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1 AMENDMENT TO HOUSE BILL 341

2 AMENDMENT NO. _____. Amend House Bill 341 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 1.1, 3, 3.1, 3a, and 5 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Counterfeit" means to copy or imitate, without legal
9 authority, with intent to deceive.

10 "Federally licensed firearm dealer" means a person who is
11 licensed as a federal firearms dealer under Section 923 of the
12 federal Gun Control Act of 1968 (18 U.S.C. 923).

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

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

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

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

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

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

13 (1) any ammunition exclusively designed for use with a
14 device used exclusively for signalling or safety and
15 required or recommended by the United States Coast Guard or
16 the Interstate Commerce Commission; and

17 (2) any ammunition designed exclusively for use with a
18 stud or rivet driver or other similar industrial
19 ammunition.

20 "Gun show" means an event or function:

21 (1) at which the sale and transfer of firearms is the
22 regular and normal course of business where 50 or more
23 firearms are displayed, offered, or exhibited for sale,
24 transfer, or exchange; or

25 (2) not less than 5 gun show vendors display, offer, or
26 exhibit for sale, sell, transfer, or exchange firearms.

27 "Gun show" includes the entire premises provided for an
28 event or function, including parking areas for the event or
29 function, that is sponsored to facilitate the purchase, sale,
30 transfer, or exchange of firearms as described in this Section.

31 "Gun show" does not include training or safety classes,
32 competitive shooting events, such as rifle, shotgun, or handgun
33 matches, trap, skeet, or sporting clays shoots, dinners,
34 banquets, raffles, or any other event where the sale or

1 transfer of firearms is not the primary course of business.

2 "Gun show promoter" means a person who organizes or
3 operates a gun show.

4 "Gun show vendor" means a person who exhibits, sells,
5 offers for sale, transfers, or exchanges any firearms at a gun
6 show, regardless of whether the person arranges with a gun show
7 promoter for a fixed location from which to exhibit, sell,
8 offer for sale, transfer, or exchange any firearm.

9 "Sanctioned competitive shooting event" means a shooting
10 contest officially recognized by a national or state shooting
11 sport association, and includes any sight-in or practice
12 conducted in conjunction with the event.

13 (Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

14 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

15 Sec. 3. (a) Except as provided in Section 3a, no person may
16 knowingly transfer, or cause to be transferred, any firearm or
17 any firearm ammunition to any person within this State unless
18 the transferee with whom he deals displays a currently valid
19 Firearm Owner's Identification Card which has previously been
20 issued in his name by the Department of State Police under the
21 provisions of this Act. In addition, all firearm transfers by
22 federally licensed firearm dealers are subject to Section 3.1.

23 (a-5) Any person who is not a federally licensed firearm
24 dealer and who desires to transfer or sell a firearm while that
25 person is on the grounds of a gun show must, before selling or
26 transferring the firearm, request the Department of State
27 Police to conduct a background check on the prospective
28 recipient of the firearm in accordance with Section 3.1.

29 (b) Any person within this State who transfers or causes to
30 be transferred any firearm shall keep a record of such transfer
31 for a period of 10 years from the date of transfer. Such record
32 shall contain the date of the transfer; the description, serial
33 number or other information identifying the firearm if no

1 serial number is available; and, if the transfer was completed
2 within this State, the transferee's Firearm Owner's
3 Identification Card number. On demand of a peace officer such
4 transferor shall produce for inspection such record of
5 transfer. If the transfer or sale took place at a gun show, the
6 record shall include the unique identification number. Failure
7 to record the unique identification number is a petty offense.

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

11 (Source: P.A. 92-442, eff. 8-17-01.)

12 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

13 Sec. 3.1. Dial up system.

14 (a) The Department of State Police shall provide a dial up
15 telephone system or utilize other existing technology which
16 shall be used by any federally licensed firearm dealer, gun
17 show promoter, or gun show vendor who is to transfer a firearm
18 under the provisions of this Act. The Department of State
19 Police shall utilize existing technology which allows the
20 caller to be charged a fee ~~equivalent to the cost of providing~~
21 ~~this service but~~ not to exceed \$2. Fees collected by the
22 Department of State Police shall be deposited in the State
23 Police Services Fund and used to provide the service.

24 (b) Upon receiving a request from a federally licensed
25 firearm dealer, gun show promoter, or gun show vendor, the
26 Department of State Police shall immediately approve, or within
27 the time period established by Section 24-3 of the Criminal
28 Code of 1961 regarding the delivery of firearms, notify the
29 inquiring dealer, gun show promoter, or gun show vendor of any
30 objection that would disqualify the transferee from acquiring
31 or possessing a firearm. In conducting the inquiry, the
32 Department of State Police shall initiate and complete an
33 automated search of its criminal history record information

1 files and those of the Federal Bureau of Investigation,
2 including the National Instant Criminal Background Check
3 System, and of the files of the Department of Human Services
4 relating to mental health and developmental disabilities to
5 obtain any felony conviction or patient hospitalization
6 information which would disqualify a person from obtaining or
7 require revocation of a currently valid Firearm Owner's
8 Identification Card.

