

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 Section 3.1 and by adding Section 3.5 as  
6 follows:

7 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

8 Sec. 3.1. Dial up system.

9 (a) The Department of State Police shall provide a dial up  
10 telephone system which shall be used by any federally licensed  
11 firearm dealer who is to transfer a firearm under the  
12 provisions of this Act. The Department of State Police shall  
13 utilize existing technology which allows the caller to be  
14 charged a fee equivalent to the cost of providing this service  
15 but not to exceed \$2. Fees collected by the Department of State  
16 Police shall be deposited in the State Police Services Fund and  
17 used to provide the service.

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

1 valid Firearm Owner's Identification Card.

2 The Department of State Police must act as the Illinois  
3 Point of Contact for the National Instant Criminal Background  
4 Check System.

5 The Department of State Police shall promulgate rules to  
6 implement this system.

7 (b) Upon receiving a request from a law enforcement agency  
8 regarding records maintained within its Firearm Transfer  
9 Inquiry Program, the Department of State Police shall require  
10 in writing, at a minimum, the following information: (i) the  
11 requesting agency name; (ii) the agency case or control number;  
12 (iii) the reason for the request; (iv) the requestor's name and  
13 identification number; (v) the contact information for the  
14 requestor; (vi) the requestor's signature and the date of the  
15 request; (vii) the name and identification number of the  
16 supervisor approving the request; (viii) whether the request is  
17 for information pertaining to a current Firearm Owner's  
18 Identification Card or to all Firearm Owner's Identification  
19 Cards that have been issued to an individual; (ix) a return fax  
20 number; and (x) the Firearm Owner's Identification Card  
21 information relating to the individual for whom an inquiry has  
22 been made.

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

24 (430 ILCS 65/3.5 new)

25 Sec. 3.5. Private transfers of firearms by persons  
26 attending gun shows.

27 (a) To ensure that, prior to any sale or transfer of a  
28 firearm at a gun show in the State of Illinois, a background  
29 check is conducted on the transferor and the transferee of the  
30 firearm, the Department of State Police shall establish a  
31 system which shall be available for requests from individuals  
32 selling or transferring firearms at a gun show, other than a  
33 federally licensed firearms dealer, to conduct background  
34 checks under this system.

35 The Department of State Police shall utilize technology

1 which allows the person to be charged a fee equivalent to the  
2 cost of providing the service. The fee may not exceed \$2,  
3 however. Fees collected by the Department of State Police shall  
4 be deposited in the State Police Services Fund and used to  
5 provide the service.

6 The Department of State Police shall establish a service of  
7 conducting background checks for individuals selling or  
8 transferring firearms at a gun show, other than a federally  
9 licensed firearm dealer. Gun show promoters and other  
10 interested parties shall access the background check system  
11 through a process established by the Department of State  
12 Police.

13 Upon receiving a request from an individual selling or  
14 transferring firearms at a gun show, other than a federally  
15 licensed firearm dealer, the Department of State Police shall  
16 provide, during the initial transferor inquiry, an approval,  
17 denial, or conditional denial of the transfer. The time period  
18 for the Department to respond shall begin at the time the  
19 inquiry is received. When the Department provides a conditional  
20 denial, the transferor shall not transfer the firearm until an  
21 approval is provided by the Department. However, if any  
22 approval or denial is not provided in accordance with Section  
23 24-3 of the Criminal Code of 1961, the transfer may proceed.  
24 Failure of the Department to provide an approval or denial  
25 within the prescribed length of times does not relieve the  
26 transferor from compliance with any other statutory  
27 restrictions on firearm transfers. Regardless of the  
28 requirements of this Section, transactions must comply with all  
29 State and federal firearm laws.

30 (b) Any person who is not a federally licensed firearm  
31 dealer and who desires to transfer or sell a firearm while that  
32 person is on the grounds of a gun show must, prior to the sale  
33 or transfer of the firearm:

34 (1) Request the Department of State Police to conduct a  
35 background check on the transferor and the prospective  
36 transferee of a firearm and shall provide the following

1 information to the Department:

2 (A) A valid Firearm Owner's Identification Card  
3 number of the transferor and transferee.

