

1 AN ACT concerning regulation.

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 1, 1.1, 2, and 3 as follows:

6 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

7 Sec. 1. It is hereby declared as a matter of legislative
8 determination that in order to promote and protect the health,
9 safety, and welfare of the public, it is necessary and in the
10 public interest to provide a system of identifying persons who
11 are not qualified to acquire or possess firearms, firearm
12 ammunition, prepackaged explosive components, stun guns, and
13 tasers within the State of Illinois by the establishment of a
14 system of Firearm Owner's Identification Cards, thereby
15 establishing a practical and workable system by which law
16 enforcement authorities will be afforded an opportunity to
17 identify those persons who are prohibited by Section 24-3.1 of
18 the Criminal Code of 2012, from acquiring or possessing
19 firearms and firearm ammunition and who are prohibited by this
20 Act from acquiring stun guns and tasers.

21 (Source: P.A. 97-1150, eff. 1-25-13.)

22 (430 ILCS 65/1.1)

1 Sec. 1.1. For purposes of this Act:

2 "Addicted to narcotics" means a person who has been:

3 (1) convicted of an offense involving the use or
4 possession of cannabis, a controlled substance, or
5 methamphetamine within the past year; or

6 (2) determined by the Illinois State Police to be
7 addicted to narcotics based upon federal law or federal
8 guidelines.

9 "Addicted to narcotics" does not include possession or use
10 of a prescribed controlled substance under the direction and
11 authority of a physician or other person authorized to
12 prescribe the controlled substance when the controlled
13 substance is used in the prescribed manner.

14 "Adjudicated as a person with a mental disability" means
15 the person is the subject of a determination by a court, board,
16 commission or other lawful authority that the person, as a
17 result of marked subnormal intelligence, or mental illness,
18 mental impairment, incompetency, condition, or disease:

19 (1) presents a clear and present danger to himself,
20 herself, or to others;

21 (2) lacks the mental capacity to manage his or her own
22 affairs or is adjudicated a person with a disability as
23 defined in Section 11a-2 of the Probate Act of 1975;

24 (3) is not guilty in a criminal case by reason of
25 insanity, mental disease or defect;

26 (3.5) is guilty but mentally ill, as provided in

1 Section 5-2-6 of the Unified Code of Corrections;

2 (4) is incompetent to stand trial in a criminal case;

3 (5) is not guilty by reason of lack of mental
4 responsibility under Articles 50a and 72b of the Uniform
5 Code of Military Justice, 10 U.S.C. 850a, 876b;

6 (6) is a sexually violent person under subsection (f)
7 of Section 5 of the Sexually Violent Persons Commitment
8 Act;

9 (7) is a sexually dangerous person under the Sexually
10 Dangerous Persons Act;

11 (8) is unfit to stand trial under the Juvenile Court
12 Act of 1987;

13 (9) is not guilty by reason of insanity under the
14 Juvenile Court Act of 1987;

15 (10) is subject to involuntary admission as an
16 inpatient as defined in Section 1-119 of the Mental Health
17 and Developmental Disabilities Code;

18 (11) is subject to involuntary admission as an
19 outpatient as defined in Section 1-119.1 of the Mental
20 Health and Developmental Disabilities Code;

21 (12) is subject to judicial admission as set forth in
22 Section 4-500 of the Mental Health and Developmental
23 Disabilities Code; or

24 (13) is subject to the provisions of the Interstate
25 Agreements on Sexually Dangerous Persons Act.

26 "Clear and present danger" means a person who:

1 (1) communicates a serious threat of physical violence
2 against a reasonably identifiable victim or poses a clear
3 and imminent risk of serious physical injury to himself,
4 herself, or another person as determined by a physician,
5 clinical psychologist, or qualified examiner; or

6 (2) demonstrates threatening physical or verbal
7 behavior, such as violent, suicidal, or assaultive
8 threats, actions, or other behavior, as determined by a
9 physician, clinical psychologist, qualified examiner,
10 school administrator, or law enforcement official.

