

HB2406



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2406

Introduced 2/4/2025, by Rep. Harry Benton

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3

from Ch. 38, par. 83-3

Amends the Firearm Owners Identification Card Act. Provides that a federally licensed firearm dealer shall, upon the sale or transfer of a firearm to a person whom the dealer reasonably believes to be a first-time purchaser or transferee of a firearm, provide the purchaser or transferee of the firearm with printed or digital information about firearm safety courses available locally or electronically and the safe storage of firearms. Effective immediately.

LRB104 10988 BDA 21070 b

A BILL FOR

1 AN ACT concerning government.

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 as follows:

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

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

1 firearm in accordance with Section 3.1.

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

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

1 (1) transfers that occur at the place of business of a
2 federally licensed firearm dealer, if the federally
3 licensed firearm dealer conducts a background check on the
4 prospective recipient of the firearm in accordance with
5 Section 3.1 of this Act and follows all other applicable
6 federal, State, and local laws as if he or she were the
7 seller or transferor of the firearm, although the dealer
8 is not required to accept the firearm into his or her
9 inventory. The purchaser or transferee may be required by
10 the federally licensed firearm dealer to pay a fee not to
11 exceed \$25 per firearm, which the dealer may retain as
12 compensation for performing the functions required under
13 this paragraph, plus the applicable fees authorized by
14 Section 3.1;

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

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

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

25 (5) the delivery of a firearm by its owner to a
26 gunsmith for service or repair, the return of the firearm

1 to its owner by the gunsmith, or the delivery of a firearm
2 by a gunsmith to a federally licensed firearms dealer for
3 service or repair and the return of the firearm to the
4 gunsmith;

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

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

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

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

20 (a-20) The Illinois State Police shall develop an
21 Internet-based system for individuals to determine the
22 validity of a Firearm Owner's Identification Card prior to the
23 sale or transfer of a firearm. The Illinois State Police shall
24 have the Internet-based system updated and available for use
25 by January 1, 2024. The Illinois State Police shall adopt
26 rules not inconsistent with this Section to implement this

1 system; but no rule shall allow the Illinois State Police to
2 retain records in contravention of State and federal law.

3 (a-25) On or before January 1, 2022, the Illinois State
4 Police shall develop an Internet-based system upon which the
5 serial numbers of firearms that have been reported stolen are
6 available for public access for individuals to ensure any
7 firearms are not reported stolen prior to the sale or transfer
8 of a firearm under this Section. The Illinois State Police
9 shall have the Internet-based system completed and available
10 for use by July 1, 2022. The Illinois State Police shall adopt
11 rules not inconsistent with this Section to implement this
12 system.

13 (a-30) A federally licensed firearm dealer who has
14 received a license under 18 U.S.C. 923, upon the sale or
15 transfer of a firearm to a person whom the dealer reasonably
16 believes to be a first-time purchaser or transferee of a
17 firearm, shall provide the purchaser or transferee of the
18 firearm with printed or digital information about firearm
19 safety courses available locally or electronically and the
20 safe storage of firearms.

21 (b) Any person within this State who transfers or causes
22 to be transferred any firearm, stun gun, or taser shall keep a
23 record of such transfer for a period of 10 years from the date
24 of transfer. Any person within this State who receives any
25 firearm, stun gun, or taser pursuant to subsection (a-10)
26 shall provide a record of the transfer within 10 days of the

1 transfer to a federally licensed firearm dealer and shall not
2 be required to maintain a transfer record. The federally
3 licensed firearm dealer shall maintain the transfer record for
4 20 years from the date of receipt. A federally licensed
5 firearm dealer may charge a fee not to exceed \$25 to retain the
6 record. The record shall be provided and maintained in either
7 an electronic or paper format. The federally licensed firearm
8 dealer shall not be liable for the accuracy of any information
9 in the transfer record submitted pursuant to this Section.
10 Such records shall contain the date of the transfer; the
11 description, serial number or other information identifying
12 the firearm, stun gun, or taser if no serial number is
13 available; and, if the transfer was completed within this
14 State, the transferee's Firearm Owner's Identification Card
15 number and any approval number or documentation provided by
16 the Illinois State Police pursuant to subsection (a-10) of
17 this Section; if the transfer was not completed within this
18 State, the record shall contain the name and address of the
19 transferee. On or after January 1, 2006, the record shall
20 contain the date of application for transfer of the firearm.
21 On demand of a peace officer such transferor shall produce for
22 inspection such record of transfer. For any transfer pursuant
23 to subsection (a-10) of this Section, on the demand of a peace
24 officer, such transferee shall identify the federally licensed
25 firearm dealer maintaining the transfer record. If the
26 transfer or sale took place at a gun show, the record shall

1 include the unique identification number. Failure to record
2 the unique identification number or approval number is a petty
3 offense. For transfers of a firearm, stun gun, or taser made on
4 or after January 18, 2019 (the effective date of Public Act
5 100-1178), failure by the private seller to maintain the
6 transfer records in accordance with this Section, or failure
7 by a transferee pursuant to subsection a-10 of this Section to
8 identify the federally licensed firearm dealer maintaining the
9 transfer record, is a Class A misdemeanor for the first
10 offense and a Class 4 felony for a second or subsequent offense
11 occurring within 10 years of the first offense and the second
12 offense was committed after conviction of the first offense.
13 Whenever any person who has not previously been convicted of
14 any violation of subsection (a-5), the court may grant
15 supervision pursuant to and consistent with the limitations of
16 Section 5-6-1 of the Unified Code of Corrections. A transferee
17 or transferor shall not be criminally liable under this
18 Section provided that he or she provides the Illinois State
19 Police with the transfer records in accordance with procedures
20 established by the Illinois State Police. The Illinois State
21 Police shall establish, by rule, a standard form on its
22 website.

23 (b-5) Any resident may purchase ammunition from a person
24 within or outside of Illinois if shipment is by United States
25 mail or by a private express carrier authorized by federal law
26 to ship ammunition. Any resident purchasing ammunition within

1 or outside the State of Illinois must provide the seller with a
2 copy of his or her valid Firearm Owner's Identification Card
3 or valid concealed carry license and either his or her
4 Illinois driver's license or Illinois State Identification
5 Card prior to the shipment of the ammunition. The ammunition
6 may be shipped only to an address on either of those 2
7 documents.

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. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
12 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.