

1 AN ACT concerning 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 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;

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

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

1 as a weapon.

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

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

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

12 "Gun show" means an event or function:

13 (1) at which the sale and transfer of firearms is the
14 regular and normal course of business where 50 or more
15 firearms are displayed, offered, or exhibited for sale,
16 transfer, or exchange; or

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

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

23 "Gun show" does not include training or safety classes,
24 competitive shooting events, such as rifle, shotgun, or handgun
25 matches, trap, skeet, or sporting clays shoots, dinners,
26 banquets, raffles, or any other event where the sale or
27 transfer of firearms is not the primary course of business.

28 "Gun show promoter" means a person who organizes or
29 operates a gun show.

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

35 "Sanctioned competitive shooting event" means a shooting
36 contest officially recognized by a national or state shooting

1 sport association, and includes any sight-in or practice
2 conducted in conjunction with the event.

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

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 or
7 any firearm ammunition to any person within this State unless
8 the transferee with whom he deals displays a currently valid
9 Firearm Owner's Identification Card which has previously been
10 issued in his name by the Department of State Police under the
11 provisions of this Act. In addition, all firearm transfers by
12 federally licensed firearm dealers are subject to Section 3.1.

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

19 (b) Any person within this State who transfers or causes to
20 be transferred any firearm shall keep a record of such transfer
21 for a period of 10 years from the date of transfer. Such record
22 shall contain the date of the transfer; the description, serial
23 number or other information identifying the firearm if no
24 serial number is available; and, if the transfer was completed
25 within this State, the transferee's Firearm Owner's
26 Identification Card number. On demand of a peace officer such
27 transferor shall produce for inspection such record of
28 transfer. If the transfer or sale took place at a gun show, the
29 record shall include the unique identification number. Failure
30 to record the unique identification number is a petty offense.

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

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

1 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

2 Sec. 3.1. Dial up system.

3 (a) The Department of State Police shall provide a dial up
4 telephone system or utilize other existing technology which
5 shall be used by any federally licensed firearm dealer, gun
6 show promoter, or gun show vendor who is to transfer a firearm
7 under the provisions of this Act. The Department of State
8 Police shall utilize existing technology which allows the
9 caller to be charged a fee ~~equivalent to the cost of providing~~
10 ~~this service but~~ not to exceed \$2. Fees collected by the
11 Department of State Police shall be deposited in the State
12 Police Services Fund and used to provide the service.

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

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

34 (1) assign a unique identification number to the
35 transfer;

36 (2) provide the licensee, gun show promoter, or gun

1 show vendor with the number; and

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

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

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

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

19 (g) The Department of State Police must act as the Illinois
20 Point of Contact for the National Instant Criminal Background
21 Check System.

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

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

25 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

26 Sec. 3a. (a) Any resident of Illinois who has obtained a
27 firearm owner's identification card pursuant to this Act and
28 who is not otherwise prohibited from obtaining, possessing or
29 using a firearm may purchase or obtain a rifle or shotgun or
30 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,
31 Wisconsin or Kentucky.

32 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or
33 Kentucky or a non-resident with a valid non-resident hunting
34 license, who is 18 years of age or older and who is not
35 prohibited by the laws of Illinois, the state of his domicile,

1 or the United States from obtaining, possessing or using a
2 firearm, may purchase or obtain a rifle, shotgun or ammunition
3 for a rifle or shotgun in Illinois.

4 (b-5) Any non-resident who is participating in a sanctioned
5 competitive shooting event, who is 18 years of age or older and
6 who is not prohibited by the laws of Illinois, the state of his
7 or her domicile, or the United States from obtaining,
8 possessing, or using a firearm, may purchase or obtain a
9 shotgun or shotgun ammunition in Illinois for the purpose of
10 participating in that event. A person may purchase or obtain a
11 shotgun or shotgun ammunition under this subsection only at the
12 site where the sanctioned competitive shooting event is being
13 held.

14 ~~For purposes of this subsection, "sanctioned competitive~~
15 ~~shooting event" means a shooting contest officially recognized~~
16 ~~by a national or state shooting sport association, and includes~~
17 ~~any sight in or practice conducted in conjunction with the~~
18 ~~event.~~

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

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

23 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

24 Sec. 5. The Department of State Police shall either approve
25 or deny all applications within 30 days from the date they are
26 received, and every applicant found qualified pursuant to
27 Section 8 of this Act by the Department shall be entitled to a
28 Firearm Owner's Identification Card upon the payment of a \$5
29 fee. \$3 of each fee derived from the issuance of Firearm
30 Owner's Identification Cards, or renewals thereof, shall be
31 deposited in the Wildlife and Fish Fund in the State Treasury;
32 \$1 of such fee shall be deposited in the State Police Services
33 Fund ~~General Revenue Fund in the State Treasury~~ and \$1 of such
34 fee shall be deposited in the Firearm Owner's Notification
35 Fund. Monies in the Firearm Owner's Notification Fund shall be

1 used exclusively to pay for the cost of sending notices of
2 expiration of Firearm Owner's Identification Cards under
3 Section 13.2 of this Act. Excess monies in the Firearm Owner's
4 Notification Fund shall be used to ensure the prompt and
5 efficient processing of applications received under Section 4
6 of this Act.

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

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

10 (720 ILCS 5/24-11 new)

11 Sec. 24-11. Home rule preemption.

12 (a) The provisions of any ordinance or resolution adopted
13 before, on, or after the effective date of this amendatory Act
14 of the 94th General Assembly by any unit of local government
15 that imposes restrictions or limitations on the acquisition,
16 possession, transportation, storage, purchase, sale, or other
17 dealing in firearms and ammunition, components, accessories,
18 and accoutrements of firearms in a manner other than those that
19 are imposed by Sections 24-1.1, 24-1.5, 24-3, 24-3.1, 24-3.2,
20 24-3.4, 24-3.5 or 24-9 of this Act are invalid, except as
21 authorized by this Section, and all those existing ordinances
22 and resolutions are void.

23 (b) A unit of local government, including a home rule unit,
24 may not regulate the acquisition, possession, transportation,
25 storage, purchase, sale, or other dealing in firearms, and may
26 not regulate ammunition, components, accessories, or
27 accoutrements for firearms, except as follows:

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

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

33 (c) This Section is a limitation of home rule powers under
34 subsection (h) of Section 6 of Article VII of the Illinois

1 Constitution.

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