



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2253

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

See Index

Amends the Firearm Owners Identification Card Act. Provides that no person may acquire or possess an unfinished frame or receiver, unless otherwise exempted under the Act, 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. Creates a new Article in the Criminal Code of 2012 for offenses regarding undetectable and untraceable firearms. Provides that a person commits unlawful manufacture of an undetectable firearm if he or she knowingly manufactures, assembles, sells, offers to sell, or transfers an undetectable firearm. Unlawful manufacture of an undetectable firearm is a Class 2 felony. Provides that a person commits unlawful possession of an undetectable firearm if he or she knowingly possesses an undetectable firearm. Unlawful possession of an undetectable firearm is a Class 2 felony. Provides that a person also commits unlawful possession of an undetectable firearm if he or she knowingly possesses an undetectable firearm in a public building or possess an undetectable firearm with the intent to bring the undetectable firearm into or onto a public building. This offense is a Class 2 felony. Defines terms. Makes other changes.

LRB101 08526 SLF 53604 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 1. This Act may be cited as the Undetectable and
5 Untraceable Firearms Act.

6 Section 5. The Firearm Owners Identification Card Act is
7 amended by changing Sections 1, 1.1, 2, 3, 3.1, and 12 as
8 follows:

9 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

10 Sec. 1. It is hereby declared as a matter of legislative
11 determination that in order to promote and protect the health,
12 safety and welfare of the public, it is necessary and in the
13 public interest to provide a system of identifying persons who
14 are not qualified to acquire or possess firearms, firearm
15 ammunition, unfinished frame or receiver, stun guns, and tasers
16 within the State of Illinois by the establishment of a system
17 of Firearm Owner's Identification Cards, thereby establishing
18 a practical and workable system by which law enforcement
19 authorities will be afforded an opportunity to identify those
20 persons who are prohibited by Section 24-3.1 of the Criminal
21 Code of 2012, from acquiring or possessing firearms and firearm
22 ammunition and who are prohibited by this Act from acquiring

1 stun guns and tasers.

2 (Source: P.A. 97-1150, eff. 1-25-13.)

3 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

4 Sec. 1.1. In ~~For purposes of~~ this Act:

5 "Addicted to narcotics" means a person who has been:

6 (1) convicted of an offense involving the use or
7 possession of cannabis, a controlled substance, or
8 methamphetamine within the past year; or

9 (2) determined by the Department of State Police to be
10 addicted to narcotics based upon federal law or federal
11 guidelines.

12 "Addicted to narcotics" does not include possession or use
13 of a prescribed controlled substance under the direction and
14 authority of a physician or other person authorized to
15 prescribe the controlled substance when the controlled
16 substance is used in the prescribed manner.

17 "Adjudicated as a person with a mental disability" means
18 the person is the subject of a determination by a court, board,
19 commission or other lawful authority that the person, as a
20 result of marked subnormal intelligence, or mental illness,
21 mental impairment, incompetency, condition, or disease:

22 (1) presents a clear and present danger to himself,
23 herself, or to others;

24 (2) lacks the mental capacity to manage his or her own
25 affairs or is adjudicated a person with a disability as

1 defined in Section 11a-2 of the Probate Act of 1975;

2 (3) is not guilty in a criminal case by reason of
3 insanity, mental disease or defect;

4 (3.5) is guilty but mentally ill, as provided in
5 Section 5-2-6 of the Unified Code of Corrections;

6 (4) is incompetent to stand trial in a criminal case;

7 (5) is not guilty by reason of lack of mental
8 responsibility under Articles 50a and 72b of the Uniform
9 Code of Military Justice, 10 U.S.C. 850a, 876b;

10 (6) is a sexually violent person under subsection (f)
11 of Section 5 of the Sexually Violent Persons Commitment
12 Act;

13 (7) is a sexually dangerous person under the Sexually
14 Dangerous Persons Act;

15 (8) is unfit to stand trial under the Juvenile Court
16 Act of 1987;

17 (9) is not guilty by reason of insanity under the
18 Juvenile Court Act of 1987;

19 (10) is subject to involuntary admission as an
20 inpatient as defined in Section 1-119 of the Mental Health
21 and Developmental Disabilities Code;

22 (11) is subject to involuntary admission as an
23 outpatient as defined in Section 1-119.1 of the Mental
24 Health and Developmental Disabilities Code;

25 (12) is subject to judicial admission as set forth in
26 Section 4-500 of the Mental Health and Developmental

1 Disabilities Code; or

2 (13) is subject to the provisions of the Interstate
3 Agreements on Sexually Dangerous Persons Act.

