

SB3191



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3191

Introduced 2/6/2024, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

430 ILCS 65/2
430 ILCS 65/3

from Ch. 38, par. 83-2
from Ch. 38, par. 83-3

Amends the Firearm Owners Identification Card Act. Eliminates a provision that no person may acquire or possess firearm ammunition within the State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Illinois State Police under the provisions of the Act. Eliminates a provision that no person may knowingly transfer, or cause to be transferred, any firearm ammunition to any person within the State unless the transferee with whom the person deals displays either: (1) a currently valid Firearm Owner's Identification Card which has previously been issued in his or her name by the Illinois State Police under the provisions of the Act; or (2) a currently valid license to carry a concealed firearm which has previously been issued in his or her name by the Illinois State Police under the Firearm Concealed Carry Act. Effective immediately.

LRB103 37963 RLC 68095 b

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 Sections 2 and 3 as follows:

6 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

7 Sec. 2. Firearm Owner's Identification Card required;
8 exceptions.

9 (a) (1) No person may acquire or possess any firearm, stun
10 gun, or taser within this State without having in his or her
11 possession a Firearm Owner's Identification Card previously
12 issued in his or her name by the Illinois State Police under
13 the provisions of this Act.

14 (2) (Blank). ~~No person may acquire or possess firearm~~
15 ~~ammunition within this State without having in his or her~~
16 ~~possession a Firearm Owner's Identification Card previously~~
17 ~~issued in his or her name by the Illinois State Police under~~
18 ~~the provisions of this Act.~~

19 (b) The provisions of this Section regarding the
20 possession of firearms, ~~firearm ammunition~~, stun guns, and
21 tasers do not apply to:

22 (1) United States Marshals, while engaged in the
23 operation of their official duties;

1 (2) Members of the Armed Forces of the United States
2 or the National Guard, while engaged in the operation of
3 their official duties;

4 (3) Federal officials required to carry firearms,
5 while engaged in the operation of their official duties;

6 (4) Members of bona fide veterans organizations which
7 receive firearms directly from the armed forces of the
8 United States, while using the firearms for ceremonial
9 purposes with blank ammunition;

10 (5) Nonresident hunters during hunting season, with
11 valid nonresident hunting licenses and while in an area
12 where hunting is permitted; however, at all other times
13 and in all other places these persons must have their
14 firearms unloaded and enclosed in a case;

15 (6) Those hunters exempt from obtaining a hunting
16 license who are required to submit their Firearm Owner's
17 Identification Card when hunting on Department of Natural
18 Resources owned or managed sites;

19 (7) Nonresidents while on a firing or shooting range
20 recognized by the Illinois State Police; however, these
21 persons must at all other times and in all other places
22 have their firearms unloaded and enclosed in a case;

23 (8) Nonresidents while at a firearm showing or display
24 recognized by the Illinois State Police; however, at all
25 other times and in all other places these persons must
26 have their firearms unloaded and enclosed in a case;

1 (9) Nonresidents whose firearms are unloaded and
2 enclosed in a case;

3 (10) Nonresidents who are currently licensed or
4 registered to possess a firearm in their resident state;

5 (11) Unemancipated minors while in the custody and
6 immediate control of their parent or legal guardian or
7 other person in loco parentis to the minor if the parent or
8 legal guardian or other person in loco parentis to the
9 minor has a currently valid Firearm Owner's Identification
10 Card;

11 (12) Color guards of bona fide veterans organizations
12 or members of bona fide American Legion bands while using
13 firearms for ceremonial purposes with blank ammunition;

14 (13) Nonresident hunters whose state of residence does
15 not require them to be licensed or registered to possess a
16 firearm and only during hunting season, with valid hunting
17 licenses, while accompanied by, and using a firearm owned
18 by, a person who possesses a valid Firearm Owner's
19 Identification Card and while in an area within a
20 commercial club licensed under the Wildlife Code where
21 hunting is permitted and controlled, but in no instance
22 upon sites owned or managed by the Department of Natural
23 Resources;

24 (14) Resident hunters who are properly authorized to
25 hunt and, while accompanied by a person who possesses a
26 valid Firearm Owner's Identification Card, hunt in an area

1 within a commercial club licensed under the Wildlife Code
2 where hunting is permitted and controlled; and

3 (15) A person who is otherwise eligible to obtain a
4 Firearm Owner's Identification Card under this Act and is
5 under the direct supervision of a holder of a Firearm
6 Owner's Identification Card who is 21 years of age or
7 older while the person is on a firing or shooting range or
8 is a participant in a firearms safety and training course
9 recognized by a law enforcement agency or a national,
10 statewide shooting sports organization.

11 (c) The provisions of this Section regarding the
12 acquisition and possession of firearms, ~~firearm ammunition,~~
13 stun guns, and tasers do not apply to law enforcement
14 officials of this or any other jurisdiction, while engaged in
15 the operation of their official duties.

