



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 337

2 AMENDMENT NO. _____. Amend Senate Bill 337, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "ARTICLE 1. COMBATING ILLEGAL GUN TRAFFICKING ACT

6 Section 1-1. References to Act. This Act may be referred
7 to as the Combating Illegal Gun Trafficking Act.

8 ARTICLE 5. FIREARM DEALER LICENSE CERTIFICATION ACT

9 Section 5-1. Short title. This Article 1 may be cited as
10 the Firearm Dealer License Certification Act. References in
11 this Article to "this Act" mean this Article.

12 Section 5-5. Definitions. In this Act:

13 "Certified licensee" means a licensee that has previously

1 certified its license with the Department under this Act.

2 "Department" means the Department of State Police.

3 "Director" means the Director of State Police.

4 "Entity" means any person, firm, corporation, group of
5 individuals, or other legal entity.

6 "Inventory" means firearms in the possession of an
7 individual or entity for the purpose of sale or transfer.

8 "License" means a Federal Firearms License authorizing an
9 individual to engage in the business of dealing firearms.

10 "Licensee" means a person, firm, corporation, or other
11 entity who has been given, and is currently in possession of, a
12 valid Federal Firearms License.

13 "Retail location" means a store or similar location open to
14 the public from which a certified licensee engages in the
15 business of selling, transferring, or facilitating a sale or
16 transfer of a firearm. For purposes of this Act, a gun show at
17 which a certified licensee engages in business from time to
18 time is not a retail location.

19 Section 5-10. Copy of Federal Firearms License filed with
20 the Department. Each licensee shall file with the Department a
21 copy of its license, together with a sworn affidavit indicating
22 that the license presented is in fact its license and that the
23 license is valid. Upon receipt and review by the Department,
24 the Department shall issue a certificate of license to the
25 licensee, allowing the licensee to conduct business within this

1 State. The Department shall issue an initial certificate of
2 license within 30 days of receipt of the copy of license and
3 sworn affidavit.

4 Section 5-15. Certification requirement.

5 (a) Beginning 90 days after the effective date of this Act,
6 it is unlawful for a person or entity to engage in the business
7 of selling, leasing, or otherwise transferring firearms
8 without a valid certificate of license issued under this Act.
9 In the event that a person or entity maintains multiple
10 licenses to engage in different lines of business requiring
11 different licenses at one location, then the licenses shall be
12 deemed one license for purposes of certification. In the event
13 that a person or entity maintains multiple licenses to engage
14 in business at multiple locations, then each license and
15 location must receive its own certification.

16 (b) It is unlawful for a person or entity without first
17 being a certified licensee under this Act to act as if he or
18 she is certified under this Act, to advertise, to assume to act
19 as a certified licensee or to use a title implying that the
20 person or entity is engaged in business as a certified licensee
21 without a license certified under this Act.

22 (c) It is unlawful to obtain or attempt to obtain any
23 certificate of license under this Act by material misstatement
24 or fraudulent misrepresentation. Notwithstanding the
25 provisions of Section 5-85, in addition to any penalty imposed

1 under this Section, any certificate of license obtained under
2 this Act due to material misstatement or fraudulent
3 misrepresentation shall automatically be revoked.

4 (d) A person who violates any provision of this Section is
5 guilty of a Class A misdemeanor for a first violation, and a
6 Class 4 felony for a second or subsequent violation.

7 (e) In addition to any other penalty provided by law, any
8 person or entity who violates any provision of this Section
9 shall pay a civil penalty to the Department in an amount not to
10 exceed \$10,000 for each offense, as determined by the
11 Department. The civil penalty shall be assessed by the
12 Department after a hearing is held in accordance with Sections
13 5-95 and 5-100.

14 (f) The Department has the authority and power to
15 investigate any and all unlicensed activity requiring a license
16 certified under this Act.

17 (g) The civil penalty shall be paid within 60 days after
18 the effective date of the order imposing the civil penalty. The
19 order shall constitute a judgment and may be filed and
20 execution had thereon in the same manner as any judgment from
21 any court of record.

