



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2945

by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/3.1	from Ch. 38, par. 83-3.1

Amends the Firearm Owners Identification Card Act. Removes provisions that a person may not acquire or possess a stun gun or taser within the State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of the Act.

LRB100 10170 RLC 20351 b

1 AN ACT concerning safety.

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 2, 3, and 3.1 as follows:

6 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

7 Sec. 2. Firearm Owner's Identification Card required;
8 exceptions.

9 (a) (1) No person may acquire or possess any firearm,~~stun~~
10 ~~gun, or taser~~ within this State without having in his or her
11 possession a Firearm Owner's Identification Card previously
12 issued in his or her name by the Department of State Police
13 under the provisions of this Act.

14 (2) No person may acquire or possess firearm ammunition
15 within this State without having in his or her possession a
16 Firearm Owner's Identification Card previously issued in his or
17 her name by the Department of State Police under the provisions
18 of this Act.

19 (b) The provisions of this Section regarding the possession
20 of firearms or ~~7~~ firearm ammunition,~~stun guns, and tasers~~ do
21 not apply to:

22 (1) United States Marshals, while engaged in the
23 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;

1 (9) Nonresidents whose firearms are unloaded and
2 enclosed in a case;

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

5 (11) Unemancipated minors while in the custody and
6 immediate control of their parent or legal guardian or
7 other person in loco parentis to the minor if the parent or
8 legal guardian or other person in loco parentis to the
9 minor has a currently valid Firearm Owner's Identification
10 Card;

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

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

24 (14) Resident hunters who are properly authorized to
25 hunt and, while accompanied by a person who possesses a
26 valid Firearm Owner's Identification Card, hunt in an area

1 within a commercial club licensed under the Wildlife Code
2 where hunting is permitted and controlled;

3 (15) A person who is otherwise eligible to obtain a
4 Firearm Owner's Identification Card under this Act and is
5 under the direct supervision of a holder of a Firearm
6 Owner's Identification Card who is 21 years of age or older
7 while the person is on a firing or shooting range or is a
8 participant in a firearms safety and training course
9 recognized by a law enforcement agency or a national,
10 statewide shooting sports organization; and

11 (16) Competitive shooting athletes whose competition
12 firearms are sanctioned by the International Olympic
13 Committee, the International Paralympic Committee, the
14 International Shooting Sport Federation, or USA Shooting
15 in connection with such athletes' training for and
16 participation in shooting competitions at the 2016 Olympic
17 and Paralympic Games and sanctioned test events leading up
18 to the 2016 Olympic and Paralympic Games.

19 (c) The provisions of this Section regarding the
20 acquisition and possession of firearms or ~~7~~ firearm ammunition,
21 ~~stun guns, and tasers~~ do not apply to law enforcement officials
22 of this or any other jurisdiction, while engaged in the
23 operation of their official duties.

24 (c-5) The provisions of paragraphs (1) and (2) of
25 subsection (a) of this Section regarding the possession of
26 firearms and firearm ammunition do not apply to the holder of a

1 valid concealed carry license issued under the Firearm
2 Concealed Carry Act who is in physical possession of the
3 concealed carry license.

4 (d) Any person who becomes a resident of this State, who is
5 not otherwise prohibited from obtaining, possessing, or using a
6 firearm or firearm ammunition, shall not be required to have a
7 Firearm Owner's Identification Card to possess firearms or
8 firearms ammunition until 60 calendar days after he or she
9 obtains an Illinois driver's license or Illinois
10 Identification Card.

11 (Source: P.A. 99-29, eff. 7-10-15.)

12 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

25 (a-5) Any person who is not a federally licensed firearm

1 dealer and who desires to transfer or sell a firearm while that
2 person is on the grounds of a gun show must, before selling or
3 transferring the firearm, request the Department of State
4 Police to conduct a background check on the prospective
5 recipient of the firearm in accordance with Section 3.1.

6 (a-10) Notwithstanding item (2) of subsection (a) of this
7 Section, any person who is not a federally licensed firearm
8 dealer and who desires to transfer or sell a firearm or
9 firearms to any person who is not a federally licensed firearm
10 dealer shall, before selling or transferring the firearms,
11 contact the Department of State Police with the transferee's or
12 purchaser's Firearm Owner's Identification Card number to
13 determine the validity of the transferee's or purchaser's
14 Firearm Owner's Identification Card. This subsection shall not
15 be effective until January 1, 2014. The Department of State
16 Police may adopt rules concerning the implementation of this
17 subsection. The Department of State Police shall provide the
18 seller or transferor an approval number if the purchaser's
19 Firearm Owner's Identification Card is valid. Approvals issued
20 by the Department for the purchase of a firearm pursuant to
21 this subsection are valid for 30 days from the date of issue.

