

1 AMENDMENT TO SENATE BILL 947

2 AMENDMENT NO. _____. Amend Senate Bill 947, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Firearm Owners Identification Card Act is
6 amended by adding Section 3.5 as follows:

7 (430 ILCS 65/3.5 new)

8 Sec. 3.5. Private transfers of firearms by persons
9 attending gun shows.

10 (a) To ensure that, prior to any sale or transfer of a
11 firearm at a gun show in the State of Illinois, a background
12 check is conducted on the transferor and the transferee of
13 the firearm, the Department of State Police shall establish a
14 system which shall be available for requests from individuals
15 selling or transferring firearms at a gun show, other than a
16 federally licensed firearms dealer, to conduct background
17 checks under this system.

18 The Department of State Police shall utilize technology
19 which allows the person to be charged a fee equivalent to the
20 cost of providing the service. Fees collected by the
21 Department of State Police shall be deposited in the State
22 Police Services Fund and used to provide the service.

1 The Department of State Police shall establish a service
2 of conducting background checks for individuals selling or
3 transferring firearms at a gun show, other than a federally
4 licensed firearm dealer. Gun show promoters and other
5 interested parties shall access the background check system
6 through a process established by the Department of State
7 Police.

8 Upon receiving a request from an individual selling or
9 transferring firearms at a gun show, other than a federally
10 licensed firearm dealer, the Department of State Police shall
11 provide, during the initial transferor inquiry, an approval,
12 denial, or conditional denial of the transfer. The time
13 period for the Department to respond shall begin at the time
14 the inquiry is received. When the Department provides a
15 conditional denial, the dealer shall not transfer the firearm
16 until an approval is provided by the Department. However, if
17 any approval or denial is not provided in accordance with the
18 Brady Handgun Violence Prevention Act (Brady Act, 1993),
19 Title 18 U.S. Code, Section 922(t) and in Section 24-3 of the
20 Criminal Code of 1961, the transfer may proceed. Failure of
21 the Department to provide an approval or denial within the
22 prescribed length of times does not relieve the transferor
23 from compliance with any other statutory restrictions on
24 firearm transfers. Regardless of the requirements of this
25 Section, transactions must comply with all State and federal
26 firearm laws.

27 (b) Any person who is not a federally licensed firearm
28 dealer and who desires to transfer or sell a firearm while
29 that person is on the grounds of a gun show must, prior to
30 the sale or transfer of the firearm:

- 31 (1) Request the Department of State Police to
32 conduct a background check on the transferor and the
33 prospective transferee of a firearm and shall provide the
34 following information to the Department:

1 (A) A valid Firearm Owner's Identification Card
2 number of the transferor and transferee. If there is
3 not a valid Firearm Owner's Identification Card
4 number, the following shall be provided:

5 (i) Name.

6 (ii) Date of Birth.

7 (iii) Race.

8 (iv) Sex.

9 (v) State of residency.

10 (B) The telephone number of the transferor and
11 transferee.

12 (C) The type of firearm (long gun or short
13 gun).

14 (2) Receive an approval from the Department of
15 State Police that, after a background check was
16 conducted, nothing in the records accessed by the
17 Department shall prohibit, based on State or federal law,
18 the purchaser from purchasing or possessing a firearm.

19 (c) From the background check under this Section, the
20 Department of State Police shall:

21 (1) Determine from records and other information
22 available to it whether the recipient is disqualified
23 under State or federal laws from completing the transfer
24 or is otherwise prohibited by State or federal law from
25 purchasing or possessing a firearm; and

26 (2) Notify the transferor when a recipient is
27 disqualified from completing the transfer or provide the
28 transferor with a unique approval number indicating that
29 the recipient is qualified to complete the transfer. The
30 unique approval number is a permit valid for 30 days for
31 the requested transfer. If the firearm is not transferred
32 from the transfer to the recipient within 30 days after
33 receipt of the unique approval number, a new request must
34 be made by the transferor.

1 (d) The Department of State Police shall provide, during
2 the initial transferor inquiry, an approval, denial, or
3 conditional denial of the transfer. The time period for the
4 Department to respond shall begin at the time the inquiry is
5 received. When the Department provides a conditional denial,
6 the transferor shall not transfer the firearm until an
7 approval is provided by the Department. However, if any
8 approval or denial is not provided in accordance with the
9 Brady Handgun Violence Prevention Act (Brady Act, 1993),
10 Title 18 U.S. Code, Section 922(t) or in Section 24-3 of the
11 Criminal Code of 1961, the transfer may proceed. Failure of
12 the Department to provide an approval or denial within the
13 prescribed length of times does not relieve the transferor
14 from compliance with any other statutory restrictions on
15 firearm transfers. Regardless of the requirements of this
16 Section, transactions must comply with all State and federal
17 firearm laws.

18 (e) A public employee or public agency incurs no criminal
19 or civil liability for performing the background checks
20 required by this Section, provided the employee or agency
21 acts in good faith without malice.

22 (f) A transferor other than a gun dealer may not transfer
23 a firearm at a gun show unless the transferor:

24 (1) Requests a background check under this Section
25 prior to completing the transferor;

26 (2) Receives notification that the recipient is
27 qualified to complete the transfer;

28 (3) Has complied with Section 24-3 of the Criminal
29 Code of 1961; and

30 (4) Has the recipient complete the form described
31 in this Section.

32 (g) The transferor shall retain the completed form
33 referred to in subsection (h) of this Section for at least 10
34 years and shall make the completed form available to law

1 enforcement agencies for the purpose of criminal
2 investigations. A gun show promoter shall post in a prominent
3 place at the gun show a notice explaining the requirements of
4 this Section. The gun show promoter shall provide the form
5 required by subsection (h) of this Section to any person
6 transferring a firearm at the gun show.

7 (h) The Department of State Police shall develop a form
8 to be completed by a person seeking to obtain a firearm at a
9 gun show from a transferor other than a gun show dealer. The
10 Department shall consider including in the form all of the
11 requirements for disclosure of information that are required
12 by federal law for over-the-counter firearms transactions.

13 (i) Failure to comply with the requirement of this
14 Section is a Class A misdemeanor. Failure to comply with the
15 requirements of this Section is a Class 2 felony if the
16 person has 2 or more previous convictions under this Section.

17 (j) In this Section:

18 "Gun show" means the entire premises provided for an
19 event or function, including but not limited to parking areas
20 for the event or function, that is sponsored to facilitate,
21 in whole or in part, the purchase, sale, offer for sale, or
22 collection of firearms at which:

23 (1) 25 or more firearms are offered or exhibited
24 for sale, transfer, or exchange; or

25 (2) not less than 3 gun show vendors exhibit, sell,
26 offer for sale, transfer, or exchange firearms.

27 "Gun show promoter" means a person who organizes or
28 operates a gun show.

29 "Gun show vendor" means any person who exhibits, sells,
30 offers for sale, transfers, or exchanges any firearms at a
31 gun show, regardless of whether the person arranges with a
32 gun show promoter for a fixed location from which to exhibit,
33 sell, offer for sale, transfer, or exchange any firearm.

34 (k) The Department of State Police shall adopt rules to

1 carry out the provisions of this Section.".