4 (B) The telephone number of the transferor and  
5 transferee.

6 (C) The type of firearm (long gun or short gun).

7 (2) Receive an approval from the Department of State  
8 Police that, after a background check was conducted,  
9 nothing in the records accessed by the Department shall  
10 prohibit, based on State or federal law, the purchaser from  
11 purchasing or possessing a firearm.

12 (c) From the background check under this Section, the  
13 Department of State Police shall:

14 (1) Determine from records and other information  
15 available to it whether the recipient is disqualified under  
16 State or federal laws from completing the transfer or is  
17 otherwise prohibited by State or federal law from  
18 purchasing or possessing a firearm; and

19 (2) Notify the transferor when a recipient is  
20 disqualified from completing the transfer or provide the  
21 transferor with a unique approval number indicating that  
22 the recipient is qualified to complete the transfer. The  
23 unique approval number is a permit valid for 30 days for  
24 the requested transfer. If the firearm is not transferred  
25 from the transfer to the recipient within 30 days after  
26 receipt of the unique approval number, a new request must  
27 be made by the transferor.

28 (d) The Department of State Police shall provide, during  
29 the initial transferor inquiry, an approval, denial, or  
30 conditional denial of the transfer. The time period for the  
31 Department to respond shall begin at the time the inquiry is  
32 received. When the Department provides a conditional denial,  
33 the transferor shall not transfer the firearm until an approval  
34 is provided by the Department. However, if any approval or  
35 denial is not provided in accordance with Section 24-3 of the  
36 Criminal Code of 1961, the transfer may proceed. Failure of the

1 Department to provide an approval or denial within the  
2 prescribed length of times does not relieve the transferor from  
3 compliance with any other statutory restrictions on firearm  
4 transfers. Regardless of the requirements of this Section,  
5 transactions must comply with all State and federal firearm  
6 laws.

7 (e) A public employee or public agency incurs no criminal  
8 or civil liability for performing the background checks  
9 required by this Section, provided the employee or agency acts  
10 in good faith without malice.

11 (f) A transferor other than a gun dealer may not transfer a  
12 firearm at a gun show unless the transferor:

13 (1) Requests a background check under this Section  
14 prior to completing the transferor;

15 (2) Receives notification that the recipient is  
16 qualified to complete the transfer;

17 (3) Has complied with Section 24-3 of the Criminal Code  
18 of 1961; and

19 (4) Has the recipient complete the form described in  
20 this Section.

21 (g) The transferor shall retain the completed form referred  
22 to in subsection (h) of this Section for at least 10 years and  
23 shall make the completed form available to law enforcement  
24 agencies for the purpose of criminal investigations. A gun show  
25 promoter shall post in a prominent place at the gun show a  
26 notice explaining the requirements of this Section. The gun  
27 show promoter shall provide the form required by subsection (h)  
28 of this Section to any person transferring a firearm at the gun  
29 show.

30 (h) The Department of State Police shall develop a form to  
31 be completed by a person seeking to obtain a firearm at a gun  
32 show from a transferor other than a gun show dealer. The  
33 Department shall consider including in the form all of the  
34 requirements for disclosure of information that are required by  
35 federal law for over-the-counter firearms transactions.

36 (i) Failure to comply with the requirement of this Section

1 is a Class A misdemeanor. Failure to comply with the  
2 requirements of this Section is a Class 2 felony if the person  
3 has 2 or more previous convictions under this Section.

4 (j) In this Section:

5 "Gun show" means an event or function at which the sale and  
6 transfer of firearms is the regular and normal course of  
7 business where:

8 (1) 50 or more firearms are displayed, offered, or  
9 exhibited for sale, transfer, or exchange; or

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

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

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

21 "Gun show promoter" means a person who organizes or  
22 operates a gun show.

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

28 (k) The Department of State Police shall adopt rules to  
29 carry out the provisions of this Section.