16 (c-5) The provisions of paragraphs (1) and (2) of
17 subsection (a) of this Section regarding the possession of
18 firearms ~~and firearm ammunition~~ do not apply to the holder of a
19 valid concealed carry license issued under the Firearm
20 Concealed Carry Act who is in physical possession of the
21 concealed carry license.

22 (d) Any person who becomes a resident of this State, who is
23 not otherwise prohibited from obtaining, possessing, or using
24 a firearm ~~or firearm ammunition,~~ shall not be required to have
25 a Firearm Owner's Identification Card to possess firearms ~~or~~
26 ~~firearms ammunition~~ until 60 calendar days after he or she

1 obtains an Illinois driver's license or Illinois
2 Identification Card.

3 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23.)

4 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

5 Sec. 3. (a) Except as provided in Section 3a, no person may
6 knowingly transfer, or cause to be transferred, any firearm,
7 ~~firearm ammunition,~~ stun gun, or taser to any person within
8 this State unless the transferee with whom he deals displays
9 either: (1) a currently valid Firearm Owner's Identification
10 Card which has previously been issued in his or her name by the
11 Illinois State Police under the provisions of this Act; or (2)
12 a currently valid license to carry a concealed firearm which
13 has previously been issued in his or her name by the Illinois
14 State Police under the Firearm Concealed Carry Act. In
15 addition, all firearm, stun gun, and taser transfers by
16 federally licensed firearm dealers are subject to Section 3.1.

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

23 (a-10) Notwithstanding item (2) of subsection (a) of this
24 Section, any person who is not a federally licensed firearm
25 dealer and who desires to transfer or sell a firearm or

1 firearms to any person who is not a federally licensed firearm
2 dealer shall, before selling or transferring the firearms,
3 contact a federal firearm license dealer under paragraph (1)
4 of subsection (a-15) of this Section to conduct the transfer
5 or the Illinois State Police with the transferee's or
6 purchaser's Firearm Owner's Identification Card number to
7 determine the validity of the transferee's or purchaser's
8 Firearm Owner's Identification Card under State and federal
9 law, including the National Instant Criminal Background Check
10 System. This subsection shall not be effective until July 1,
11 2023. Until that date the transferor shall contact the
12 Illinois State Police with the transferee's or purchaser's
13 Firearm Owner's Identification Card number to determine the
14 validity of the card. The Illinois State Police may adopt
15 rules concerning the implementation of this subsection. The
16 Illinois State Police shall provide the seller or transferor
17 an approval number if the purchaser's Firearm Owner's
18 Identification Card is valid. Approvals issued by the Illinois
19 State Police for the purchase of a firearm pursuant to this
20 subsection are valid for 30 days from the date of issue.

21 (a-15) The provisions of subsection (a-10) of this Section
22 do not apply to:

23 (1) transfers that occur at the place of business of a
24 federally licensed firearm dealer, if the federally
25 licensed firearm dealer conducts a background check on the
26 prospective recipient of the firearm in accordance with

1 Section 3.1 of this Act and follows all other applicable
2 federal, State, and local laws as if he or she were the
3 seller or transferor of the firearm, although the dealer
4 is not required to accept the firearm into his or her
5 inventory. The purchaser or transferee may be required by
6 the federally licensed firearm dealer to pay a fee not to
7 exceed \$25 per firearm, which the dealer may retain as
8 compensation for performing the functions required under
9 this paragraph, plus the applicable fees authorized by
10 Section 3.1;

11 (2) transfers as a bona fide gift to the transferor's
12 husband, wife, son, daughter, stepson, stepdaughter,
13 father, mother, stepfather, stepmother, brother, sister,
14 nephew, niece, uncle, aunt, grandfather, grandmother,
15 grandson, granddaughter, father-in-law, mother-in-law,
16 son-in-law, or daughter-in-law;

17 (3) transfers by persons acting pursuant to operation
18 of law or a court order;

19 (4) transfers on the grounds of a gun show under
20 subsection (a-5) of this Section;

21 (5) the delivery of a firearm by its owner to a
22 gunsmith for service or repair, the return of the firearm
23 to its owner by the gunsmith, or the delivery of a firearm
24 by a gunsmith to a federally licensed firearms dealer for
25 service or repair and the return of the firearm to the
26 gunsmith;

1 (6) temporary transfers that occur while in the home
2 of the unlicensed transferee, if the unlicensed transferee
3 is not otherwise prohibited from possessing firearms and
4 the unlicensed transferee reasonably believes that
5 possession of the firearm is necessary to prevent imminent
6 death or great bodily harm to the unlicensed transferee;

7 (7) transfers to a law enforcement or corrections
8 agency or a law enforcement or corrections officer acting
9 within the course and scope of his or her official duties;

10 (8) transfers of firearms that have been rendered
11 permanently inoperable to a nonprofit historical society,
12 museum, or institutional collection; and

13 (9) transfers to a person who is exempt from the
14 requirement of possessing a Firearm Owner's Identification
15 Card under Section 2 of this Act.

