



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB5254

Introduced 2/9/2024, by Rep. Harry Benton

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/4	from Ch. 38, par. 83-4
430 ILCS 65/5	from Ch. 38, par. 83-5
430 ILCS 65/8	from Ch. 38, par. 83-8
430 ILCS 65/13.4	
720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1
720 ILCS 5/24-3.5	

Amends the Firearm Owners Identification Card Act. Provides that a renewal shall be automatically denied for any Firearm Owner's Identification Card issued to an applicant who submitted an application on or after the effective date of the amendatory Act, if the Firearm Owner's Identification Card holder has failed to complete hands-on firearm safety training within one year after the initial issuance of a Firearm Owner's Identification Card. Provides that a revoked license for not completing hands-on firearm safety training shall not be grounds for a denial of a subsequent Firearm Owner's Identification Card application. Provides that each application form for a Firearm Owner's Identification Card shall include the date on which hands-on firearm safety training has been or will be completed. Provides that proof that the applicant has completed or is currently enrolled in a hands-on training course must accompany the application. Provides that the Illinois State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under the Act if the person has failed to complete hands-on firearm safety training by the specified date on the Firearm Owner's Identification Card application. Provides that the Illinois State Police shall adopt rules that define "hands-on firearm safety training". Amends the Criminal Code of 2012. Provides that unlawful purchase of a firearm includes purchasing a firearm before completing hands-on firearm safety training as defined by rules adopted by the Illinois State Police.

LRB103 35740 RLC 65821 b

1 AN ACT concerning firearms.

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 4, 5, 8, and 13.4 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. Application for Firearm Owner's Identification  
8 Cards.

9 (a) Each applicant for a Firearm Owner's Identification  
10 Card must:

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

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

14 (i) (Blank); ~~This subparagraph (i) applies through~~  
15 ~~the 180th day following July 12, 2019 (the effective~~  
16 ~~date of Public Act 101-80). He or she is 21 years of~~  
17 ~~age or over, or if he or she is under 21 years of age~~  
18 ~~that he or she has the written consent of his or her~~  
19 ~~parent or legal guardian to possess and acquire~~  
20 ~~firearms and firearm ammunition and that he or she has~~  
21 ~~never been convicted of a misdemeanor other than a~~  
22 ~~traffic offense or adjudged delinquent, provided,~~  
23 ~~however, that such parent or legal guardian is not an~~

1 ~~individual prohibited from having a Firearm Owner's~~  
2 ~~Identification Card and files an affidavit with the~~  
3 ~~Department as prescribed by the Department stating~~  
4 ~~that he or she is not an individual prohibited from~~  
5 ~~having a Card;~~

6 (i-5) ~~This subparagraph (i-5) applies on and after~~  
7 ~~the 181st day following July 12, 2019 (the effective~~  
8 ~~date of Public Act 101-80). The applicant He or she is~~  
9 21 years of age or over, or if the applicant ~~he or she~~  
10 is under 21 years of age that the applicant ~~he or she~~  
11 has never been convicted of a misdemeanor other than a  
12 traffic offense or adjudged delinquent and is an  
13 active duty member of the United States Armed Forces  
14 or the Illinois National Guard or has the written  
15 consent of the applicant's ~~his or her~~ parent or legal  
16 guardian to possess and acquire firearms and firearm  
17 ammunition, provided, however, that such parent or  
18 legal guardian is not an individual prohibited from  
19 having a Firearm Owner's Identification Card and files  
20 an affidavit with the Illinois State Police as  
21 prescribed by the Illinois State Police stating that  
22 the applicant ~~he or she~~ is not an individual  
23 prohibited from having a Card or the active duty  
24 member of the United States Armed Forces or the  
25 Illinois National Guard under 21 years of age annually  
26 submits proof to the Illinois State Police, in a

1 manner prescribed by the Illinois State Police;

2 (ii) The applicant ~~He or she~~ has not been  
3 convicted of a felony under the laws of this or any  
4 other jurisdiction;

5 (iii) The applicant ~~He or she~~ is not addicted to  
6 narcotics;