22 (h) In the event the certification of a certified licensee
23 is revoked, it shall be a violation of this Act for the revoked
24 licensee to seek certification of a license held under a
25 different name, or to re-open as a certified licensee under
26 another name using the same license or as the same person or

1 entity doing business under a different name.

2 (i) The Department shall require all of the following
3 information from each applicant for certification under this
4 Act:

5 (1) The name, full business address, and telephone
6 number of the entity. The business address for the entity
7 shall be the complete street address where firearms in the
8 inventory of the entity are regularly stored, shall be
9 located within the State, and may not be a Post Office Box.

10 (2) All trade, business, or assumed names used by the
11 certified licensee.

12 (3) The type of ownership or operation, such as a
13 partnership, corporation, or sole proprietorship.

14 (4) The name of the owner or operator of the
15 dealership, including:

16 (A) if a person, then the name and address of
17 record of the person;

18 (B) if a partnership, then the name and address of
19 record of each partner and the name of the partnership;

20 (C) if a corporation, then the name, address of
21 record, and title of each corporate officer and
22 director, and each owner of more than 5% of the
23 corporation, the corporate names, and the name of the
24 state of incorporation; and

25 (D) if a sole proprietorship, then the full name
26 and address of record of the sole proprietor and the

1 name of the business entity.

2 Section 5-20. Additional licensee requirements.

3 (a) A certified licensee shall make a photo copy of a
4 buyer's or transferee's valid photo identification card
5 whenever a firearm sale transaction takes place. The photo copy
6 shall be attached to the documentation detailing the record of
7 sale.

8 (b) A certified licensee shall post in a conspicuous
9 position on the premises where the licensee conducts business a
10 sign that contains the following warning in block letters not
11 less than one inch in height:

12 "With few exceptions, it is unlawful for you to:

13 (A) store or leave an unsecured firearm in a place
14 where a child can obtain access to it;

15 (B) sell or transfer your firearm to someone else
16 without receiving approval for the transfer from the
17 Department of State Police, or

18 (C) fail to report the loss or theft of your
19 firearm to local law enforcement within 72 hours."

20 (c) No retail location established after the effective date
21 of this Act shall be located within 500 feet of any school,
22 pre-school, or day care facility in existence at its location
23 before the retail location is established.

24 Section 5-25. Exemptions.

1 The provisions of this Act related to the certification of
2 a license do not apply to a person or entity that engages in
3 the following activities:

4 (1) temporary transfers of firearms solely for use at
5 the location or on the premises where the transfer takes
6 place, such as transfers at a shooting range for use at
7 that location;

8 (2) temporary transfers of firearms solely for use
9 while in the presence of the transferor or transfers for
10 the purposes of firearm safety training by a firearms
11 safety training instructor;

12 (3) transfers of firearms among immediate family or
13 household members, as "immediate family or household
14 member" is defined in Section 3-2.7-10 of the Unified Code
15 of Corrections, provided that both the transferor and
16 transferee have a currently valid Firearm Owner's
17 Identification Card; however, this paragraph (3) does not
18 limit the familial gift exemption under paragraph (2) of
19 subsection (a-15) of Section 3 of the Firearm Owners
20 Identification Card Act;

21 (4) transfers by persons or entities acting under
22 operation of law or a court order;

23 (5) transfers by persons or entities liquidating all or
24 part of a collection. For purposes of this paragraph (5),
25 "collection" means 2 or more firearms which are of special
26 interest to collectors by reason of some quality other than

1 is associated with firearms intended for sporting use or as
2 offensive or defensive weapons;

3 (6) transfers of firearms that have been rendered
4 permanently inoperable to a nonprofit historical society,
5 museum, or institutional collection;

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

9 (8) transfers to a State or local law enforcement
10 agency by a person who has his or her Firearm Owner's
11 Identification Card revoked;

12 (9) transfers of curios and relics, as defined under
13 federal law, between collectors licensed under subsection
14 (b) of Section 923 of the federal Gun Control Act of 1968;

15 (10) transfers by a person or entity licensed as an
16 auctioneer under the Auction License Act; or

17 (11) transfers between a pawnshop and a customer which
18 amount to a bailment. For purposes of this paragraph (11),
19 "bailment" means the act of placing property in the custody
20 and control of another, by agreement in which the holder is
21 responsible for the safekeeping and return of the property.

