



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3379

by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

Amends the Firearm Owners Identification Card Act. Strikes existing preemption provisions concerning firearms. Provides that regulation of the ownership and possession of firearms and related items are the exclusive powers and functions of the State. Provides that a local government may not require registration, reporting of the sale or transfer of a firearm, or may not keep a firearms registry. Provides that any existing or future local ordinances or resolutions imposing any registration requirement on firearms and related items are invalid or void. Effective immediately.

LRB099 08865 RLC 29037 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning 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 13.1 as follows:

6 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

7 Sec. 13.1. Preemption.

8 (a) (Blank). ~~Except as otherwise provided in the Firearm~~
9 ~~Concealed Carry Act and subsections (b) and (c) of this~~
10 ~~Section, the provisions of any ordinance enacted by any~~
11 ~~municipality which requires registration or imposes greater~~
12 ~~restrictions or limitations on the acquisition, possession and~~
13 ~~transfer of firearms than are imposed by this Act, are not~~
14 ~~invalidated or affected by this Act.~~

15 (b) (Blank). ~~Notwithstanding subsection (a) of this~~
16 ~~Section, the regulation, licensing, possession, and~~
17 ~~registration of handguns and ammunition for a handgun, and the~~
18 ~~transportation of any firearm and ammunition by a holder of a~~
19 ~~valid Firearm Owner's Identification Card issued by the~~
20 ~~Department of State Police under this Act are exclusive powers~~
21 ~~and functions of this State. Any ordinance or regulation, or~~
22 ~~portion of that ordinance or regulation, enacted on or before~~
23 ~~the effective date of this amendatory Act of the 98th General~~

1 ~~Assembly that purports to impose regulations or restrictions on~~
2 ~~a holder of a valid Firearm Owner's Identification Card issued~~
3 ~~by the Department of State Police under this Act in a manner~~
4 ~~that is inconsistent with this Act, on the effective date of~~
5 ~~this amendatory Act of the 98th General Assembly, shall be~~
6 ~~invalid in its application to a holder of a valid Firearm~~
7 ~~Owner's Identification Card issued by the Department of State~~
8 ~~Police under this Act.~~

9 (c) (Blank). ~~Notwithstanding subsection (a) of this~~
10 ~~Section, the regulation of the possession or ownership of~~
11 ~~assault weapons are exclusive powers and functions of this~~
12 ~~State. Any ordinance or regulation, or portion of that~~
13 ~~ordinance or regulation, that purports to regulate the~~
14 ~~possession or ownership of assault weapons in a manner that is~~
15 ~~inconsistent with this Act, shall be invalid unless the~~
16 ~~ordinance or regulation is enacted on, before, or within 10~~
17 ~~days after the effective date of this amendatory Act of the~~
18 ~~98th General Assembly. Any ordinance or regulation described in~~
19 ~~this subsection (c) enacted more than 10 days after the~~
20 ~~effective date of this amendatory Act of the 98th General~~
21 ~~Assembly is invalid. An ordinance enacted on, before, or within~~
22 ~~10 days after the effective date of this amendatory Act of the~~
23 ~~98th General Assembly may be amended. The enactment or~~
24 ~~amendment of ordinances under this subsection (c) are subject~~
25 ~~to the submission requirements of Section 13.3. For the~~
26 ~~purposes of this subsection, "assault weapons" means firearms~~

1 ~~designated by either make or model or by a test or list of~~
2 ~~cosmetic features that cumulatively would place the firearm~~
3 ~~into a definition of "assault weapon" under the ordinance.~~

4 (d) (Blank). ~~For the purposes of this Section, "handgun"~~
5 ~~has the meaning ascribed to it in Section 5 of the Firearm~~
6 ~~Concealed Carry Act.~~

7 (d-1) The regulation of the ownership and possession of
8 firearms and ammunition, components, accessories, or
9 accoutrements for firearms are exclusive powers and functions
10 of the State. A unit of local government, including a home rule
11 unit, may not require the registration of the person or firearm
12 or ammunition as a condition of ownership or possession.

13 (d-2) No unit of local government may require that any
14 person, corporation, or entity report the sale or transfer of a
15 firearm or ammunition or keep a registry or list of the same.

16 (d-3) The provisions of any ordinance or resolution after
17 the effective date of this amendatory Act of the 99th General
18 Assembly by any unit of local government that imposes any type
19 of registration requirement on the ownership or possession of
20 firearms and ammunition, components, accessories, and
21 accoutrements of firearms are invalid and all those existing
22 ordinances and resolutions are void.

23 (e) This Section is a denial and limitation of home rule
24 powers and functions under subsection (h) of Section 6 of
25 Article VII of the Illinois Constitution.

26 (Source: P.A. 98-63, eff. 7-9-13.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.