7 (iv) The applicant ~~He or she~~ has not been a patient  
8 in a mental health facility within the past 5 years or,  
9 if the applicant ~~he or she~~ has been a patient in a  
10 mental health facility more than 5 years ago submit  
11 the certification required under subsection (u) of  
12 Section 8 of this Act;

13 (v) The applicant ~~He or she~~ is not a person with an  
14 intellectual disability;

15 (vi) The applicant ~~He or she~~ is not a noncitizen  
16 who is unlawfully present in the United States under  
17 the laws of the United States;

18 (vii) The applicant ~~He or she~~ is not subject to an  
19 existing order of protection prohibiting him or her  
20 from possessing a firearm;

21 (viii) The applicant ~~He or she~~ has not been  
22 convicted within the past 5 years of battery, assault,  
23 aggravated assault, violation of an order of  
24 protection, or a substantially similar offense in  
25 another jurisdiction, in which a firearm was used or  
26 possessed;

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

17           (x) (Blank);

18           (xi) The applicant ~~He or she~~ is not a noncitizen  
19 who has been admitted to the United States under a  
20 non-immigrant visa (as that term is defined in Section  
21 101(a) (26) of the Immigration and Nationality Act (8  
22 U.S.C. 1101(a) (26))), or that the applicant ~~he or she~~  
23 is a noncitizen who has been lawfully admitted to the  
24 United States under a non-immigrant visa if that  
25 noncitizen is:

26           (1) admitted to the United States for lawful

1 hunting or sporting purposes;

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

4 (A) accredited to the United States  
5 Government or the Government's mission to an  
6 international organization having its  
7 headquarters in the United States; or

8 (B) en route to or from another country to  
9 which that noncitizen is accredited;

10 (3) an official of a foreign government or  
11 distinguished foreign visitor who has been so  
12 designated by the Department of State;

13 (4) a foreign law enforcement officer of a  
14 friendly foreign government entering the United  
15 States on official business; or

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

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

24 (xiii) The applicant ~~He or she~~ is not an adult who  
25 had been adjudicated a delinquent minor under the  
26 Juvenile Court Act of 1987 for the commission of an

1 offense that if committed by an adult would be a  
2 felony;

3 (xiv) The applicant ~~He or she~~ is a resident of the  
4 State of Illinois;

5 (xv) The applicant ~~He or she~~ has not been  
6 adjudicated as a person with a mental disability;

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

10 (xvii) The applicant ~~He or she~~ is not a person with  
11 a developmental disability; and

12 (3) Upon request by the Illinois State Police, sign a  
13 release on a form prescribed by the Illinois State Police  
14 waiving any right to confidentiality and requesting the  
15 disclosure to the Illinois State Police of limited mental  
16 health institution admission information from another  
17 state, the District of Columbia, any other territory of  
18 the United States, or a foreign nation concerning the  
19 applicant for the sole purpose of determining whether the  
20 applicant is or was a patient in a mental health  
21 institution and disqualified because of that status from  
22 receiving a Firearm Owner's Identification Card. No mental  
23 health care or treatment records may be requested. The  
24 information received shall be destroyed within one year of  
25 receipt.

26 (a-5) Each applicant for a Firearm Owner's Identification

1 Card who is over the age of 18 shall furnish to the Illinois  
2 State Police either the applicant's ~~his or her~~ Illinois  
3 driver's license number or Illinois Identification Card  
4 number, except as provided in subsection (a-10).

5 (a-10) Each applicant for a Firearm Owner's Identification  
6 Card, who is employed as a law enforcement officer, an armed  
7 security officer in Illinois, or by the United States Military  
8 permanently assigned in Illinois and who is not an Illinois  
9 resident, shall furnish to the Illinois State Police the  
10 applicant's ~~his or her~~ driver's license number or state  
11 identification card number from the applicant's ~~his or her~~  
12 state of residence. The Illinois State Police may adopt rules  
13 to enforce the provisions of this subsection (a-10).

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

19 (a-20) Each applicant for a Firearm Owner's Identification  
20 Card shall furnish to the Illinois State Police the  
21 applicant's ~~his or her~~ photograph. An applicant who is 21  
22 years of age or older seeking a religious exemption to the  
23 photograph requirement must furnish with the application an  
24 approved copy of United States Department of the Treasury  
25 Internal Revenue Service Form 4029. In lieu of a photograph,  
26 an applicant regardless of age seeking a religious exemption



1 to the photograph requirement shall submit fingerprints on a  
2 form and manner prescribed by the Illinois State Police with  
3 the applicant's ~~his or her~~ application.