22 Section 5-30. Training of certified licensees. Any
23 certified licensee and any employee of a certified licensee who
24 sells or transfers firearms shall receive at least 2 hours of
25 training annually regarding legal requirements and responsible

1 business practices as applicable to the sale or transfer or
2 firearms. The Department may adopt rules regarding continuing
3 education for certified licensees.

4 Section 5-35. Inspection of licensees' places of business.
5 Licensees shall have their places of business open for
6 inspection by the Department and law enforcement during all
7 hours of operation, provided that the Department or law
8 enforcement may conduct no more than one unannounced inspection
9 per business per year without good cause. Licensees shall make
10 all records, documents, and firearms accessible for inspection
11 upon the request of the Department or law enforcement agency.

12 Section 5-40. Qualifications for operation.

13 (a) Each certified licensee shall submit with each
14 application for certification or renewal an affidavit to the
15 Department stating that each owner, employee, or other agent of
16 the certified licensee who sells or conducts transfers of
17 firearms for the certified licensee is at least 21 years of
18 age, has a currently valid Firearm Owner's Identification Card
19 and, for a renewal, has completed the training required under
20 Section 5-30. The affidavit must also contain the name and
21 Firearm Owner's Identification Card number of each owner,
22 employee, or other agent who sells or conducts transfers of
23 firearms for the certified licensee.

24 (b) In addition to the affidavit required under subsection

1 (a), within 30 days of a new owner, employee, or other agent
2 beginning selling or conducting transfers of firearms for the
3 certified licensee, the certified licensee shall submit an
4 affidavit to the Department stating the date that the new
5 owner, employee, or other agent began selling or conducting
6 transfers of firearms for the certified licensee, and providing
7 the information required in subsection (a) for that new owner,
8 employee, or other agent.

9 (c) Each certified licensee must not have had a license or
10 permit to sell, lease, transfer, purchase, or possess firearms
11 from the federal government or the government of any state or
12 subdivision of any state revoked or suspended for good cause
13 within the preceding 3 years.

14 (d) Applications and affidavits required under this
15 Section are not subject to disclosure by the Department under
16 the Freedom of Information Act.

17 Section 5-45. Issuance of subpoenas. The Department may
18 subpoena and bring before it any person or entity to take oral
19 or written testimony or may compel the production of any books,
20 papers, records, or any other documents that the Department
21 deems relevant or material to an investigation or hearing
22 conducted by the Department in the enforcement of this Act,
23 with the same fees and in the same manner prescribed in civil
24 cases in the courts of this State.

1 Section 5-50. Security system.

2 (a) On or before January 2, 2021, each certified licensee
3 operating a retail location in this State must maintain a video
4 security system and shall maintain video surveillance of
5 critical areas of the business premises, including, but not
6 limited to, all places where firearms are stored, handled,
7 sold, transferred, or carried, and each entrance and exit. A
8 video surveillance system of the certified licensee's retail
9 location may not be installed in a bathroom and may not monitor
10 inside the bathrooms located in the retail location.

11 (b) Each certified licensee operating a retail
12 establishment in this State must post a sign in a conspicuous
13 place at each entrance to the retail location that states in
14 block letters not less than one inch in height: "THESE PREMISES
15 ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED."

16 (c) On or before January 2, 2020, each certified licensee
17 maintaining an inventory of firearms for sale or transfer must
18 be connected to an alarm monitoring system or service that will
19 notify its local law enforcement agency of an unauthorized
20 intrusion into the premises of the licensee where the firearm
21 inventory is maintained.