11 "Clinical psychologist" has the meaning provided in
12 Section 1-103 of the Mental Health and Developmental
13 Disabilities Code.

14 "Controlled substance" means a controlled substance or
15 controlled substance analog as defined in the Illinois
16 Controlled Substances Act.

17 "Counterfeit" means to copy or imitate, without legal
18 authority, with intent to deceive.

19 "Developmental disability" means a severe, chronic
20 disability of an individual that:

21 (1) is attributable to a mental or physical impairment
22 or combination of mental and physical impairments;

23 (2) is manifested before the individual attains age
24 22;

25 (3) is likely to continue indefinitely;

26 (4) results in substantial functional limitations in 3

1 or more of the following areas of major life activity:

2 (A) Self-care.

3 (B) Receptive and expressive language.

4 (C) Learning.

5 (D) Mobility.

6 (E) Self-direction.

7 (F) Capacity for independent living.

8 (G) Economic self-sufficiency; and

9 (5) reflects the individual's need for a combination
10 and sequence of special, interdisciplinary, or generic
11 services, individualized supports, or other forms of
12 assistance that are of lifelong or extended duration and
13 are individually planned and coordinated.

14 "Federally licensed firearm dealer" means a person who is
15 licensed as a federal firearms dealer under Section 923 of the
16 federal Gun Control Act of 1968 (18 U.S.C. 923).

17 "Firearm" means any device, by whatever name known, which
18 is designed to expel a projectile or projectiles by the action
19 of an explosion, expansion of gas or escape of gas; excluding,
20 however:

21 (1) any pneumatic gun, spring gun, paint ball gun, or
22 B-B gun which expels a single globular projectile not
23 exceeding .18 inch in diameter or which has a maximum
24 muzzle velocity of less than 700 feet per second;

25 (1.1) any pneumatic gun, spring gun, paint ball gun,
26 or B-B gun which expels breakable paint balls containing

1 washable marking colors;

2 (2) any device used exclusively for signaling or
3 safety and required or recommended by the United States
4 Coast Guard or the Interstate Commerce Commission;

5 (3) any device used exclusively for the firing of stud
6 cartridges, explosive rivets or similar industrial
7 ammunition; and

8 (4) an antique firearm (other than a machine-gun)
9 which, although designed as a weapon, the Illinois State
10 Police finds by reason of the date of its manufacture,
11 value, design, and other characteristics is primarily a
12 collector's item and is not likely to be used as a weapon.

13 "Firearm ammunition" means any self-contained cartridge or
14 shotgun shell, by whatever name known, which is designed to be
15 used or adaptable to use in a firearm; excluding, however:

16 (1) any ammunition exclusively designed for use with a
17 device used exclusively for signaling or safety and
18 required or recommended by the United States Coast Guard
19 or the Interstate Commerce Commission; and

20 (2) any ammunition designed exclusively for use with a
21 stud or rivet driver or other similar industrial
22 ammunition.

23 "Gun show" means an event or function:

24 (1) at which the sale and transfer of firearms is the
25 regular and normal course of business and where 50 or more
26 firearms are displayed, offered, or exhibited for sale,

1 transfer, or exchange; or

2 (2) at which not less than 10 gun show vendors
3 display, offer, or exhibit for sale, sell, transfer, or
4 exchange firearms.

5 "Gun show" includes the entire premises provided for an
6 event or function, including parking areas for the event or
7 function, that is sponsored to facilitate the purchase, sale,
8 transfer, or exchange of firearms as described in this
9 Section. Nothing in this definition shall be construed to
10 exclude a gun show held in conjunction with competitive
11 shooting events at the World Shooting Complex sanctioned by a
12 national governing body in which the sale or transfer of
13 firearms is authorized under subparagraph (5) of paragraph (g)
14 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

15 Unless otherwise expressly stated, "gun show" does not
16 include training or safety classes, competitive shooting
17 events, such as rifle, shotgun, or handgun matches, trap,
18 skeet, or sporting clays shoots, dinners, banquets, raffles,
19 or any other event where the sale or transfer of firearms is
20 not the primary course of business.

