

1 AN ACT in relation to 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 Sections 3 and 14 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
8 within this State may knowingly transfer, or cause to be
9 transferred, or attempt to transfer any firearm or any
10 firearm ammunition to any person within this State unless the
11 transferee with whom he deals displays a currently valid
12 Firearm Owner's Identification Card which has previously been
13 issued in his name by the Department of State Police under
14 the provisions of this Act. In addition, all firearm
15 transfers by federally licensed firearm dealers must be in
16 accordance with ~~are--subject--to~~ Section 3.1. The person
17 transferring the firearm or firearm ammunition must, at the
18 time of the transfer, personally inspect the Firearm Owner's
19 Identification Card to verify the identity of the person to
20 whom the firearm or firearm ammunition is being transferred.

21 (b) Any person within this State who transfers or causes
22 to be transferred any firearm must, in a manner and form the
23 Department of State Police may by rule prescribe, shall keep
24 an accurate a record of such transfer for a period of 10
25 years from the date of transfer. Such record shall contain
26 the date of the transfer; the description, serial number or
27 other information identifying the firearm if no serial number
28 is available; the name and address of the person to whom the
29 firearm is being transferred; and, if the transfer was
30 completed within this State, the transferee's Firearm Owner's
31 Identification Card number. If the transfer is completed to a

1 resident of Iowa, Missouri, Indiana, Wisconsin, or Kentucky
2 under subsection (b) of Section 3a of this Act, the
3 transferor must keep a record of the transferee's state
4 driver's license number or state identification card number.
5 The record of transfer must be made at the time of transfer.
6 On demand of a peace officer such transferor shall produce
7 for inspection such record of transfer and if the person is a
8 dealer, allow the peace officer to inspect all stock on hand.
9 If the transferor does not have each record available for
10 inspection at the time of the peace officer's demand for
11 inspection, the transferor must be given 72 hours to produce
12 the records for inspection at a location and time the peace
13 officer designates in writing. A person who negligently
14 fails to keep or produce records as required by this
15 subsection (b) is guilty of a Class B misdemeanor. A person
16 who wilfully refuses to keep records or produce them as
17 required by this subsection (b) must be sentenced as set
18 forth in paragraph (3) of subsection (d).

19 (b-5) For the purpose of subsection (b), it may be
20 inferred that a person wilfully refused to keep or produce
21 records if:

22 (1) the person states that he or she did not
23 transfer the firearm because the firearm was lost or
24 stolen, but failed to report the firearm lost or stolen
25 under subsection (c-5) of this Section;

26 (2) the person states that the records were lost,
27 stolen, or destroyed, but failed to report the loss,
28 theft, or destruction as required by subsection (c-5) of
29 this Section;

30 (3) the information contained in the records was
31 false; or

32 (4) in the absence of evidence to the contrary, the
33 person's failure to produce or keep records of the
34 transfer of a firearm traced to his or her possession is

1 unexplained. A person may not be convicted of willful
2 failure to keep or produce records if the person proves
3 that the records the person produced, although
4 incomplete, were sufficiently complete so as to enable
5 law enforcement officers to clearly identify the person
6 to whom the firearm was transferred.

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

10 (C-5)(1) The owner of a firearm must report the loss or
11 theft of a firearm to the law enforcement agency of the
12 municipality or unincorporated area in which he or she
13 resides within 72 hours of his or her discovery of the loss
14 or theft and keep a record of the time and date of the report
15 and of the name of the person and law enforcement agency to
16 which the report was made.

17 (2) Any person required to keep records under
18 subsection (b) must report the loss, theft, or
19 destruction of those records within 72 hours of his or
20 her discovery of the loss, theft, or destruction to the
21 law enforcement agency of the municipality or
22 unincorporated area in which he or she resides and keep a
23 record of the time and date of the report of the person
24 and the law enforcement agency to which the report was
25 made.

26 (3) The information supplied by a person under this
27 subsection (c-5) is not admissible in any prosecution of
28 the person making the report under any municipal or
29 county ordinance.

30 (4) A person who fails to report the theft, loss,
31 or destruction of a firearm or of records required to be
32 kept is guilty of a petty offense and may be fined not
33 more than \$50.

34 (5) A person who knowingly makes a false report of

1 the loss, theft, or destruction of a firearm or of
2 firearm records to any employee acting on behalf of a law
3 enforcement agency is guilty of a Class 4 felony.