22 Section 5-55. Safe storage by certified licensees. In
23 addition to adequate locks, exterior lighting, surveillance
24 cameras, alarm systems, and other anti-theft measures and
25 practices, a certified licensee maintaining a retail location

1 shall develop a plan that addresses the safe storage of
2 firearms and ammunition during retail hours and after closing.
3 The certified licensee shall submit its safe storage plan to
4 the Department and the plan shall be deemed approved unless it
5 is rejected by the Department. The Department may reject the
6 plan if it is inadequate. The certified licensee shall submit a
7 corrected plan to the Department within 60 days of notice of an
8 inadequate plan. In the event there are still problems with the
9 corrected plan, the certified licensee shall have 60 days from
10 each notice of an inadequate plan to submit a corrected plan.
11 The Department may reject the corrected plan if it is
12 inadequate. A certified licensee may operate at all times that
13 a plan is on file with the Department, and during times
14 permitted by this Section to prepare and submit corrected
15 plans. That any certified licensee has operated without an
16 approved safe storage plan for more than 60 days shall be
17 grounds for revocation of a certificate of license. The
18 Department may adopt rules regarding the adequacy of a safe
19 storage plan. Safe storage plans required under this Section
20 are not subject to disclosure by the Department under the
21 Freedom of Information Act.

22 Section 5-60. Statewide compliance standards. The
23 Department shall develop a statewide standard for assisting
24 certified licensees in recognizing indicators that would lead a
25 reasonable dealer to refuse sale of a firearm.

1 Section 5-65. Electronic-based recordkeeping. On or before
2 January 2, 2020, each certified licensee shall implement an
3 electronic-based record system to keep track of its changing
4 inventory by updating the make, model, caliber or gauge, and
5 serial number of each firearm that is received or sold by the
6 certified licensee. Retail sales and purchases shall be
7 recorded within 24 hours of the transaction. Shipments of
8 firearms from manufacturers or wholesalers shall be recorded
9 upon the earlier of five business days or with 24 hours of the
10 shipment being unpacked and the firearm placed in inventory.
11 Each certified licensee shall maintain these records for a
12 period of no less than the time period under 27 CFR 478.129 or
13 any subsequent law that regulates the retention of records.

14 Section 5-70. Fees. The Department shall set and collect a
15 fee for each licensee certifying under this Act. The fee may
16 not exceed \$300 for a certified licensee operating without a
17 retail location. The fee may not exceed \$1,500 for any
18 certified licensee operating with a retail location.

19 Section 5-75. Term of license. Each certification shall be
20 valid for the term of the license being certified. A licensee
21 shall certify each new or renewed license. However, the
22 Department is not required to renew a certification if a prior
23 certification has been revoked or suspended.

1 Section 5-80. Retention of records. Each certified
2 licensee shall keep, either in electronic form or hard copy,
3 all inventory records for a period of time no less than the
4 time required under 27 CFR 478.129 or any subsequent law that
5 regulates the retention of records. All video surveillance
6 records, along with any sound recordings obtained from them,
7 shall be kept for a period of not less than 90 days.

8 Section 5-85. Disciplinary sanctions.

9 (a) For violations of this Act not penalized under Section
10 5-15, the Department may refuse to renew or restore, or may
11 reprimand, place on probation, suspend, revoke, or take other
12 disciplinary or non-disciplinary action against any licensee,
13 and may impose a fine commensurate with the severity of the
14 violation not to exceed \$10,000 for each violation for any of
15 the following, consistent with the Protection of Lawful
16 Commerce in Arms Act, 15 U.S.C. 7901 through 7903:

17 (1) Violations of this Act, or any law applicable to
18 the sale or transfer of firearms.

19 (2) A pattern of practice or other behavior which
20 demonstrates incapacity or incompetency to practice under
21 this Act.

22 (3) Aiding or assisting another person in violating any
23 provision of this Act or rules adopted under this Act.