4 (a-25) Beginning January 1, 2023, each applicant for the  
5 issuance of a Firearm Owner's Identification Card may include  
6 a full set of the applicant's ~~his or her~~ fingerprints in  
7 electronic format to the Illinois State Police, unless the  
8 applicant has previously provided a full set of the  
9 applicant's ~~his or her~~ fingerprints to the Illinois State  
10 Police under this Act or the Firearm Concealed Carry Act.

11 The fingerprints must be transmitted through a live scan  
12 fingerprint vendor licensed by the Department of Financial and  
13 Professional Regulation. The fingerprints shall be checked  
14 against the fingerprint records now and hereafter filed in the  
15 Illinois State Police and Federal Bureau of Investigation  
16 criminal history records databases, including all available  
17 State and local criminal history record information files.

18 The Illinois State Police shall charge applicants a  
19 one-time fee for conducting the criminal history record check,  
20 which shall be deposited into the State Police Services Fund  
21 and shall not exceed the actual cost of the State and national  
22 criminal history record check.

23 (a-26) The Illinois State Police shall research, explore,  
24 and report to the General Assembly by January 1, 2022 on the  
25 feasibility of permitting voluntarily submitted fingerprints  
26 obtained for purposes other than Firearm Owner's

1 Identification Card enforcement that are contained in the  
2 Illinois State Police database for purposes of this Act.

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

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

13 (d) Each application form shall include the date on which  
14 hands-on firearm safety training has been or will be  
15 completed. Proof that the applicant has completed or is  
16 currently enrolled in a hands-on training course must  
17 accompany the application.

18 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;  
19 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1030, eff.  
20 5-27-22; 102-1116, eff. 1-10-23.)

21 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

22 Sec. 5. Application and renewal.

23 (a) The Illinois State Police shall either approve or deny  
24 all applications within 30 days from the date they are  
25 received, except as provided in subsections (b) and (c), and

1 every applicant found qualified under Section 8 of this Act by  
2 the Illinois State Police shall be entitled to a Firearm  
3 Owner's Identification Card upon the payment of a \$10 fee and  
4 applicable processing fees. The processing fees shall be  
5 limited to charges by the State Treasurer for using the  
6 electronic online payment system. Any applicant who is an  
7 active duty member of the Armed Forces of the United States, a  
8 member of the Illinois National Guard, or a member of the  
9 Reserve Forces of the United States is exempt from the  
10 application fee. \$5 of each fee derived from the issuance of a  
11 Firearm Owner's Identification Card or renewals thereof shall  
12 be deposited in the State Police Firearm Services Fund and \$5  
13 into the State Police Revocation Enforcement Fund.

14 (b) Renewal applications shall be approved or denied  
15 within 60 business days, provided the applicant submitted his  
16 or her renewal application prior to the expiration of his or  
17 her Firearm Owner's Identification Card. If a renewal  
18 application has been submitted prior to the expiration date of  
19 the applicant's Firearm Owner's Identification Card, the  
20 Firearm Owner's Identification Card shall remain valid while  
21 the Illinois State Police processes the application, unless  
22 the person is subject to or becomes subject to revocation  
23 under this Act. The cost for a renewal application shall be \$10  
24 and may include applicable processing fees, which shall be  
25 limited to charges by the State Treasurer for using the  
26 electronic online payment system, which shall be deposited

1 into the State Police Firearm Services Fund. A renewal shall  
2 be automatically denied for any Firearm Owner's Identification  
3 Card issued to an applicant who submitted an application on or  
4 after the effective date of this amendatory Act of the 103rd  
5 General Assembly, if the Firearm Owner's Identification Card  
6 holder has failed to complete hands-on firearm safety training  
7 within one year after the initial issuance of a Firearm  
8 Owner's Identification Card. A revoked license for not  
9 completing hands-on firearm safety training shall not be  
10 grounds for a denial of a subsequent Firearm Owner's  
11 Identification Card application.