21 "Gun show promoter" means a person who organizes or
22 operates a gun show.

23 "Gun show vendor" means a person who exhibits, sells,
24 offers for sale, transfers, or exchanges any firearms at a gun
25 show, regardless of whether the person arranges with a gun
26 show promoter for a fixed location from which to exhibit,

1 sell, offer for sale, transfer, or exchange any firearm.

2 "Intellectual disability" means significantly subaverage
3 general intellectual functioning, existing concurrently with
4 deficits in adaptive behavior and manifested during the
5 developmental period, which is defined as before the age of
6 22, that adversely affects a child's educational performance.

7 "Involuntarily admitted" has the meaning as prescribed in
8 Sections 1-119 and 1-119.1 of the Mental Health and
9 Developmental Disabilities Code.

10 "Mental health facility" means any licensed private
11 hospital or hospital affiliate, institution, or facility, or
12 part thereof, and any facility, or part thereof, operated by
13 the State or a political subdivision thereof which provides
14 treatment of persons with mental illness and includes all
15 hospitals, institutions, clinics, evaluation facilities,
16 mental health centers, colleges, universities, long-term care
17 facilities, and nursing homes, or parts thereof, which provide
18 treatment of persons with mental illness whether or not the
19 primary purpose is to provide treatment of persons with mental
20 illness.

21 "National governing body" means a group of persons who
22 adopt rules and formulate policy on behalf of a national
23 firearm sporting organization.

24 "Noncitizen" means a person who is not a citizen of the
25 United States, but is a person who is a foreign-born person who
26 lives in the United States, has not been naturalized, and is

1 still a citizen of a foreign country.

2 "Patient" means:

3 (1) a person who is admitted as an inpatient or
4 resident of a public or private mental health facility for
5 mental health treatment under Chapter III of the Mental
6 Health and Developmental Disabilities Code as an informal
7 admission, a voluntary admission, a minor admission, an
8 emergency admission, or an involuntary admission, unless
9 the treatment was solely for an alcohol abuse disorder; or

10 (2) a person who voluntarily or involuntarily receives
11 mental health treatment as an out-patient or is otherwise
12 provided services by a public or private mental health
13 facility and who poses a clear and present danger to
14 himself, herself, or others.

15 "Physician" has the meaning as defined in Section 1-120 of
16 the Mental Health and Developmental Disabilities Code.

17 "Prepackaged explosive components" has the same meaning
18 ascribed to the term in Section 24-4.3 of the Criminal Code of
19 2012.

20 "Protective order" means any orders of protection issued
21 under the Illinois Domestic Violence Act of 1986, stalking no
22 contact orders issued under the Stalking No Contact Order Act,
23 civil no contact orders issued under the Civil No Contact
24 Order Act, and firearms restraining orders issued under the
25 Firearms Restraining Order Act or a substantially similar
26 order issued by the court of another state, tribe, or United

1 States territory or military tribunal.

2 "Qualified examiner" has the meaning provided in Section
3 1-122 of the Mental Health and Developmental Disabilities
4 Code.

5 "Sanctioned competitive shooting event" means a shooting
6 contest officially recognized by a national or state shooting
7 sport association, and includes any sight-in or practice
8 conducted in conjunction with the event.

9 "School administrator" means the person required to report
10 under the School Administrator Reporting of Mental Health
11 Clear and Present Danger Determinations Law.

12 "Stun gun or taser" has the meaning ascribed to it in
13 Section 24-1 of the Criminal Code of 2012.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
15 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
16 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

17 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

18 Sec. 2. Firearm Owner's Identification Card required;
19 exceptions.

20 (a) (1) No person may acquire or possess any firearm,
21 prepackaged explosive components, stun gun, or taser within
22 this State without having in his or her possession a Firearm
23 Owner's Identification Card previously issued in his or her
24 name by the Illinois State Police under the provisions of this
25 Act.

1 (2) No person may acquire or possess firearm ammunition
2 within this State without having in his or her possession a
3 Firearm Owner's Identification Card previously issued in his
4 or her name by the Illinois State Police under the provisions
5 of this Act.