4 (c-10) For purposes of this Section, the word "transfer"
5 means the selling, giving away, loaning, pawning (with or
6 without consideration), of a firearm or of firearm
7 ammunition. "Transfer" does not include the temporary
8 delivery of a firearm or of firearm ammunition by a person
9 who has a currently valid Firearm Owner's Identification Card
10 to a person of the age of 18 years or over for inspection of
11 the firearm or firearm ammunition in the immediate presence
12 of the transferor where the transfer of the firearm or
13 firearm ammunition by the transferor and possession of the
14 firearm or firearm ammunition by the transferee occur on the
15 transferor's own land or in the transferor's place of abode.

16 (c-15) It may be inferred that a person transferred a
17 firearm or firearm ammunition as defined in subsection (c-10)
18 when, in the absence of a reasonable explanation to the
19 contrary, the firearm or firearm ammunition has been traced
20 to the possession of that person and the person no longer has
21 possession of the firearm or firearm ammunition.

22 (d) Sentence. (1) A person who violates subsection (a)
23 by transferring or causing to be transferred in this State
24 any firearm to a person he or she knows or has reasonable
25 cause to believe does not possess a valid Firearm Owner's
26 Identification Card or by failing to inspect the Card before
27 transfer of a firearm is guilty of a Class 4 felony. A person
28 who commits more than one violation of subsection (a) as
29 described in this Section:

30 (A) is guilty of a Class 3 felony for transfer of
31 not less than 2 firearms and not more than 5 firearms at
32 the same time or within a one-year period;

33 (B) is guilty of a Class 2 felony for transfer of
34 not less than 6 firearms and not more than 10 firearms at

1 the same time or within a 2-year period;

2 (C) is guilty of a Class 1 felony for transfer of
3 not less than 11 firearms and not more than 20 firearms
4 at the same time or within a 3-year period;

5 (D) is guilty of a Class X felony for transfer of
6 more than 20 firearms at the same time or within a 4-year
7 period.

8 (2) A person who violates subsection (a) by transferring
9 or causing to be transferred in this State any firearm
10 ammunition to a person he or she knows or has reasonable
11 cause to believe does not possess a currently valid Firearm
12 Owner's Identification Card is guilty of a Class A
13 misdemeanor for a first conviction, a Class 4 felony for a
14 second conviction, and a Class 3 felony for a third or
15 subsequent conviction.

16 (3) A person who violates subsection (b) is guilty of a
17 Class A misdemeanor if the failure to keep records is not
18 willful. A person who willfully fails to keep records of the
19 transfer of a firearm is guilty of a Class 4 felony. A person
20 who willfully fails to keep records relating to the transfer
21 of more than one firearm:

22 (A) is guilty of a Class 3 felony for transfer of
23 not less than 2 firearms and not more than 5 firearms at
24 the same time or within a one-year period;

25 (B) is guilty of a Class 2 felony for transfer of
26 not less than 6 firearms and not more than 10 firearms at
27 the same time or within a 2-year period;

28 (C) is guilty of a Class 1 felony for transfer of
29 not less than 11 firearms and not more than 20 firearms
30 at the same time or within a 3-year period;

31 (D) is guilty of a Class X felony for transfer of
32 not more than 20 firearms at the same time or within a
33 4-year period.

34 (Source: P.A. 87-299.)

1 (430 ILCS 65/14) (from Ch. 38, par. 83-14)
2 Sec. 14. Sentence.

3 (a) A violation of paragraph (1) of subsection (a) of
4 Section 2, when the person's Firearm Owner's Identification
5 Card is expired but the person is not otherwise disqualified
6 from renewing the card, is a Class A misdemeanor.

7 (b) Except as provided in subsection (a) with respect to
8 an expired card, a violation of paragraph (1) of subsection
9 (a) of Section 2 is a Class A misdemeanor when the person
10 does not possess a currently valid Firearm Owner's
11 Identification Card, but is otherwise eligible under this
12 Act. A second or subsequent violation is a Class 4 felony.

13 (c) A violation of paragraph (1) of subsection (a) of
14 Section 2 is a Class 3 felony when:

15 (1) the person's Firearm Owner's Identification
16 Card is revoked or subject to revocation under Section 8;
17 or

18 (2) the person's Firearm Owner's Identification
19 Card is expired and not otherwise eligible for renewal
20 under this Act; or

21 (3) the person does not possess a currently valid
22 Firearm Owner's Identification Card, and the person is
23 not otherwise eligible under this Act.

24 (d) A violation of Section 3 is punishable as provided
25 in that Section. A violation of subsection (a) of Section 3
26 is a Class 4 felony.

27 (e) Any other violation of this Act is a Class A
28 misdemeanor.

29 (Source: P.A. 91-694, eff. 4-13-00.)