



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0758

Introduced 2/7/2007, by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3

from Ch. 38, par. 83-3

Amends the Firearm Owners Identification Card Act. Requires a person who is not a federally licensed importer, manufacturer, or dealer and who desires to sell or transfer a firearm of a size that may be concealed upon the person to another person, who is not a federally licensed importer, manufacturer, or dealer, to do so only at the place of business of a federally licensed firearm dealer. Provides that the federally licensed firearm dealer shall conduct a background check on the prospective recipient of the firearm and follow all other applicable federal, State, and local laws as if he were the seller of the firearm. Provides that the purchaser or transferee may be required by the federally licensed firearm dealer to pay a fee not to exceed \$10 per firearm, plus any applicable fees. Makes exceptions for (i) the transfer of a firearm between spouses, a parent and child, or a grandparent and grandchild, (ii) transfers by persons acting pursuant to operation of law or a court order, or (iii) transfers on the grounds of a gun show.

LRB095 04536 LCT 24589 b

1 AN ACT concerning public safety.

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 as follows:

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

7 Sec. 3. Firearm transfers.

8 (a) Except as provided in Section 3a, no person may
9 knowingly transfer, or cause to be transferred, any firearm,
10 firearm ammunition, stun gun, or taser to any person within
11 this State unless the transferee with whom he deals displays a
12 currently valid Firearm Owner's Identification Card which has
13 previously been issued in his name by the Department of State
14 Police under the provisions of this Act. In addition, all
15 firearm, stun gun, and taser transfers by federally licensed
16 firearm dealers are subject to Section 3.1.

17 (a-5) Any person who is not a federally licensed firearm
18 dealer and who desires to transfer or sell a firearm while that
19 person is on the grounds of a gun show must, before selling or
20 transferring the firearm, request the Department of State
21 Police to conduct a background check on the prospective
22 recipient of the firearm in accordance with Section 3.1.

23 (a-10) Any person who is not a federally licensed importer,

1 manufacturer, or dealer and who desires to sell or transfer a
2 firearm of a size that may be concealed upon the person to
3 another person, who is not a federally licensed importer,
4 manufacturer, or dealer, shall do so only at the place of
5 business of a federally licensed firearm dealer. The federally
6 licensed firearm dealer shall conduct a background check on the
7 prospective recipient of the firearm in accordance with Section
8 3.1 of this Act and follow all other applicable federal, State,
9 and local laws as if he were the seller of the firearm. The
10 purchaser or transferee may be required by the federally
11 licensed firearm dealer to pay a fee not to exceed \$10 per
12 firearm, plus the applicable fees authorized by Section 3.1.
13 The provisions of this subsection (a-10) shall not apply to:

14 (1) Transfers between spouses, a parent and child, or a
15 grandparent and grandchild.

16 (2) Transfers by persons acting pursuant to operation
17 of law or a court order.

18 (3) Transfers on the grounds of a gun show.

19 (b) Any person within this State who transfers or causes to
20 be transferred any firearm, stun gun, or taser shall keep a
21 record of such transfer for a period of 10 years from the date
22 of transfer. Such record shall contain the date of the
23 transfer; the description, serial number or other information
24 identifying the firearm, stun gun, or taser if no serial number
25 is available; and, if the transfer was completed within this
26 State, the transferee's Firearm Owner's Identification Card

1 number. On or after January 1, 2006, the record shall contain
2 the date of application for transfer of the firearm. On demand
3 of a peace officer such transferor shall produce for inspection
4 such record of transfer. If the transfer or sale took place at
5 a gun show, the record shall include the unique identification
6 number. Failure to record the unique identification number is a
7 petty offense.

8 (b-5) Any resident may purchase ammunition from a person
9 outside of Illinois. Any resident purchasing ammunition
10 outside the State of Illinois must provide the seller with a
11 copy of his or her valid Firearm Owner's Identification Card
12 and either his or her Illinois driver's license or Illinois
13 State Identification Card prior to the shipment of the
14 ammunition. The ammunition may be shipped only to an address on
15 either of those 2 documents.

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

19 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,
20 eff. 7-29-05; 94-571, eff. 8-12-05; revised 8-19-05.)