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

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

11 (2) Members of the Armed Forces of the United States
12 or the National Guard, while engaged in the operation of
13 their official duties;

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

16 (4) Members of bona fide veterans organizations which
17 receive firearms directly from the armed forces of the
18 United States, while using the firearms for ceremonial
19 purposes with blank ammunition;

20 (5) Nonresident hunters during hunting season, with
21 valid nonresident hunting licenses and while in an area
22 where hunting is permitted; however, at all other times
23 and in all other places these persons must have their
24 firearms unloaded and enclosed in a case;

25 (6) Those hunters exempt from obtaining a hunting
26 license who are required to submit their Firearm Owner's

1 Identification Card when hunting on Department of Natural
2 Resources owned or managed sites;

3 (7) Nonresidents while on a firing or shooting range
4 recognized by the Illinois State Police; however, these
5 persons must at all other times and in all other places
6 have their firearms unloaded and enclosed in a case;

7 (8) Nonresidents while at a firearm showing or display
8 recognized by the Illinois State Police; however, at all
9 other times and in all other places these persons must
10 have their firearms unloaded and enclosed in a case;

11 (9) Nonresidents whose firearms are unloaded and
12 enclosed in a case;

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

15 (11) Unemancipated minors while in the custody and
16 immediate control of their parent or legal guardian or
17 other person in loco parentis to the minor if the parent or
18 legal guardian or other person in loco parentis to the
19 minor has a currently valid Firearm Owner's Identification
20 Card;

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

24 (13) Nonresident hunters whose state of residence does
25 not require them to be licensed or registered to possess a
26 firearm and only during hunting season, with valid hunting

1 licenses, while accompanied by, and using a firearm owned
2 by, a person who possesses a valid Firearm Owner's
3 Identification Card and while in an area within a
4 commercial club licensed under the Wildlife Code where
5 hunting is permitted and controlled, but in no instance
6 upon sites owned or managed by the Department of Natural
7 Resources;

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

13 (15) A person who is otherwise eligible to obtain a
14 Firearm Owner's Identification Card under this Act and is
15 under the direct supervision of a holder of a Firearm
16 Owner's Identification Card who is 21 years of age or
17 older while the person is on a firing or shooting range or
18 is a participant in a firearms safety and training course
19 recognized by a law enforcement agency or a national,
20 statewide shooting sports organization.

21 (c) The provisions of this Section regarding the
22 acquisition and possession of firearms, firearm ammunition,
23 prepackaged explosive components, stun guns, and tasers do not
24 apply to law enforcement officials of this or any other
25 jurisdiction, while engaged in the performance ~~operation~~ of
26 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 is in physical possession of the
6 concealed carry license.

7 (c-10) The provisions of paragraph (1) of subsection (a)
8 of this Section regarding the acquisition and possession of
9 prepackaged explosive components do not apply to:

10 (1) Members of the Armed Services or Reserves
11 Forces of the United States or the Illinois National Guard
12 while in the performance of their official duty.

13 (2) Persons licensed under State and federal law
14 to manufacture, import, or sell prepackaged explosive
15 components, and actually engaged in that business, but
16 only with respect to activities which are within the
17 lawful scope of the business, including the manufacture,
18 transportation, or testing of prepackaged explosive
19 components.

20 (3) Contractors or subcontractors engaged in the
21 manufacture, transport, testing, delivery, transfer or
22 sale, and lawful experimental activities under a contract
23 or subcontract for the development and supply of the
24 product to the United States government or any branch of
25 the Armed Forces of the United States, when those
26 activities are necessary and incident to fulfilling the

1 terms of the contract. The exemption granted under this
2 paragraph (3) shall also apply to any authorized agent of
3 any contractor or subcontractor described in this
4 paragraph (3) who is operating within the scope of his or
5 her employment, when the activities involving the
6 prepackaged explosive components are necessary and
7 incident to fulfilling the terms of the contract.

8 (4) Sales clerks or retail merchants selling or
9 transferring prepackaged explosive components.