24 (4) Failing, within 60 days, to provide information in

1 response to a written request made by the Department.

2 (5) Conviction of, plea of guilty to, or plea of nolo
3 contendere to any crime that disqualifies the person from
4 obtaining a valid Firearm Owner's Identification Card.

5 (6) Continued practice, although the person has become
6 unfit to practice due to any of the following:

7 (A) Any circumstance that disqualifies the person
8 from obtaining a valid Firearm Owner's Identification
9 Card or concealed carry license.

10 (B) Habitual or excessive use or abuse of drugs
11 defined in law as controlled substances, alcohol, or
12 any other substance that results in the inability to
13 practice with reasonable judgment, skill, or safety.

14 (7) Receiving, directly or indirectly, compensation
15 for any firearms sold or transferred illegally.

16 (8) Discipline by another United States jurisdiction,
17 foreign nation, or governmental agency, if at least one of
18 the grounds for the discipline is the same or substantially
19 equivalent to those set forth in this Act.

20 (9) Violation of any disciplinary order imposed on a
21 licensee by the Department.

22 (10) A finding by the Department that the licensee,
23 after having his or her certified license placed on
24 probationary status, has violated the terms of probation.

25 (11) A fraudulent or material misstatement in the
26 completion of an affirmative obligation or inquiry by law

1 enforcement.

2 (b) All fines imposed under this Section shall be paid
3 within 60 days after the effective date of the final order
4 imposing the fine.

5 Section 5-90. Statute of limitations. No action may be
6 taken under this Act against a person or entity certified under
7 this Act unless the action is commenced within 5 years after
8 the occurrence of the alleged violations. A continuing
9 violation shall be deemed to have occurred on the date when the
10 circumstances last existed that give rise to the alleged
11 violation.

12 Section 5-95. Complaints; investigations; hearings.

13 (a) The Department may investigate the actions of any
14 applicant or of any person or persons holding or claiming to
15 hold a license or registration under this Act.

16 (b) The Department shall, before disciplining a licensee
17 under Section 5-85 or refusing to issue a certificate of
18 license, at least 30 days before the date set for the hearing,
19 (i) notify the accused in writing of the charges made and the
20 time and place for the hearing on the charges, (ii) direct him
21 or her to file a written answer to the charges under oath
22 within 20 days after service, and (iii) inform the licensee
23 that failure to answer will result in a default being entered
24 against the licensee.

1 (c) At the time and place fixed in the notice, the Director
2 or the hearing officer appointed by the Director shall proceed
3 to hear the charges, and the parties or their counsel shall be
4 accorded ample opportunity to present any pertinent
5 statements, testimony, evidence, and arguments. The Director
6 or hearing officer may continue the hearing from time to time.
7 In case the person, after receiving the notice, fails to file
8 an answer, his, her, or its license may, in the discretion of
9 the Director, having first received the recommendation of the
10 Director, be suspended, revoked, or placed on probationary
11 status, or be subject to whatever disciplinary action the
12 Director considers proper, including limiting the scope,
13 nature, or extent of the person's business, or the imposition
14 of a fine, without hearing, if the act or acts charged
15 constitute sufficient grounds for that action under this Act.

16 (d) The written notice and any notice in the subsequent
17 proceeding may be served by certified mail to the licensee's
18 address of record.

19 (e) The Director has the authority to appoint any attorney
20 licensed to practice law in this State to serve as the hearing
21 officer in any action for refusal to issue, restore, or renew a
22 license, or to discipline a licensee. The hearing officer has
23 full authority to conduct the hearing.

24 Section 5-100. Hearing; rehearing.

25 (a) The Director or the hearing officer authorized by the

1 Department shall hear evidence in support of the formal charges
2 and evidence produced by the licensee. At the conclusion of the
3 hearing, the Director shall prepare a written report of his or
4 her findings of fact, conclusions of law, and recommendations.
5 The report shall contain a finding of whether the accused
6 person violated this Act or failed to comply with the
7 conditions required in this Act.