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

24 (1) transfers that occur at the place of business of a
25 federally licensed firearm dealer, if the federally
26 licensed firearm dealer conducts a background check on the

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

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

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

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

22 (5) the delivery of a firearm by its owner to a
23 gunsmith for service or repair, the return of the firearm
24 to its owner by the gunsmith, or the delivery of a firearm
25 by a gunsmith to a federally licensed firearms dealer for
26 service or repair and the return of the firearm to the

1 gunsmith;

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

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

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

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

17 (a-20) The Department of State Police shall develop an
18 Internet-based system for individuals to determine the
19 validity of a Firearm Owner's Identification Card prior to the
20 sale or transfer of a firearm. The Department shall have the
21 Internet-based system completed and available for use by July
22 1, 2015. The Department shall adopt rules not inconsistent with
23 this Section to implement this system.

24 (b) Any person within this State who transfers or causes to
25 be transferred any firearm, ~~stun gun, or taser~~ shall keep a
26 record of such transfer for a period of 10 years from the date

1 of transfer. Such record shall contain the date of the
2 transfer; the description, serial number or other information
3 identifying the firearm, ~~stun gun, or taser~~ if no serial number
4 is available; and, if the transfer was completed within this
5 State, the transferee's Firearm Owner's Identification Card
6 number and any approval number or documentation provided by the
7 Department of State Police pursuant to subsection (a-10) of
8 this Section. On or after January 1, 2006, the record shall
9 contain the date of application for transfer of the firearm. On
10 demand of a peace officer such transferor shall produce for
11 inspection such record of transfer. If the transfer or sale
12 took place at a gun show, the record shall include the unique
13 identification number. Failure to record the unique
14 identification number or approval number is a petty offense.

15 (b-5) Any resident may purchase ammunition from a person
16 within or outside of Illinois if shipment is by United States
17 mail or by a private express carrier authorized by federal law
18 to ship ammunition. Any resident purchasing ammunition within
19 or outside the State of Illinois must provide the seller with a
20 copy of his or her valid Firearm Owner's Identification Card or
21 valid concealed carry license and either his or her Illinois
22 driver's license or Illinois State Identification Card prior to
23 the shipment of the ammunition. The ammunition may be shipped
24 only to an address on either of those 2 documents.

25 (c) The provisions of this Section regarding the transfer
26 of firearm ammunition shall not apply to those persons

1 specified in paragraph (b) of Section 2 of this Act.

2 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15.)

3 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

4 Sec. 3.1. Dial up system.

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

15 (b) Upon receiving a request from a federally licensed
16 firearm dealer, gun show promoter, or gun show vendor, the
17 Department of State Police shall immediately approve, or within
18 the time period established by Section 24-3 of the Criminal
19 Code of 2012 regarding the delivery of firearms, ~~stun guns, and~~
20 ~~tasers~~ notify the inquiring dealer, gun show promoter, or gun
21 show vendor of any objection that would disqualify the
22 transferee from acquiring or possessing a firearm, ~~stun gun, or~~
23 ~~taser~~. In conducting the inquiry, the Department of State
24 Police shall initiate and complete an automated search of its
25 criminal history record information files and those of the

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

8 (c) If receipt of a firearm would not violate Section 24-3
9 of the Criminal Code of 2012, federal law, or this Act the
10 Department of State Police shall:

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

13 (2) provide the licensee, gun show promoter, or gun
14 show vendor with the number.

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

18 (e) (1) The Department of State Police must act as the
19 Illinois Point of Contact for the National Instant Criminal
20 Background Check System.

21 (2) The Department of State Police and the Department of
22 Human Services shall, in accordance with State and federal law
23 regarding confidentiality, enter into a memorandum of
24 understanding with the Federal Bureau of Investigation for the
25 purpose of implementing the National Instant Criminal
26 Background Check System in the State. The Department of State

1 Police shall report the name, date of birth, and physical
2 description of any person prohibited from possessing a firearm
3 pursuant to the Firearm Owners Identification Card Act or 18
4 U.S.C. 922(g) and (n) to the National Instant Criminal
5 Background Check System Index, Denied Persons Files.

6 (3) The Department of State Police shall provide notice of
7 the disqualification of a person under subsection (b) of this
8 Section or the revocation of a person's Firearm Owner's
9 Identification Card under Section 8 or Section 8.2 of this Act,
10 and the reason for the disqualification or revocation, to all
11 law enforcement agencies with jurisdiction to assist with the
12 seizure of the person's Firearm Owner's Identification Card.

13 (f) The Department of State Police shall adopt rules not
14 inconsistent with this Section to implement this system.

15 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)