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

23 (d) The Illinois State Police may adopt rules concerning  
24 the use of voluntarily submitted fingerprints, as allowed by  
25 State and federal law.

26 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22.)

2 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

20 (b-5) This subsection (b-5) applies on and after the  
21 181st day following July 12, 2019 (the effective date of  
22 Public Act 101-80). A person under 21 years of age who is  
23 not an active duty member of the United States Armed  
24 Forces or the Illinois National Guard and does not have  
25 the written consent of his or her parent or guardian to

1       acquire and possess firearms and firearm ammunition, or  
2       whose parent or guardian has revoked such written consent,  
3       or where such parent or guardian does not qualify to have a  
4       Firearm Owner's Identification Card;

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

7           (d) A person addicted to narcotics;

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

23           (f) A person whose mental condition is of such a  
24      nature that it poses a clear and present danger to the  
25      applicant, any other person or persons, or the community;

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

1 (h) A person who intentionally makes a false statement  
2 in the Firearm Owner's Identification Card application or  
3 endorsement affidavit or who has failed to complete  
4 hands-on firearm safety training by the specified date on  
5 the Firearm Owner's Identification Card application;

6 (i) A noncitizen who is unlawfully present in the  
7 United States under the laws of the United States;

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

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

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

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

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

25 (3) an official of a foreign government or  
26 distinguished foreign visitor who has been so

1 designated by the Department of State;

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

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

8 (j) (Blank);

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

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



1 Criminal Procedure of 1963, an entry by the court of a  
2 judgment of conviction for that offense shall be grounds  
3 for denying an application for and for revoking and  
4 seizing a Firearm Owner's Identification Card previously  
5 issued to the person under this Act;

6 (m) (Blank);

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

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

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

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

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

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

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

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

24 Upon revocation of a person's Firearm Owner's  
25 Identification Card, the Illinois State Police shall provide  
26 notice to the person and the person shall comply with Section

1 9.5 of this Act.

2 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
3 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
4 5-27-22; 102-1116, eff. 1-10-23.)

5 (430 ILCS 65/13.4)

6 Sec. 13.4. Illinois State Police; rule making authority.

7 (a) The Illinois State Police shall by rule adopt the  
8 following procedures:

9 (1) When a person who possesses a valid Firearm  
10 Owner's Identification Card applies for and is approved  
11 for a concealed carry license, the valid Firearm Owner's  
12 Identification Card is renewed for 10 years from the time  
13 of approval instead of 10 years from the date of the  
14 original card.

15 (2) If a person is eligible for both a Firearm Owner's  
16 Identification Card and a concealed carry license, the  
17 Illinois State Police shall by rule create one card that  
18 may be used as both a Firearm Owner's Identification Card  
19 and a concealed carry license. A combined Firearm Owner's  
20 Identification Card and concealed carry license shall be  
21 considered a valid card for the purposes of this Act. If a  
22 person who possesses a combined Firearm Owner's  
23 Identification Card and a concealed carry license becomes  
24 subject to suspension or revocation under the Firearm  
25 Concealed Carry Act, but is otherwise eligible for a valid

1 Firearm Owner's Identification Card, the Illinois State  
2 Police shall ensure the person's Firearm Owner's  
3 Identification Card status is not interrupted. The  
4 Illinois State Police shall adopt rules to implement this  
5 Section.

6 (b) The Illinois State Police shall adopt rules that  
7 define "hands-on firearm safety training" including how the  
8 training is conducted, how many hours is sufficient, who may  
9 conduct the training, and what constitutes proof for the  
10 purposes of a Firearm Owner's Identification Card application.  
11 (Source: P.A. 102-237, eff. 1-1-22.)

12 Section 10. The Criminal Code of 2012 is amended by  
13 changing Sections 24-3.1 and 24-3.5 as follows:

14 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

15 Sec. 24-3.1. Unlawful possession of firearms and firearm  
16 ammunition.

17 (a) A person commits the offense of unlawful possession of  
18 firearms or firearm ammunition when:

19 (1) He is under 18 years of age and has in his  
20 possession any firearm of a size which may be concealed  
21 upon the person; or

22 (2) He is under 21 years of age, has been convicted of  
23 a misdemeanor other than a traffic offense or adjudged  
24 delinquent and has any firearms or firearm ammunition in

1 his possession; or

2 (3) He is a narcotic addict and has any firearms or  
3 firearm ammunition in his possession; or

4 (4) He has been a patient in a mental institution  
5 within the past 5 years and has any firearms or firearm  
6 ammunition in his possession. For purposes of this  
7 paragraph (4):

8 "Mental institution" means any hospital,  
9 institution, clinic, evaluation facility, mental  
10 health center, or part thereof, which is used  
11 primarily for the care or treatment of persons with  
12 mental illness.