8 (b) At the conclusion of the hearing, a copy of the
9 Director's or hearing officer's report shall be served upon the
10 licensee by the Department, either personally or as provided in
11 this Act, for the service of a notice of hearing. Within 20
12 calendar days after service, the licensee may present to the
13 Department a motion in writing for a rehearing, which shall
14 specify the particular grounds for rehearing. The Department
15 may respond to the motion for rehearing within 20 calendar days
16 after its service on the Department. If no motion for rehearing
17 is filed, then upon the expiration of the time specified for
18 filing such a motion, or upon denial of a motion for rehearing,
19 the Director may enter an order in accordance with his or her
20 recommendations or the recommendations of the hearing officer.
21 If the licensee orders from the reporting service and pays for
22 a transcript of the record within the time for filing a motion
23 for rehearing, the 20-day period within which a motion may be
24 filed shall commence upon the delivery of the transcript to the
25 licensee.

26 (c) All proceedings under this Section are matters of

1 public record and shall be preserved.

2 (d) The licensee may continue to operate during the course
3 of an investigation or hearing, unless the Director finds that
4 the public interest, safety, or welfare requires an emergency
5 action.

6 (e) Upon the suspension or revocation of a certificate of
7 license, the licensee shall surrender the certificate to the
8 Department and, upon failure to do so, the Department shall
9 seize the same. However, when the certification of a certified
10 licensee is suspended, the certified licensee shall not operate
11 as a certified licensee during the period in which the
12 certificate is suspended and, if operating during that period,
13 shall be operating in violation of subsection (a) of Section
14 5-15 of this Act. A person who violates this Section is guilty
15 of a Class A misdemeanor for a first violation, and a Class 4
16 felony for a second or subsequent violation. In addition to any
17 other penalty provided by law, any person or entity who
18 violates this Section shall pay a civil penalty to the
19 Department in an amount not to exceed \$2,500 for the first
20 violation, and a fine not to exceed \$5,000 for a second or
21 subsequent violation.

22 Section 5-105. Restoration of certificate of license after
23 disciplinary proceedings. At any time after the successful
24 completion of a term of indefinite probation, indefinite
25 suspension, or revocation of a certificate of license, the

1 Department may restore it to the licensee, unless, after an
2 investigation and a hearing, the Director determines that
3 restoration is not in the public interest. No person or entity
4 whose certificate of license, card, or authority has been
5 revoked as authorized in this Act may apply for restoration of
6 that certificate of license, card, or authority until such time
7 as provided for in the Civil Administrative Code of Illinois.

8 Section 5-110. Administrative review. All final
9 administrative decisions of the Department are subject to
10 judicial review under Article III of the Code of Civil
11 Procedure. The term "administrative decision" is defined as in
12 Section 3-101 of the Code of Civil Procedure. The proceedings
13 for judicial review shall be commenced in the circuit court of
14 the county in which the party applying for review resides, but
15 if the party is not a resident of this State, the venue shall
16 be in Sangamon County. The Department shall not be required to
17 certify any record to the court, or file any answer in court,
18 or otherwise appear in any court in a judicial review
19 proceeding, unless, and until, the Department has received from
20 the plaintiff payment of the costs of furnishing and certifying
21 the record, which costs shall be determined by the Department.
22 Exhibits shall be certified without cost. Failure on the part
23 of the applicant or licensee to file a receipt in court is
24 grounds for dismissal of the action.

1 Section 5-115. Prima facie proof.

2 (a) An order or a certified copy thereof, over the seal of
3 the Department and purporting to be signed by the Director, is
4 prima facie proof that the signature is that of the Director,
5 and the Director is qualified to act.

6 (b) A certified copy of a record of the Department shall,
7 without further proof, be admitted into evidence in any legal
8 proceeding, and shall be prima facie correct and prima facie
9 evidence of the information contained therein.

10 ARTICLE 10. GUN TRAFFICKING INFORMATION ACT

11 Section 10-1. Short title. This Article 5 may be cited as
12 the Gun Trafficking Information Act. References in this Article
13 to "this Act" mean this Article.