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

17 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23.)

18 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

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

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

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

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

1 2023. Until that date the transferor shall contact the
2 Illinois State Police with the transferee's or purchaser's
3 Firearm Owner's Identification Card number to determine the
4 validity of the card. The Illinois State Police may adopt
5 rules concerning the implementation of this subsection. The
6 Illinois State Police shall provide the seller or transferor
7 an approval number if the purchaser's Firearm Owner's
8 Identification Card is valid. Approvals issued by the Illinois
9 State Police for the purchase of a firearm pursuant to this
10 subsection are valid for 30 days from the date of issue.

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

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

1 (2) transfers as a bona fide gift to the transferor's
2 husband, wife, son, daughter, stepson, stepdaughter,
3 father, mother, stepfather, stepmother, brother, sister,
4 nephew, niece, uncle, aunt, grandfather, grandmother,
5 grandson, granddaughter, father-in-law, mother-in-law,
6 son-in-law, or daughter-in-law;

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

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

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

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

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

26 (8) transfers of firearms that have been rendered

1 permanently inoperable to a nonprofit historical society,
2 museum, or institutional collection; and

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

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

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

25 (b) Any person within this State who transfers or causes
26 to be transferred any firearm, prepackaged explosive

1 components, stun gun, or taser shall keep a record of the such
2 transfer for a period of 10 years from the date of transfer.
3 Any person within this State who receives any firearm,
4 prepackaged explosive components, stun gun, or taser pursuant
5 to subsection (a-10) shall provide a record of the transfer
6 within 10 days of the transfer to a federally licensed firearm
7 dealer and shall not be required to maintain a transfer
8 record. The federally licensed firearm dealer shall maintain
9 the transfer record for 20 years from the date of receipt. A
10 federally licensed firearm dealer may charge a fee not to
11 exceed \$25 to retain the record. The record shall be provided
12 and maintained in either an electronic or paper format. The
13 federally licensed firearm dealer shall not be liable for the
14 accuracy of any information in the transfer record submitted
15 pursuant to this Section. Such records shall contain the date
16 of the transfer; the description, serial number or other
17 information identifying the firearm, prepackaged explosive
18 components, stun gun, or taser if no serial number is
19 available; and, if the transfer was completed within this
20 State, the transferee's Firearm Owner's Identification Card
21 number and any approval number or documentation provided by
22 the Illinois State Police under ~~pursuant to~~ subsection (a-10)
23 of this Section; if the transfer was not completed within this
24 State, the record shall contain the name and address of the
25 transferee. On or after January 1, 2006, the record shall
26 contain the date of application for transfer of the firearm.

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

1 Illinois State Police. The Illinois State Police shall
2 establish, by rule, a standard form on its website.

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

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

17 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
18 102-1116, eff. 1-10-23.)

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

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

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

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

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

1 2023. Until that date the transferor shall contact the
2 Illinois State Police with the transferee's or purchaser's
3 Firearm Owner's Identification Card number to determine the
4 validity of the card. The Illinois State Police may adopt
5 rules concerning the implementation of this subsection. The
6 Illinois State Police shall provide the seller or transferor
7 an approval number if the purchaser's Firearm Owner's
8 Identification Card is valid. Approvals issued by the Illinois
9 State Police for the purchase of a firearm pursuant to this
10 subsection are valid for 30 days from the date of issue.

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

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

1 (2) transfers as a bona fide gift to the transferor's
2 husband, wife, son, daughter, stepson, stepdaughter,
3 father, mother, stepfather, stepmother, brother, sister,
4 nephew, niece, uncle, aunt, grandfather, grandmother,
5 grandson, granddaughter, father-in-law, mother-in-law,
6 son-in-law, or daughter-in-law;

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

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

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

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

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

26 (8) transfers of firearms that have been rendered

1 permanently inoperable to a nonprofit historical society,
2 museum, or institutional collection; and

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

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

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

25 (b) Any person within this State who transfers or causes
26 to be transferred any firearm, prepackaged explosive

1 components, stun gun, or taser shall keep a record of such
2 transfer for a period of 10 years from the date of transfer.
3 Any person within this State who receives any firearm,
4 prepackaged explosive components, stun gun, or taser pursuant
5 to subsection (a-10) shall provide a record of the transfer
6 within 10 days of the transfer to a federally licensed firearm
7 dealer and shall not be required to maintain a transfer
8 record. The federally licensed firearm dealer shall maintain
9 the transfer record for 20 years from the date of receipt. A
10 federally licensed firearm dealer may charge a fee not to
11 exceed \$25 to retain the record. The record shall be provided
12 and maintained in either an electronic or paper format. The
13 federally licensed firearm dealer shall not be liable for the
14 accuracy of any information in the transfer record submitted
15 pursuant to this Section. Such records shall contain the date
16 of the transfer; the description, serial number or other
17 information identifying the firearm, prepackaged explosive
18 components, stun gun, or taser if no serial number is
19 available; and, if the transfer was completed within this
20 State, the transferee's Firearm Owner's Identification Card
21 number and any approval number or documentation provided by
22 the Illinois State Police pursuant to subsection (a-10) of
23 this Section; if the transfer was not completed within this
24 State, the record shall contain the name and address of the
25 transferee. On or after January 1, 2006, the record shall
26 contain the date of application for transfer of the firearm.

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

1 Illinois State Police. The Illinois State Police shall
2 establish, by rule, a standard form on its website.

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

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

17 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
18 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

19 Section 10. The Criminal Code of 2012 is amended by adding
20 Section 24-4.3 as follows:

21 (720 ILCS 5/24-4.3 new)

22 Sec. 24-4.3. Unlawful sale or delivery of prepackaged
23 explosive components.

24 (a) A person commits unlawful sale or delivery of

1 prepackaged explosive components when he or she knowingly does
2 any of the following:

3 (1) Sells or gives prepackaged explosive components to
4 a person who is disqualified under the Firearm Owners
5 Identification Card Act.

6 (2) Sells or transfers prepackaged explosive
7 components to a person who does not display to the seller
8 or transferor of the prepackaged explosive components a
9 currently valid Firearm Owner's Identification Card that
10 has previously been issued in the transferee's name by the
11 Department of State Police under the Firearm Owners
12 Identification Card Act. This paragraph (2) does not apply
13 to the transfer of prepackaged explosive components to a
14 person who is exempt from the requirement of possessing a
15 Firearm Owner's Identification Card under Section 2 of the
16 Firearm Owners Identification Card Act. For the purposes
17 of this Section, a currently valid Firearm Owner's
18 Identification Card means a Firearm Owner's Identification
19 Card that has not expired.

20 (3) Sells or gives prepackaged explosive components
21 while engaged in the business of selling prepackaged
22 explosive components at wholesale or retail without being
23 licensed as a federal firearms dealer under Section 923 of
24 the federal Gun Control Act of 1968 (18 U.S.C. 923). In
25 this paragraph (3), a person "engaged in the business"
26 means a person who devotes time, attention, and labor to

1 engaging in the activity as a regular course of trade or
2 business with the principal objective of livelihood and
3 profit.

4 (b) For the purposes of this Section, "prepackaged
5 explosive components" means a prepackaged product containing 2
6 or more unmixed, commercially manufactured chemical substances
7 that are not independently classified as explosives but which,
8 when mixed or combined, results in an explosive material
9 subject to regulation by the federal Bureau of Alcohol,
10 Tobacco, Firearms, and Explosives under Title 27 CFR Part 555.

11 (c) All sellers or transferors who have complied with the
12 requirements of this Section shall not be liable for damages
13 in any civil action arising from the use or misuse by the
14 transferee of the prepackaged explosive components
15 transferred, except for willful or wanton misconduct on the
16 part of the seller or transferor.

17 (d) Sentence. Any person who is convicted of unlawful sale
18 or delivery of prepackaged explosive components commits a
19 Class 4 felony.

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act.

2 Section 99. Effective date. This Act takes effect July 1,
3 2023.