

1 AN ACT to amend the Firearm Owners Identification Card
2 Act by changing Sections 1.1, 3.1, 4, 5, and 14 and adding
3 Section 9.1.

4 Be it enacted by the People of the State of Illinois,
5 represented in the General Assembly:

6 Section 5. The Firearm Owners Identification Card Act is
7 amended by changing Sections 1.1, 3.1, 4, 5, and 14 and
8 adding Section 9.1 as follows:

9 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

10 Sec. 1.1. For purposes of this Act:

11 "Firearm" means any device, by whatever name known, which
12 is designed to expel a projectile or projectiles by the
13 action of an explosion, expansion of gas or escape of gas;
14 excluding, however:

15 (1) any pneumatic gun, spring gun, paint ball gun
16 or B-B gun which either expels a single globular
17 projectile not exceeding .18 inch in diameter and which
18 has a maximum muzzle velocity of less than 700 feet per
19 second or breakable paint balls containing washable
20 marking colors;

21 (2) any device used exclusively for signalling or
22 safety and required or recommended by the United States
23 Coast Guard or the Interstate Commerce Commission;

24 (3) any device used exclusively for the firing of
25 stud cartridges, explosive rivets or similar industrial
26 ammunition; and

27 (4) an antique firearm (other than a machine-gun)
28 which, although designed as a weapon, the Department of
29 State Police finds by reason of the date of its
30 manufacture, value, design, and other characteristics is
31 primarily a collector's item and is not likely to be used

1 as a weapon.

2 "Firearm ammunition" means any self-contained cartridge
3 or shotgun shell, by whatever name known, which is designed
4 to be used or adaptable to use in a firearm; excluding,
5 however:

6 (1) any ammunition exclusively designed for use
7 with a device used exclusively for signalling or safety
8 and required or recommended by the United States Coast
9 Guard or the Interstate Commerce Commission; and

10 (2) any ammunition designed exclusively for use
11 with a stud or rivet driver or other similar industrial
12 ammunition.

13 "Gun show" means any event at which firearms are
14 exhibited or offered for sale, transferred, or exchanged by 2
15 or more persons, regardless of whether other items are also
16 offered for sale, transfer, or exchange.

17 "Gun show promoter/organizer" means one or more persons
18 who perform one or more of the following activities:
19 scheduling, organizing, overseeing, arranging, promoting, or
20 supervising a gun show as defined in this Section.

21 "Gun show vendor" means a person, other than a federally
22 licensed firearms dealer, who exhibits any firearm at a gun
23 show, or who offers to sell, transfer, or exchange any
24 firearm at a gun show, or who sells, transfers, or exchanges
25 any firearm at a gun show.

26 (Source: P.A. 91-357, eff. 7-29-99.)

27 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

28 Sec. 3.1. Firearm transfer inquiry system Dial-up-system.
29 The Department of State Police shall provide a firearm
30 transfer inquiry dial-up-telephone system utilizing available
31 technology which shall be used, in the form and manner
32 prescribed by the Director of State Police, by any federally
33 licensed firearm dealer who is to transfer a firearm under

1 the provisions of this Act or by a promoter/organizer of a
2 gun show at which a firearm is to be sold, transferred, or
3 exchanged. The Department of State Police shall charge
4 ~~utilize-existing-technology-which-allows--the--caller--to--be~~
5 charged a fee for each inquiry to be set by the Director of
6 State Police not to exceed actual program operating costs
7 ~~equivalent--to--the--cost--of--providing--this--service--but--not--to~~
8 ~~exceed--\$2~~. Fees collected by the Department of State Police
9 shall be deposited in the State Police Services Fund and used
10 to provide the service.

11 Upon receiving a request for a background inquiry from a
12 federally licensed firearm dealer or a gun show
13 promoter/organizer, the Department of State Police shall
14 immediately approve, or within the time period established by
15 Section 24-3 of the Criminal Code of 1961 regarding the
16 delivery of firearms, notify the inquiring dealer or gun show
17 promoter/organizer of any objection that would disqualify the
18 transferee from acquiring or possessing a firearm. In
19 conducting the inquiry, the Department of State Police shall
20 initiate and complete an automated search of its criminal
21 history record information files and those of the Federal
22 Bureau of Investigation, including the National Instant
23 Criminal Background Check System, and of the files of the
24 Department of Human Services relating to mental health and
25 developmental disabilities to obtain any felony conviction or
26 patient hospitalization information which would disqualify a
27 person from obtaining or require revocation of a currently
28 valid Firearm Owner's Identification Card.

29 The Department of State Police must act as the Illinois
30 Point of Contact for the National Instant Criminal Background
31 Check System.

32 The Department of State Police shall promulgate rules to
33 implement this system.

34 (Source: P.A. 91-399, eff. 7-30-99.)