16 (a-20) The Illinois State Police shall develop an
17 Internet-based system for individuals to determine the
18 validity of a Firearm Owner's Identification Card prior to the
19 sale or transfer of a firearm. The Illinois State Police shall
20 have the Internet-based system updated and available for use
21 by January 1, 2024. The Illinois State Police shall adopt
22 rules not inconsistent with this Section to implement this
23 system; but no rule shall allow the Illinois State Police to
24 retain records in contravention of State and federal law.

25 (a-25) On or before January 1, 2022, the Illinois State
26 Police shall develop an Internet-based system upon which the

1 serial numbers of firearms that have been reported stolen are
2 available for public access for individuals to ensure any
3 firearms are not reported stolen prior to the sale or transfer
4 of a firearm under this Section. The Illinois State Police
5 shall have the Internet-based system completed and available
6 for use by July 1, 2022. The Illinois State Police shall adopt
7 rules not inconsistent with this Section to implement this
8 system.

9 (b) Any person within this State who transfers or causes
10 to be transferred any firearm, stun gun, or taser shall keep a
11 record of such transfer for a period of 10 years from the date
12 of transfer. Any person within this State who receives any
13 firearm, stun gun, or taser pursuant to subsection (a-10)
14 shall provide a record of the transfer within 10 days of the
15 transfer to a federally licensed firearm dealer and shall not
16 be required to maintain a transfer record. The federally
17 licensed firearm dealer shall maintain the transfer record for
18 20 years from the date of receipt. A federally licensed
19 firearm dealer may charge a fee not to exceed \$25 to retain the
20 record. The record shall be provided and maintained in either
21 an electronic or paper format. The federally licensed firearm
22 dealer shall not be liable for the accuracy of any information
23 in the transfer record submitted pursuant to this Section.
24 Such records shall contain the date of the transfer; the
25 description, serial number or other information identifying
26 the firearm, stun gun, or taser if no serial number is

1 available; and, if the transfer was completed within this
2 State, the transferee's Firearm Owner's Identification Card
3 number and any approval number or documentation provided by
4 the Illinois State Police pursuant to subsection (a-10) of
5 this Section; if the transfer was not completed within this
6 State, the record shall contain the name and address of the
7 transferee. On or after January 1, 2006, the record shall
8 contain the date of application for transfer of the firearm.
9 On demand of a peace officer such transferor shall produce for
10 inspection such record of transfer. For any transfer pursuant
11 to subsection (a-10) of this Section, on the demand of a peace
12 officer, such transferee shall identify the federally licensed
13 firearm dealer maintaining the transfer record. If the
14 transfer or sale took place at a gun show, the record shall
15 include the unique identification number. Failure to record
16 the unique identification number or approval number is a petty
17 offense. For transfers of a firearm, stun gun, or taser made on
18 or after January 18, 2019 (the effective date of Public Act
19 100-1178), failure by the private seller to maintain the
20 transfer records in accordance with this Section, or failure
21 by a transferee pursuant to subsection a-10 of this Section to
22 identify the federally licensed firearm dealer maintaining the
23 transfer record, is a Class A misdemeanor for the first
24 offense and a Class 4 felony for a second or subsequent offense
25 occurring within 10 years of the first offense and the second
26 offense was committed after conviction of the first offense.

1 Whenever any person who has not previously been convicted of
2 any violation of subsection (a-5), the court may grant
3 supervision pursuant to and consistent with the limitations of
4 Section 5-6-1 of the Unified Code of Corrections. A transferee
5 or transferor shall not be criminally liable under this
6 Section provided that he or she provides the Illinois State
7 Police with the transfer records in accordance with procedures
8 established by the Illinois State Police. The Illinois State
9 Police shall establish, by rule, a standard form on its
10 website.

11 (b-5) (Blank). ~~Any resident may purchase ammunition from a~~
12 ~~person within or outside of Illinois if shipment is by United~~
13 ~~States mail or by a private express carrier authorized by~~
14 ~~federal law to ship ammunition. Any resident purchasing~~
15 ~~ammunition within or outside the State of Illinois must~~
16 ~~provide the seller with a copy of his or her valid Firearm~~
17 ~~Owner's Identification Card or valid concealed carry license~~
18 ~~and either his or her Illinois driver's license or Illinois~~
19 ~~State Identification Card prior to the shipment of the~~
20 ~~ammunition. The ammunition may be shipped only to an address~~
21 ~~on either of those 2 documents.~~

22 (c) (Blank). ~~The provisions of this Section regarding the~~
23 ~~transfer of firearm ammunition shall not apply to those~~
24 ~~persons specified in paragraph (b) of Section 2 of this Act.~~

25 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
26 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

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