13 "Patient in a mental institution" means the person  
14 was admitted, either voluntarily or involuntarily, to  
15 a mental institution for mental health treatment,  
16 unless the treatment was voluntary and solely for an  
17 alcohol abuse disorder and no other secondary  
18 substance abuse disorder or mental illness; or

19 (5) He is a person with an intellectual disability and  
20 has any firearms or firearm ammunition in his possession;  
21 or

22 (6) He has in his possession any explosive bullet.

23 For purposes of this paragraph "explosive bullet" means  
24 the projectile portion of an ammunition cartridge which  
25 contains or carries an explosive charge which will explode  
26 upon contact with the flesh of a human or an animal.

1 "Cartridge" means a tubular metal case having a projectile  
2 affixed at the front thereof and a cap or primer at the rear  
3 end thereof, with the propellant contained in such tube  
4 between the projectile and the cap.

5 (b) Sentence.

6 Unlawful possession of firearms, other than handguns, and  
7 firearm ammunition is a Class A misdemeanor. Unlawful  
8 possession of handguns is a Class 4 felony. The possession of  
9 each firearm or firearm ammunition in violation of this  
10 Section constitutes a single and separate violation.

11 (c) Nothing in paragraph (1) of subsection (a) of this  
12 Section prohibits a person under 18 years of age from  
13 participating in any lawful recreational activity with a  
14 firearm such as, but not limited to, practice shooting at  
15 targets upon established public or private target ranges or  
16 hunting, trapping, or fishing in accordance with the Wildlife  
17 Code or the Fish and Aquatic Life Code or from participating in  
18 authorized hands-on firearm safety training as defined by  
19 rules adopted by the Illinois State Police.

20 (Source: P.A. 99-143, eff. 7-27-15.)

21 (720 ILCS 5/24-3.5)

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

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

25 (1) executed by a transferee of a firearm stating: (i)

1 the transferee's name and address (including county or  
2 similar political subdivision); (ii) whether the  
3 transferee is a citizen of the United States; (iii) the  
4 transferee's State of residence; and (iv) the date and  
5 place of birth, height, weight, and race of the  
6 transferee; and

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

13 (b) A person commits ~~the offense of~~ unlawful purchase of a  
14 firearm who knowingly purchases or attempts to purchase a  
15 firearm with the intent to deliver that firearm to another  
16 person who is prohibited by federal or State law from  
17 possessing a firearm.

18 (c) A person commits ~~the offense of~~ unlawful purchase of a  
19 firearm when he or she, in purchasing or attempting to  
20 purchase a firearm, intentionally provides false or misleading  
21 information on a United States Department of the Treasury,  
22 Bureau of Alcohol, Tobacco and Firearms firearms transaction  
23 record form.

24 (c-1) A person commits unlawful purchase of a firearm when  
25 the person purchases a firearm before the completion of  
26 hands-on firearm safety training as defined by rules adopted

1 by the Illinois State Police.

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

8 (e) Sentence.

9 (1) A person who commits ~~the offense of~~ unlawful  
10 purchase of a firearm:

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

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

17 (C) is guilty of a Class X felony for which the  
18 offender shall be sentenced to a term of imprisonment  
19 of not less than 9 years and not more than 40 years for  
20 purchasing or attempting to purchase not less than 6  
21 firearms at the same time or within a 2 year period.

22 (2) In addition to any other penalty that may be  
23 imposed for a violation of this Section, the court may  
24 sentence a person convicted of a violation of subsection  
25 (c) of this Section to a fine not to exceed \$250,000 for  
26 each violation.



1           (f) A prosecution for unlawful purchase of a firearm may  
2 be commenced within 6 years after the commission of the  
3 offense.

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