



Rep. Harry Benton

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10300HB5254ham001

LRB103 35740 RLC 71104 a

1 AMENDMENT TO HOUSE BILL 5254

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5254 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Section 3 as follows:

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

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

1 addition, all firearm, stun gun, and taser transfers by  
2 federally licensed firearm dealers are subject to Section 3.1.

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

9 (a-10) Notwithstanding item (2) of subsection (a) of this  
10 Section, any person who is not a federally licensed firearm  
11 dealer and who desires to transfer or sell a firearm or  
12 firearms to any person who is not a federally licensed firearm  
13 dealer shall, before selling or transferring the firearms,  
14 contact a federal firearm license dealer under paragraph (1)  
15 of subsection (a-15) of this Section to conduct the transfer  
16 or the Illinois State Police with the transferee's or  
17 purchaser's Firearm Owner's Identification Card number to  
18 determine the validity of the transferee's or purchaser's  
19 Firearm Owner's Identification Card under State and federal  
20 law, including the National Instant Criminal Background Check  
21 System. This subsection shall not be effective until July 1,  
22 2023. Until that date the transferor shall contact the  
23 Illinois State Police with the transferee's or purchaser's  
24 Firearm Owner's Identification Card number to determine the  
25 validity of the card. The Illinois State Police may adopt  
26 rules concerning the implementation of this subsection. The

1 Illinois State Police shall provide the seller or transferor  
2 an approval number if the purchaser's Firearm Owner's  
3 Identification Card is valid. Approvals issued by the Illinois  
4 State Police for the purchase of a firearm pursuant to this  
5 subsection are valid for 30 days from the date of issue.

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

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

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

1 son-in-law, or daughter-in-law;

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

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

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

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

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

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

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

1 (a-20) The Illinois State Police shall develop an  
2 Internet-based system for individuals to determine the  
3 validity of a Firearm Owner's Identification Card prior to the  
4 sale or transfer of a firearm. The Illinois State Police shall  
5 have the Internet-based system updated and available for use  
6 by January 1, 2024. The Illinois State Police shall adopt  
7 rules not inconsistent with this Section to implement this  
8 system; but no rule shall allow the Illinois State Police to  
9 retain records in contravention of State and federal law.

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

20 (a-30) A federally licensed firearm dealer who has  
21 received a license under 18 U.S.C. 923, upon the sale or  
22 transfer of a firearm to a person whom the dealer reasonably  
23 believes to be a first-time purchaser or transferee of a  
24 firearm, shall provide the purchaser or transferee of the  
25 firearm with printed or digital information about firearm  
26 safety and the safe storage of firearms. Prior to the transfer

1 of a firearm, the dealer shall inquire as to whether the person  
2 who seeks purchase or transfer of the firearm is a first-time  
3 prospective transferee of a firearm, which question shall be  
4 recorded with each application for purchase or transfer of a  
5 firearm.

6 (b) Any person within this State who transfers or causes  
7 to be transferred any firearm, stun gun, or taser shall keep a  
8 record of such transfer for a period of 10 years from the date  
9 of transfer. Any person within this State who receives any  
10 firearm, stun gun, or taser pursuant to subsection (a-10)  
11 shall provide a record of the transfer within 10 days of the  
12 transfer to a federally licensed firearm dealer and shall not  
13 be required to maintain a transfer record. The federally  
14 licensed firearm dealer shall maintain the transfer record for  
15 20 years from the date of receipt. A federally licensed  
16 firearm dealer may charge a fee not to exceed \$25 to retain the  
17 record. The record shall be provided and maintained in either  
18 an electronic or paper format. The federally licensed firearm  
19 dealer shall not be liable for the accuracy of any information  
20 in the transfer record submitted pursuant to this Section.  
21 Such records shall contain the date of the transfer; the  
22 description, serial number or other information identifying  
23 the firearm, stun gun, or taser if no serial number is  
24 available; and, if the transfer was completed within this  
25 State, the transferee's Firearm Owner's Identification Card  
26 number and any approval number or documentation provided by

1 the Illinois State Police pursuant to subsection (a-10) of  
2 this Section; if the transfer was not completed within this  
3 State, the record shall contain the name and address of the  
4 transferee. On or after January 1, 2006, the record shall  
5 contain the date of application for transfer of the firearm.  
6 On demand of a peace officer such transferor shall produce for  
7 inspection such record of transfer. For any transfer pursuant  
8 to subsection (a-10) of this Section, on the demand of a peace  
9 officer, such transferee shall identify the federally licensed  
10 firearm dealer maintaining the transfer record. If the  
11 transfer or sale took place at a gun show, the record shall  
12 include the unique identification number. Failure to record  
13 the unique identification number or approval number is a petty  
14 offense. For transfers of a firearm, stun gun, or taser made on  
15 or after January 18, 2019 (the effective date of Public Act  
16 100-1178), failure by the private seller to maintain the  
17 transfer records in accordance with this Section, or failure  
18 by a transferee pursuant to subsection a-10 of this Section to  
19 identify the federally licensed firearm dealer maintaining the  
20 transfer record, is a Class A misdemeanor for the first  
21 offense and a Class 4 felony for a second or subsequent offense  
22 occurring within 10 years of the first offense and the second  
23 offense was committed after conviction of the first offense.  
24 Whenever any person who has not previously been convicted of  
25 any violation of subsection (a-5), the court may grant  
26 supervision pursuant to and consistent with the limitations of

1 Section 5-6-1 of the Unified Code of Corrections. A transferee  
2 or transferor shall not be criminally liable under this  
3 Section provided that he or she provides the Illinois State  
4 Police with the transfer records in accordance with procedures  
5 established by the Illinois State Police. The Illinois State  
6 Police shall establish, by rule, a standard form on its  
7 website.

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

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

22 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;  
23 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law."