1 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

2 Sec. 4. (a) Each applicant for a Firearm Owner's
3 Identification Card must:

4 (1) Make application in the form and manner
5 prescribed by the Director of ~~en-blank-forms-prepared-and~~
6 ~~furnished-at-convenient-locations-throughout-the-State-by~~
7 ~~the-Department-of~~ State Police; and

8 (2) Submit evidence under penalty of perjury to the
9 Department of State Police that:

10 (i) He or she is 21 years of age or over, or
11 if he or she is under 21 years of age that he or she
12 has the written consent of his or her parent or
13 legal guardian to possess and acquire firearms and
14 firearm ammunition and that he or she has never been
15 convicted of a misdemeanor other than a traffic
16 offense or adjudged delinquent, provided, however,
17 that such parent or legal guardian is not an
18 individual prohibited from having a Firearm Owner's
19 Identification Card and files an affidavit with the
20 Department as prescribed by the Department stating
21 that he or she is not an individual prohibited from
22 having a Card;

23 (ii) He or she has not been convicted of a
24 felony under the laws of this or any other
25 jurisdiction;

26 (iii) He or she is not addicted to narcotics;

27 (iv) He or she has not been a patient in a
28 mental institution within the past 5 years;

29 (v) He or she is not mentally retarded;

30 (vi) He or she is not an alien who is
31 unlawfully present in the United States under the
32 laws of the United States;

33 (vii) He or she is not subject to an existing
34 order of protection prohibiting him or her from

1 possessing a firearm;

2 (viii) He or she has not been convicted within
3 the past 5 years of battery, assault, aggravated
4 assault, violation of an order of protection, or a
5 substantially similar offense in another
6 jurisdiction, in which a firearm was used or
7 possessed;

8 (ix) He or she has not been convicted of
9 domestic battery or a substantially similar offense
10 in another jurisdiction committed on or after the
11 effective date of this amendatory Act of 1997; and

12 (x) He or she has not been convicted within
13 the past 5 years of domestic battery or a
14 substantially similar offense in another
15 jurisdiction committed before the effective date of
16 this amendatory Act of 1997; and

17 (3) Upon request by the Department of State Police,
18 sign a release on a form prescribed by the Department of
19 State Police waiving any right to confidentiality and
20 requesting the disclosure to the Department of State
21 Police of limited mental health institution admission
22 information from another state, the District of Columbia,
23 any other territory of the United States, or a foreign
24 nation concerning the applicant for the sole purpose of
25 determining whether the applicant is or was a patient in
26 a mental health institution and disqualified because of
27 that status from receiving a Firearm Owner's
28 Identification Card. No mental health care or treatment
29 records may be requested. The information received shall
30 be destroyed within one year of receipt.

31 (a-5) For the purposes of accurate identification, the
32 applicant shall be required to make an in-person application
33 at a participating law enforcement agency, State facility, or
34 other location as designated by the Director of State Police.

1 The applicant shall produce documentation of his or her
2 identity in the form and manner prescribed by the Director.

3 (b) Each application form shall include the following
4 statement printed in bold type: "Warning: False statements
5 of the applicant shall result in prosecution for perjury in
6 accordance with Section 32-2 of the Criminal Code of 1961."

7 (c) Upon such written consent, pursuant to Section 4,
8 paragraph (a) (2) (i), the parent or legal guardian giving
9 the consent shall be liable for any damages resulting from
10 the applicant's use of firearms or firearm ammunition.

11 (Source: P.A. 90-493, eff. 1-1-98; 91-514, eff. 1-1-00;
12 91-694, eff. 4-13-00.)

13 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

14 Sec. 5. The Department of State Police shall either
15 approve or deny all applications within 30 days from the date
16 they are received, and every applicant found qualified
17 pursuant to Section 8 of this Act by the Department shall be
18 entitled to a Firearm Owner's Identification Card upon the
19 payment of a \$5 fee to be set by the Director of State Police
20 not to exceed actual program operating costs. \$3 of each fee
21 derived from the issuance of Firearm Owner's Identification
22 Cards, or renewals thereof, shall be deposited in the
23 Wildlife and Fish Fund in the State Treasury; \$1 of such fee
24 shall be deposited in the General Revenue Fund in the State
25 Treasury; and the remainder \$1 of such fee shall be deposited
26 in the Firearm Owner's Notification Fund. Monies in the
27 Firearm Owner's Notification Fund shall be used exclusively
28 to pay for the cost of sending notices of expiration of
29 Firearm Owner's Identification Cards under Section 13.2 of
30 this Act and ~~Excess monies in the Firearm Owner's~~
31 ~~Notification Fund shall be used~~ to ensure the prompt and
32 efficient processing of applications received under Section 4
33 of this Act.

1 (Source: P.A. 84-1426.)

2 (430 ILCS 65/9.1 new)

3 Sec. 9.1. Surrender of revoked cards. Upon receiving
 4 notification that his or her Firearm Owner's Identification
 5 Card has been revoked, the card holder shall immediately
 6 surrender his or her card to the nearest law enforcement
 7 facility or forward the card by registered U.S. mail to the
 8 Department of State Police. Attempted use of a revoked
 9 Firearm Owner's Identification Card shall be considered a
 10 violation of this Section.

11 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

12 Sec. 14. Sentence.

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

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

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

25 (1) the person's Firearm Owner's Identification
 26 Card is revoked or subject to revocation under Section 8;
 27 or

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

31 (3) the person does not possess a currently valid
 32 Firearm Owner's Identification Card, and the person is

1 not otherwise eligible under this Act.

2 (d) A violation of subsection (a) of Section 3 is a
3 Class 4 felony.

4 (d-5) A second or subsequent violation of subsection (b)
5 of Section 3 is a Class 4 felony.

6 (d-10) A violation of Section 9.1 is a Class 4 felony.

7 (e) Any other violation of this Act is a Class A
8 misdemeanor.

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