



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4566

Introduced 01/11/06, by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/3.1

from Ch. 38, par. 83-3.1

Amends the Firearm Owners Identification Card Act. Provides that if the receipt of a firearm does not violate federal or State law, the Department of State Police shall destroy all records of the dial up telephone system with respect to the call to the Department of State Police concerning whether a transferee of a firearm is eligible to acquire or possess a firearm, other than the identifying number and the date the number was assigned, and all records of the system relating to the person or the transfer within 30 days. Provides that if the transfer of a firearm is denied by the Department of State Police, the Department of State Police may keep the records of a denial until the denial is appealed and overturned, or as long as necessary for a criminal prosecution. Provides that the Department of State Police may not retain, copy, or distribute any information previously collected under the dial up system. Effective immediately.

LRB094 18561 RLC 53893 b

FISCAL NOTE ACT  
MAY APPLY

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 Section 3.1 as follows:

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

8 (a) The Department of State Police shall provide a dial up  
9 telephone system or utilize other existing technology which  
10 shall be used by any federally licensed firearm dealer, gun  
11 show promoter, or gun show vendor who is to transfer a firearm,  
12 stun gun, or taser under the provisions of this Act. The  
13 Department of State Police may utilize existing technology  
14 which allows the caller to be charged a fee not to exceed \$2.  
15 Fees collected by the Department of State Police shall be  
16 deposited in the State Police Services Fund and used to provide  
17 the service.

18 (b) Upon receiving a request from a federally licensed  
19 firearm dealer, gun show promoter, or gun show vendor, the  
20 Department of State Police shall immediately approve, or within  
21 the time period established by Section 24-3 of the Criminal  
22 Code of 1961 regarding the delivery of firearms, stun guns, and  
23 tasers notify the inquiring dealer, gun show promoter, or gun  
24 show vendor of any objection that would disqualify the  
25 transferee from acquiring or possessing a firearm, stun gun, or  
26 taser. In conducting the inquiry, the Department of State  
27 Police shall initiate and complete an automated search of its  
28 criminal history record information files and those of the  
29 Federal Bureau of Investigation, including the National  
30 Instant Criminal Background Check System, and of the files of  
31 the Department of Human Services relating to mental health and  
32 developmental disabilities to obtain any felony conviction or

1 patient hospitalization information which would disqualify a  
2 person from obtaining or require revocation of a currently  
3 valid Firearm Owner's Identification Card.

4 (c) If receipt of a firearm would not violate Section 24-3  
5 of the Criminal Code of 1961, federal law, or this Act the  
6 Department of State Police shall:

7 (1) assign a unique identification number to the  
8 transfer; ~~and~~

9 (2) provide the licensee, gun show promoter, or gun  
10 show vendor with the number; and -

11 (3) destroy all records of the system with respect to  
12 the call, other than the identifying number and the date  
13 the number was assigned, and all records of the system  
14 relating to the person or the transfer within 30 days.

15 (c-5) If the transfer of a firearm is denied by the  
16 Department of State Police, the Department of State Police may  
17 keep the records of a denial until the denial is appealed and  
18 overturned, or as long as necessary for a criminal prosecution.

19 (d) Approvals issued by the Department of State Police for  
20 the purchase of a firearm are valid for 30 days from the date  
21 of issue.

22 (d-5) The Department of State Police may not retain, copy,  
23 or distribute any information previously collected under this  
24 Section. Any records generated by this Section shall comply  
25 with subsection (c).

26 (e) The Department of State Police must act as the Illinois  
27 Point of Contact for the National Instant Criminal Background  
28 Check System.

29 (f) The Department of State Police shall promulgate rules  
30 not inconsistent with this Section to implement this system.

31 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised  
32 8-19-05.)

33 Section 99. Effective date. This Act takes effect upon  
34 becoming law.