



Rep. Ron Stephens

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1 AMENDMENT TO HOUSE BILL 2941

2 AMENDMENT NO. _____. Amend House Bill 2941 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 the title of the Act and Sections 1, 1.1,
6 2, 3, and 3.1 as follows:

7 (430 ILCS 65/Act title)

8 An Act relating to the acquisition, possession and transfer
9 of firearms, ~~and~~ firearm ammunition, stun guns, and tasers, to
10 provide a penalty for the violation thereof and to make an
11 appropriation in connection therewith.

12 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

13 Sec. 1. It is hereby declared as a matter of legislative
14 determination that in order to promote and protect the health,
15 safety and welfare of the public, it is necessary and in the
16 public interest to provide a system of identifying persons who
17 are not qualified to acquire or possess firearms, ~~and~~ firearm
18 ammunition, stun guns, and tasers within the State of Illinois
19 by the establishment of a system of Firearm Owner's
20 Identification Cards, thereby establishing a practical and
21 workable system by which law enforcement authorities will be
22 afforded an opportunity to identify those persons who are
23 prohibited by Section 24--3.1 of the "Criminal Code of 1961",

1 as amended, from acquiring or possessing firearms and firearm
2 ammunition and who are prohibited by this Act from acquiring
3 stun guns and tasers.

4 (Source: Laws 1967, p. 2600.)

5 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

6 Sec. 1.1. For purposes of this Act:

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

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

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

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

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

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

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

33 (1) any ammunition exclusively designed for use with a

1 device used exclusively for signalling or safety and
2 required or recommended by the United States Coast Guard or
3 the Interstate Commerce Commission; and

4 (2) any ammunition designed exclusively for use with a
5 stud or rivet driver or other similar industrial
6 ammunition.

7 "Stun gun or taser" has the meaning ascribed to it in
8 Section 24-1 of the Criminal Code of 1961.

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

10 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

11 Sec. 2. Firearm Owner's Identification Card required;
12 exceptions.

13 (a) (1) No person may acquire or possess any firearm, stun
14 gun, or taser within this State without having in his or
15 her possession a Firearm Owner's Identification Card
16 previously issued in his or her name by the Department of
17 State Police under the provisions of this Act. A person
18 acquiring or possessing a stun gun or taser must present to
19 the transferor of the stun gun or taser such proof as
20 required by the Department of State Police that he or she
21 has completed a course of instruction of at least 4 hours
22 in the use of a stun gun or taser approved by the
23 Department of State Police.

24 (2) No person may acquire or possess firearm ammunition
25 within this State without having in his or her possession a
26 Firearm Owner's Identification Card previously issued in
27 his or her name by the Department of State Police under the
28 provisions of this Act.

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

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

1 (2) Members of the Armed Forces of the United States or
2 the National Guard, while engaged in the operation of their
3 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 and
13 in all other places these persons must have their firearms
14 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 Department of State Police; however,
21 these persons must at all other times and in all other
22 places have their firearms unloaded and enclosed in a case;

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

27 (9) Nonresidents whose firearms are unloaded and
28 enclosed in a case;

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

31 (11) Unemancipated minors while in the custody and
32 immediate control of their parent or legal guardian or
33 other person in loco parentis to the minor if the parent or
34 legal guardian or other person in loco parentis to the

1 minor has a currently valid Firearm Owner's Identification
2 Card;

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

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

16 (14) Resident hunters who are properly authorized to
17 hunt and, while accompanied by a person who possesses a
18 valid Firearm Owner's Identification Card, hunt in an area
19 within a commercial club licensed under the Wildlife Code
20 where hunting is permitted and controlled; and

21 (15) A person who is otherwise eligible to obtain a
22 Firearm Owner's Identification Card under this Act and is
23 under the direct supervision of a holder of a Firearm
24 Owner's Identification Card who is 21 years of age or older
25 while the person is on a firing or shooting range or is a
26 participant in a firearms safety and training course
27 recognized by a law enforcement agency or a national,
28 statewide shooting sports organization.

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

34 (Source: P.A. 91-694, eff. 4-13-00; 92-839, eff. 8-22-02.)

1 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

2 Sec. 3. (a) Except as provided in Section 3a, no person may
3 knowingly transfer, or cause to be transferred, any firearm, ~~or~~
4 ~~any~~ firearm ammunition, stun gun, or taser to any person within
5 this State unless the transferee with whom he deals displays a
6 currently valid Firearm Owner's Identification Card which has
7 previously been issued in his name by the Department of State
8 Police under the provisions of this Act. No person may
9 knowingly transfer, or cause to be transferred, any stun gun or
10 taser unless the transferee presents such proof to the
11 transferor as required by the Department of State Police that
12 the transferee has completed a course of instruction of at
13 least 4 hours in the use of a stun gun or taser approved by the
14 Department of State Police. In addition, all firearm, stun gun,
15 and taser transfers by federally licensed firearm dealers are
16 subject to Section 3.1.

17 (b) Any person within this State who transfers or causes to
18 be transferred any firearm, stun gun, or taser shall keep a
19 record of such transfer for a period of 10 years from the date
20 of transfer. Such record shall contain the date of the
21 transfer; the description, serial number or other information
22 identifying the firearm, stun gun, or taser if no serial number
23 is available; and, if the transfer was completed within this
24 State, the transferee's Firearm Owner's Identification Card
25 number. On demand of a peace officer such transferor shall
26 produce for inspection such record of transfer.

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

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

31 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

32 Sec. 3.1. Dial up system. The Department of State Police

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

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

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

30 The Department of State Police shall promulgate rules to
31 implement this system.

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

33 Section 10. The Criminal Code of 1961 is amended by adding

1 Article 33G as follows:

2 (720 ILCS 5/Art. 33G heading new)

3 ARTICLE 33G. COMMISSION OF OFFENSE WHILE ARMED WITH A STUN GUN
4 OR TASER

5 (720 ILCS 5/33G-5 new)

6 Sec. 33G-5. Stun gun or taser defined. In this Article,
7 "stun gun or taser" has the meaning ascribed to it in Section
8 24-1 of this Code.

9 (720 ILCS 5/33G-10 new)

10 Sec. 33G-10. Commission of offense while armed with a stun
11 gun or taser.

12 (a) A person who commits a criminal offense while armed
13 with a stun gun or taser shall be sentenced for an offense that
14 is one class higher than the offense committed while unarmed or
15 while armed with another weapon. If the offense committed while
16 armed with a stun gun or taser is either a Class X felony or
17 first degree murder for which the death penalty is not imposed,
18 then the defendant shall be sentenced to an extended term
19 sentence for that offense.

20 (b) This Section does not apply if the elements of the
21 offense include the use of a stun gun or taser."