



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0048

Introduced 1/14/2009, 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. Imposes conditions on any rulemaking authority.

LRB096 03447 KTG 13471 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. (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 Rulemaking authority to implement this amendatory Act of  
23 the 96th General Assembly, if any, is conditioned on the rules  
24 being adopted in accordance with all provisions of the Illinois  
25 Administrative Procedure Act and all rules and procedures of  
26 the Joint Committee on Administrative Rules; any purported rule

1 not so adopted, for whatever reason, is unauthorized.

2 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,

3 eff. 7-29-05; 94-571, eff. 8-12-05; 95-331, eff. 8-21-07.)