14 Section 10-5. Gun trafficking information.

15 (a) The Department of State Police shall use all reasonable
16 efforts in making publicly available, on a regular and ongoing
17 basis, key information related to firearms used in the
18 commission of crimes in this State, including, but not limited
19 to: reports on crimes committed with firearms, locations where
20 the crimes occurred, the number of persons killed or injured in
21 the commission of the crimes, the state where the firearms used
22 originated, the Federal Firearms Licensee that sold the
23 firearm, and the type of firearms used. The Department shall

1 make the information available on its website, in addition to
2 electronically filing a report with the Governor and the
3 General Assembly. The report to the General Assembly shall be
4 filed with the Clerk of the House of Representatives and the
5 Secretary of the Senate in electronic form only, in the manner
6 that the Clerk and the Secretary shall direct.

7 (b) The Department shall study, on a regular and ongoing
8 basis, and compile reports on the number of Firearm Owner's
9 Identification Card checks to determine firearms trafficking
10 or straw purchase patterns. The Department shall, to the extent
11 not inconsistent with law, share such reports and underlying
12 data with academic centers, foundations, and law enforcement
13 agencies studying firearms trafficking, provided that
14 personally identifying information is protected. For purposes
15 of this subsection (b), a Firearm Owner's Identification Card
16 number is not personally identifying information, provided
17 that no other personal information of the card holder is
18 attached to the record. The Department may create and attach an
19 alternate unique identifying number to each Firearm Owner's
20 Identification Card number, instead of releasing the Firearm
21 Owner's Identification Card number itself.

22 (c) Each department, office, division, and agency of this
23 State shall, to the extent not inconsistent with law, cooperate
24 fully with the Department and furnish the Department with all
25 relevant information and assistance on a timely basis as is
26 necessary to accomplish the purpose of this Act. The Illinois

1 Criminal Justice Information Authority shall submit the
2 information required in subsection (a) of this Section to the
3 Department of State Police, and any other information as the
4 Department may request, to assist the Department in carrying
5 out its duties under this Act.

6 ARTICLE 15. AMENDATORY PROVISIONS

7 Section 15-5. The Firearm Owners Identification Card Act is
8 amended by changing Section 3 as follows:

9 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

22 (a-5) Any person who is not a federally licensed firearm
23 dealer and who desires to transfer or sell a firearm while that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 transfer; the description, serial number or other information
2 identifying the firearm, stun gun, or taser if no serial number
3 is available; and, if the transfer was completed within this
4 State, the transferee's Firearm Owner's Identification Card
5 number and any approval number or documentation provided by the
6 Department of State Police pursuant to subsection (a-10) of
7 this Section; if the transfer was not completed within this
8 State, the record shall contain the name and address of the
9 transferee. On or after January 1, 2006, the record shall
10 contain the date of application for transfer of the firearm. On
11 demand of a peace officer such transferor shall produce for
12 inspection such record of transfer. If the transfer or sale
13 took place at a gun show, the record shall include the unique
14 identification number. Failure to record the unique
15 identification number or approval number is a petty offense.
16 Failure by the private seller to maintain the transfer records
17 in accordance with this Section is a Class A misdemeanor for
18 the first offense and a Class 4 felony for a second or
19 subsequent offense.

20 (b-5) Any resident may purchase ammunition from a person
21 within or outside of Illinois if shipment is by United States
22 mail or by a private express carrier authorized by federal law
23 to ship ammunition. Any resident purchasing ammunition within
24 or outside the State of Illinois must provide the seller with a
25 copy of his or her valid Firearm Owner's Identification Card or
26 valid concealed carry license and either his or her Illinois

1 driver's license or Illinois State Identification Card prior to
2 the shipment of the ammunition. The ammunition may be shipped
3 only to an address on either of those 2 documents.

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

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

8 ARTICLE 20. SEVERABILITY

9 Section 20-97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes."