15 required by this Act, ~~including the requisite fee,~~ shall be
16 deemed completed. Except as otherwise provided in this Act, no
17 later than 90 days after receipt of a completed application,
18 the Illinois State Police shall issue or deny the applicant a
19 license. The Illinois State Police shall notify the applicant
20 for a concealed carry license electronically to confirm if all
21 the required information and materials have been received. If
22 an applicant for a concealed carry license submits his or her
23 application electronically, the Illinois State Police shall
24 notify the applicant electronically if his or her application
25 is missing information or materials.

26 (f) The Illinois State Police shall deny the applicant a

1 license if the applicant fails to meet the requirements under
2 this Act or the Illinois State Police receives a determination
3 from the Board that the applicant is ineligible for a license.
4 The Illinois State Police must notify the applicant stating
5 the grounds for the denial. The notice of denial must inform
6 the applicant of his or her right to an appeal through
7 administrative and judicial review.

8 (g) A licensee shall possess a license at all times the
9 licensee carries a concealed firearm except:

10 (1) when the licensee is carrying or possessing a
11 concealed firearm on his or her land or in his or her
12 abode, legal dwelling, or fixed place of business, or on
13 the land or in the legal dwelling of another person as an
14 invitee with that person's permission;

15 (2) when the person is authorized to carry a firearm
16 under Section 24-2 of the Criminal Code of 2012, except
17 subsection (a-5) of that Section; or

18 (3) when the handgun is broken down in a
19 non-functioning state, is not immediately accessible, or
20 is unloaded and enclosed in a case.

21 (h) If an officer of a law enforcement agency initiates an
22 investigative stop, including, but not limited to, a traffic
23 stop, of a licensee or a non-resident carrying a concealed
24 firearm under subsection (e) of Section 40 of this Act, upon
25 the request of the officer the licensee or non-resident shall
26 disclose to the officer that he or she is in possession of a

1 concealed firearm under this Act, or present the license upon
2 the request of the officer if he or she is a licensee or
3 present upon the request of the officer evidence under
4 paragraph (2) of subsection (e) of Section 40 of this Act that
5 he or she is a non-resident qualified to carry under that
6 subsection. The disclosure requirement under this subsection
7 (h) is satisfied if the licensee presents his or her license to
8 the officer or the non-resident presents to the officer
9 evidence under paragraph (2) of subsection (e) of Section 40
10 of this Act that he or she is qualified to carry under that
11 subsection. Upon the request of the officer, the licensee or
12 non-resident shall also identify the location of the concealed
13 firearm and permit the officer to safely secure the firearm
14 for the duration of the investigative stop. During a traffic
15 stop, any passenger within the vehicle who is a licensee or a
16 non-resident carrying under subsection (e) of Section 40 of
17 this Act must comply with the requirements of this subsection
18 (h).

19 (h-1) If a licensee carrying a firearm or a non-resident
20 carrying a firearm in a vehicle under subsection (e) of
21 Section 40 of this Act is contacted by a law enforcement
22 officer or emergency services personnel, the law enforcement
23 officer or emergency services personnel may secure the firearm
24 or direct that it be secured during the duration of the contact
25 if the law enforcement officer or emergency services personnel
26 determines that it is necessary for the safety of any person

1 present, including the law enforcement officer or emergency
2 services personnel. The licensee or nonresident shall submit
3 to the order to secure the firearm. When the law enforcement
4 officer or emergency services personnel have determined that
5 the licensee or non-resident is not a threat to the safety of
6 any person present, including the law enforcement officer or
7 emergency services personnel, and if the licensee or
8 non-resident is physically and mentally capable of possessing
9 the firearm, the law enforcement officer or emergency services
10 personnel shall return the firearm to the licensee or
11 non-resident before releasing him or her from the scene and
12 breaking contact. If the licensee or non-resident is
13 transported for treatment to another location, the firearm
14 shall be turned over to any peace officer. The peace officer
15 shall provide a receipt which includes the make, model,
16 caliber, and serial number of the firearm.

17 (i) The Illinois State Police shall maintain a database of
18 license applicants and licensees. The database shall be
19 available to all federal, State, and local law enforcement
20 agencies, State's Attorneys, the Attorney General, and
21 authorized court personnel. Within 180 days after July 9, 2013
22 (the effective date of this Act), the database shall be
23 searchable and provide all information included in the
24 application, including the applicant's previous addresses
25 within the 10 years prior to the license application and any
26 information related to violations of this Act. No law

1 enforcement agency, State's Attorney, Attorney General, or
2 member or staff of the judiciary shall provide any information
3 to a requester who is not entitled to it by law.

4 (j) No later than 10 days after receipt of a completed
5 application, the Illinois State Police shall enter the
6 relevant information about the applicant into the database
7 under subsection (i) of this Section which is accessible by
8 law enforcement agencies.

9 (k) The Illinois State Police shall continuously monitor
10 relevant State and federal databases for firearms prohibitors
11 and correlate those records with concealed carry license
12 holders to ensure compliance with this Act, or State and
13 federal law. The Illinois State Police may adopt rules to
14 implement this subsection.

15 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
16 102-813, eff. 5-13-22.)

17 (430 ILCS 66/30)

18 Sec. 30. Contents of license application.

19 (a) The license application shall be in writing, under
20 penalty of perjury, on a standard form adopted by the Illinois
21 State Police and shall be accompanied by the documentation
22 required in this Section ~~and the applicable fee~~. Each
23 application form shall include the following statement printed
24 in bold type: "Warning: Entering false information on this
25 form is punishable as perjury under Section 32-2 of the

1 Criminal Code of 2012."

2 (b) The application shall contain the following:

3 (1) the applicant's name, current address, date and
4 year of birth, place of birth, height, weight, hair color,
5 eye color, maiden name or any other name the applicant has
6 used or identified with, and any address where the
7 applicant resided for more than 30 days within the 10
8 years preceding the date of the license application;

9 (2) the applicant's valid driver's license number or
10 valid state identification card number;

11 (3) a waiver of the applicant's privacy and
12 confidentiality rights and privileges under all federal
13 and state laws, including those limiting access to
14 juvenile court, criminal justice, psychological, or
15 psychiatric records or records relating to any
16 institutionalization of the applicant, and an affirmative
17 request that a person having custody of any of these
18 records provide it or information concerning it to the
19 Illinois State Police. The waiver only applies to records
20 sought in connection with determining whether the
21 applicant qualifies for a license to carry a concealed
22 firearm under this Act, or whether the applicant remains
23 in compliance with the Firearm Owners Identification Card
24 Act;

25 (4) an affirmation that the applicant possesses a
26 currently valid Firearm Owner's Identification Card and

1 card number if possessed or notice the applicant is
2 applying for a Firearm Owner's Identification Card in
3 conjunction with the license application;

4 (5) an affirmation that the applicant has not been
5 convicted or found guilty of:

6 (A) a felony;

7 (B) a misdemeanor involving the use or threat of
8 physical force or violence to any person within the 5
9 years preceding the date of the application; or

10 (C) 2 or more violations related to driving while
11 under the influence of alcohol, other drug or drugs,
12 intoxicating compound or compounds, or any combination
13 thereof, within the 5 years preceding the date of the
14 license application;

15 (6) whether the applicant has failed a drug test for a
16 drug for which the applicant did not have a prescription,
17 within the previous year, and if so, the provider of the
18 test, the specific substance involved, and the date of the
19 test;

20 (7) written consent for the Illinois State Police to
21 review and use the applicant's Illinois digital driver's
22 license or Illinois identification card photograph and
23 signature;

24 (8) unless submitted under subsection (a-25) of
25 Section 4 of the Firearm Owners Identification Card Act, a
26 full set of fingerprints submitted to the Illinois State

1 Police in electronic format, provided the Illinois State
2 Police may accept an application submitted without a set
3 of fingerprints, in which case the Illinois State Police
4 shall be granted 30 days in addition to the 90 days
5 provided under subsection (e) of Section 10 of this Act to
6 issue or deny a license;

7 (9) a head and shoulder color photograph in a size
8 specified by the Illinois State Police taken within the 30
9 days preceding the date of the license application; and

10 (10) a photocopy of any certificates or other evidence
11 of compliance with the training requirements under this
12 Act.

13 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
14 102-813, eff. 5-13-22.)

15 (430 ILCS 66/40)

16 Sec. 40. Non-resident license applications.

17 (a) For the purposes of this Section, "non-resident" means
18 a person who has not resided within this State for more than 30
19 days and resides in another state or territory.

20 (b) The Illinois State Police shall by rule allow for
21 non-resident license applications from any state or territory
22 of the United States with laws related to firearm ownership,
23 possession, and carrying, that are substantially similar to
24 the requirements to obtain a license under this Act.

25 (c) A resident of a state or territory approved by the

1 Illinois State Police under subsection (b) of this Section may
2 apply for a non-resident license. The applicant shall apply to
3 the Illinois State Police and must meet all of the
4 qualifications established in Section 25 of this Act, except
5 for the Illinois residency requirement in item (xiv) of
6 paragraph (2) of subsection (a) of Section 4 of the Firearm
7 Owners Identification Card Act. The applicant shall submit:

8 (1) the application and documentation required under
9 Section 30 of this Act ~~and the applicable fee;~~

10 (2) a notarized document stating that the applicant:

11 (A) is eligible under federal law and the laws of
12 his or her state or territory of residence to own or
13 possess a firearm;

14 (B) if applicable, has a license or permit to
15 carry a firearm or concealed firearm issued by his or
16 her state or territory of residence and attach a copy
17 of the license or permit to the application;

18 (C) understands Illinois laws pertaining to the
19 possession and transport of firearms; and

20 (D) acknowledges that the applicant is subject to
21 the jurisdiction of the Illinois State Police and
22 Illinois courts for any violation of this Act;

23 (3) a photocopy of any certificates or other evidence
24 of compliance with the training requirements under Section
25 75 of this Act; and

26 (4) a head and shoulder color photograph in a size

1 specified by the Illinois State Police taken within the 30
2 days preceding the date of the application.

3 (d) In lieu of an Illinois driver's license or Illinois
4 identification card, a non-resident applicant shall provide
5 similar documentation from his or her state or territory of
6 residence. In lieu of a valid Firearm Owner's Identification
7 Card, the applicant shall submit documentation and information
8 required by the Illinois State Police to obtain a Firearm
9 Owner's Identification Card, including an affidavit that the
10 non-resident meets the mental health standards to obtain a
11 firearm under Illinois law, and the Illinois State Police
12 shall ensure that the applicant would meet the eligibility
13 criteria to obtain a Firearm Owner's Identification card if he
14 or she was a resident of this State.

15 (e) Nothing in this Act shall prohibit a non-resident from
16 transporting a concealed firearm within his or her vehicle in
17 Illinois, if the concealed firearm remains within his or her
18 vehicle and the non-resident:

19 (1) is not prohibited from owning or possessing a
20 firearm under federal law;

21 (2) is eligible to carry a firearm in public under the
22 laws of his or her state or territory of residence, as
23 evidenced by the possession of a concealed carry license
24 or permit issued by his or her state of residence, if
25 applicable; and

26 (3) is not in possession of a license under this Act.

1 If the non-resident leaves his or her vehicle unattended,
2 he or she shall store the firearm within a locked vehicle or
3 locked container within the vehicle in accordance with
4 subsection (b) of Section 65 of this Act.

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

6 (430 ILCS 66/50)

7 Sec. 50. License renewal.

8 (a) This subsection (a) applies through the 180th day
9 following July 12, 2019 (the effective date of Public Act
10 101-80). The Illinois State Police shall, 180 days prior to
11 the expiration of a concealed carry license, notify each
12 person whose license is to expire a notification of the
13 expiration of the license and instructions for renewal.
14 Applications for renewal of a license shall be made to the
15 Illinois State Police. A license shall be renewed for a period
16 of 5 years upon receipt of a completed renewal application,
17 completion of 3 hours of training required under Section 75 of
18 this Act, ~~payment of the applicable renewal fee,~~ and
19 completion of an investigation under Section 35 of this Act.
20 The renewal application shall contain the information required
21 in Section 30 of this Act, except that the applicant need not
22 resubmit a full set of fingerprints.

23 (b) This subsection (b) applies on and after the 181st day
24 following July 12, 2019 (the effective date of Public Act
25 101-80). Applications for renewal of a license shall be made

1 to the Illinois State Police. A license shall be renewed for a
2 period of 5 years from the date of expiration on the
3 applicant's current license upon the receipt of a completed
4 renewal application, completion of 3 hours of training
5 required under Section 75 of this Act, ~~payment of the~~
6 ~~applicable renewal fee,~~ and completion of an investigation
7 under Section 35 of this Act. The renewal application shall
8 contain the information required in Section 30 of this Act,
9 except that the applicant need not resubmit a full set of
10 fingerprints.

11 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;
12 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

13 (430 ILCS 66/55)

14 Sec. 55. Change of address or name; lost, destroyed, or
15 stolen licenses.

16 (a) A licensee shall notify the Illinois State Police
17 within 30 days of moving or changing residence or any change of
18 name. The licensee shall submit the requisite fee and the
19 Illinois State Police may require a notarized statement that
20 the licensee has changed his or her residence or his or her
21 name, including the prior and current address or name and the
22 date the applicant moved or changed his or her name.

23 (b) A licensee shall notify the Illinois State Police
24 within 10 days of discovering that a license has been lost,
25 destroyed, or stolen. A lost, destroyed, or stolen license is

1 invalid. To request a replacement license, the licensee shall
2 submit:

3 (1) a written or electronic acknowledgment that the
4 licensee no longer possesses the license, and that it was
5 lost, destroyed, or stolen;

6 (2) if applicable, a copy of a police report stating
7 that the license was stolen; and

8 (3) (blank). ~~the requisite fee.~~

9 (c) A violation of this Section is a petty offense with a
10 fine of \$150 which shall be deposited into the Mental Health
11 Reporting Fund.

12 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
13 102-813, eff. 5-13-22.)