

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. (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 a
11 currently valid Firearm Owner's Identification Card which has
12 previously been issued in his name by the Department of State
13 Police under the provisions of this Act. In addition, all
14 firearm, stun gun, and taser transfers by federally licensed
15 firearm dealers are subject to Section 3.1.

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

22 (a-10) Any person who is not a federally licensed importer,
23 manufacturer, or dealer and who desires to sell or transfer a

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

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

13 (1) transfers to the transferor's husband, wife, son,
14 daughter, stepson, stepdaughter, father, mother,
15 stepfather, stepmother, brother, sister, nephew, niece,
16 uncle, aunt, grandfather, grandmother, grandson,
17 granddaughter, father-in-law, mother-in-law, son-in-law or
18 daughter-in-law;

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

21 (3) transfers on the grounds of a gun show.

22 (b) Any person within this State who transfers or causes to
23 be transferred any firearm, stun gun, or taser shall keep a
24 record of such transfer for a period of 10 years from the date
25 of transfer. Such record shall contain the date of the
26 transfer; the description, serial number or other information

1 identifying the firearm, stun gun, or taser if no serial number
2 is available; and, if the transfer was completed within this
3 State, the transferee's Firearm Owner's Identification Card
4 number. On or after January 1, 2006, the record shall contain
5 the date of application for transfer of the firearm. On demand
6 of a peace officer such transferor shall produce for inspection
7 such record of transfer. If the transfer or sale took place at
8 a gun show, the record shall include the unique identification
9 number. Failure to record the unique identification number is a
10 petty offense.

11 (b-5) Any resident may purchase ammunition from a person
12 outside of Illinois. Any resident purchasing ammunition
13 outside the State of Illinois must provide the seller with a
14 copy of his or her valid Firearm Owner's Identification Card
15 and either his or her Illinois driver's license or Illinois
16 State Identification Card prior to the shipment of the
17 ammunition. The ammunition may be shipped only to an address on
18 either of those 2 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 Notwithstanding any other rulemaking authority that may
23 exist, neither the Governor nor any agency or agency head under
24 the jurisdiction of the Governor has any authority to make or
25 promulgate rules to implement or enforce the provisions of this
26 amendatory Act of the 95th General Assembly. If, however, the

1 Governor believes that rules are necessary to implement or
2 enforce the provisions of this amendatory Act of the 95th
3 General Assembly, the Governor may suggest rules to the General
4 Assembly by filing them with the Clerk of the House and the
5 Secretary of the Senate and by requesting that the General
6 Assembly authorize such rulemaking by law, enact those
7 suggested rules into law, or take any other appropriate action
8 in the General Assembly's discretion. Nothing contained in this
9 amendatory Act of the 95th General Assembly shall be
10 interpreted to grant rulemaking authority under any other
11 Illinois statute where such authority is not otherwise
12 explicitly given. For the purposes of this Section, "rules" is
13 given the meaning contained in Section 1-70 of the Illinois
14 Administrative Procedure Act, and "agency" and "agency head"
15 are given the meanings contained in Sections 1-20 and 1-25 of
16 the Illinois Administrative Procedure Act to the extent that
17 such definitions apply to agencies or agency heads under the
18 jurisdiction of the Governor.

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; 95-331, eff. 8-21-07.)