9 (c) If receipt of a firearm would not violate Section 24-3
10 of the Criminal Code of 1961, federal law, or this Act the
11 Department of State Police shall:

12 (1) assign a unique identification number to the
13 transfer;

14 (2) provide the licensee, gun show promoter, or gun
15 show vendor with the number; and

16 (3) destroy all records of the system with respect to
17 the call, other than the identifying number and the date
18 the number was assigned, and all records of the system
19 relating to the person or the transfer within 90 days.

20 (d) The Department may not retain, copy, or distribute any
21 information previously collected under this Section, except
22 for any investigation of a forcible felony or a violation of
23 Section 24-3A or 24-3.1 of the Criminal Code of 1961. Any
24 records generated under this Section shall comply with
25 subsection (c).

26 (e) If the transfer of a firearm is denied by the
27 Department of State Police, the Department may keep the records
28 of a denial until the denial is appealed and overturned, or as
29 long as necessary for a criminal prosecution.

30 (f) Approvals issued by the Department of State Police for
31 the purchase of a firearm are valid for 30 days from the date
32 of issue.

33 (g) The Department of State Police must act as the Illinois
34 Point of Contact for the National Instant Criminal Background

1 Check System.

2 (h) The Department of State Police shall promulgate rules
3 not inconsistent with this Section to implement this system.

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

5 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

6 Sec. 3a. (a) Any resident of Illinois who has obtained a
7 firearm owner's identification card pursuant to this Act and
8 who is not otherwise prohibited from obtaining, possessing or
9 using a firearm may purchase or obtain a rifle or shotgun or
10 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,
11 Wisconsin or Kentucky.

12 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or
13 Kentucky or a non-resident with a valid non-resident hunting
14 license, who is 18 years of age or older and who is not
15 prohibited by the laws of Illinois, the state of his domicile,
16 or the United States from obtaining, possessing or using a
17 firearm, may purchase or obtain a rifle, shotgun or ammunition
18 for a rifle or shotgun in Illinois.

19 (b-5) Any non-resident who is participating in a sanctioned
20 competitive shooting event, who is 18 years of age or older and
21 who is not prohibited by the laws of Illinois, the state of his
22 or her domicile, or the United States from obtaining,
23 possessing, or using a firearm, may purchase or obtain a
24 shotgun or shotgun ammunition in Illinois for the purpose of
25 participating in that event. A person may purchase or obtain a
26 shotgun or shotgun ammunition under this subsection only at the
27 site where the sanctioned competitive shooting event is being
28 held.

29 ~~For purposes of this subsection, "sanctioned competitive~~
30 ~~shooting event" means a shooting contest officially recognized~~
31 ~~by a national or state shooting sport association, and includes~~
32 ~~any sight-in or practice conducted in conjunction with the~~
33 ~~event.~~

1 (c) Any transaction under this Section is subject to the
2 provisions of the Gun Control Act of 1968 (18 U.S.C. 922
3 (b) (3)).

4 (Source: P.A. 92-528, eff. 2-8-02.)

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

6 Sec. 5. The Department of State Police shall either approve
7 or deny all applications within 30 days from the date they are
8 received, and every applicant found qualified pursuant to
9 Section 8 of this Act by the Department shall be entitled to a
10 Firearm Owner's Identification Card upon the payment of a \$5
11 fee. \$3 of each fee derived from the issuance of Firearm
12 Owner's Identification Cards, or renewals thereof, shall be
13 deposited in the Wildlife and Fish Fund in the State Treasury;
14 \$1 of such fee shall be deposited in the State Police Services
15 Fund ~~General Revenue Fund in the State Treasury~~ and \$1 of such
16 fee shall be deposited in the Firearm Owner's Notification
17 Fund. Monies in the Firearm Owner's Notification Fund shall be
18 used exclusively to pay for the cost of sending notices of
19 expiration of Firearm Owner's Identification Cards under
20 Section 13.2 of this Act. Excess monies in the Firearm Owner's
21 Notification Fund shall be used to ensure the prompt and
22 efficient processing of applications received under Section 4
23 of this Act.

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

25 Section 10. The Criminal Code of 1961 is amended by adding
26 Section 24-11 as follows:

27 (720 ILCS 5/24-11 new)

28 Sec. 24-11. Home rule preemption.

29 (a) The provisions of any ordinance or resolution adopted
30 before, on, or after the effective date of this amendatory Act
31 of the 94th General Assembly by any unit of local government

1 that imposes restrictions or limitations on the acquisition,
2 possession, transportation, storage, purchase, sale, or other
3 dealing in firearms and ammunition, components, accessories,
4 and accoutrements of firearms in a manner other than those that
5 are imposed by Sections 24-1.1, 24-1.5, 24-3, 24-3.1, 24-3.2,
6 24-3.4, 24-3.5 or 24-9 of this Act are invalid, except as
7 authorized by this Section, and all those existing ordinances
8 and resolutions are void.

9 (b) A unit of local government, including a home rule unit,
10 may not regulate the acquisition, possession, transportation,
11 storage, purchase, sale, or other dealing in firearms, and may
12 not regulate ammunition, components, accessories, or
13 accoutrements for firearms, except as follows:

14 (1) A unit of local government may also establish
15 zoning and security requirements for the retail sale of
16 firearms by federally licensed firearms dealers.

17 (2) This Section does not apply to any municipality
18 with a population of 2,000,000 or more inhabitants.

19 (c) This Section is limitation of home rule powers under
20 subsection (h) of Section 6 of Article VII of the Illinois
21 Constitution.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.".