4 "Clear and present danger" means a person who:

5 (1) communicates a serious threat of physical violence
6 against a reasonably identifiable victim or poses a clear
7 and imminent risk of serious physical injury to himself,
8 herself, or another person as determined by a physician,
9 clinical psychologist, or qualified examiner; or

10 (2) demonstrates threatening physical or verbal
11 behavior, such as violent, suicidal, or assaultive
12 threats, actions, or other behavior, as determined by a
13 physician, clinical psychologist, qualified examiner,
14 school administrator, or law enforcement official.

15 "Clinical psychologist" has the meaning provided in
16 Section 1-103 of the Mental Health and Developmental
17 Disabilities Code.

18 "Controlled substance" means a controlled substance or
19 controlled substance analog as defined in the Illinois
20 Controlled Substances Act.

21 "Counterfeit" means to copy or imitate, without legal
22 authority, with intent to deceive.

23 "Federally licensed firearm dealer" means a person who is
24 licensed as a federal firearms dealer under Section 923 of the
25 federal Gun Control Act of 1968 (18 U.S.C. 923).

26 "Firearm" means any device, by whatever name known, which

1 is designed to expel a projectile or projectiles by the action
2 of an explosion, expansion of gas or escape of gas; excluding,
3 however:

4 (1) any pneumatic gun, spring gun, paint ball gun, or
5 B-B gun which expels a single globular projectile not
6 exceeding .18 inch in diameter or which has a maximum
7 muzzle velocity of less than 700 feet per second;

8 (1.1) any pneumatic gun, spring gun, paint ball gun, or
9 B-B gun which expels breakable paint balls containing
10 washable marking colors;

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

14 (3) any device used exclusively for the firing of stud
15 cartridges, explosive rivets or similar industrial
16 ammunition; and

17 (4) an antique firearm (other than a machine-gun)
18 which, although designed as a weapon, the Department of
19 State Police finds by reason of the date of its
20 manufacture, value, design, and other characteristics is
21 primarily a collector's item and is not likely to be used
22 as a weapon.

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

26 (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 "Gun show" means an event or function:

8 (1) at which the sale and transfer of firearms is the
9 regular and normal course of business and where 50 or more
10 firearms are displayed, offered, or exhibited for sale,
11 transfer, or exchange; or

12 (2) at which not less than 10 gun show vendors display,
13 offer, or exhibit for sale, sell, transfer, or exchange
14 firearms.

15 "Gun show" includes the entire premises provided for an
16 event or function, including parking areas for the event or
17 function, that is sponsored to facilitate the purchase, sale,
18 transfer, or exchange of firearms as described in this Section.
19 Nothing in this definition shall be construed to exclude a gun
20 show held in conjunction with competitive shooting events at
21 the World Shooting Complex sanctioned by a national governing
22 body in which the sale or transfer of firearms is authorized
23 under subparagraph (5) of paragraph (g) of subsection (A) of
24 Section 24-3 of the Criminal Code of 2012.

25 Unless otherwise expressly stated, "gun show" does not
26 include training or safety classes, competitive shooting

1 events, such as rifle, shotgun, or handgun matches, trap,
2 skeet, or sporting clays shoots, dinners, banquets, raffles, or
3 any other event where the sale or transfer of firearms is not
4 the primary course of business.

5 "Gun show promoter" means a person who organizes or
6 operates a gun show.

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

12 "Involuntarily admitted" has the meaning as prescribed in
13 Sections 1-119 and 1-119.1 of the Mental Health and
14 Developmental Disabilities Code.

15 "Mental health facility" means any licensed private
16 hospital or hospital affiliate, institution, or facility, or
17 part thereof, and any facility, or part thereof, operated by
18 the State or a political subdivision thereof which provide
19 treatment of persons with mental illness and includes all
20 hospitals, institutions, clinics, evaluation facilities,
21 mental health centers, colleges, universities, long-term care
22 facilities, and nursing homes, or parts thereof, which provide
23 treatment of persons with mental illness whether or not the
24 primary purpose is to provide treatment of persons with mental
25 illness.

26 "National governing body" means a group of persons who

1 adopt rules and formulate policy on behalf of a national
2 firearm sporting organization.

3 "Patient" means:

4 (1) a person who is admitted as an inpatient or
5 resident of a public or private mental health facility for
6 mental health treatment under Chapter III of the Mental
7 Health and Developmental Disabilities Code as an informal
8 admission, a voluntary admission, a minor admission, an
9 emergency admission, or an involuntary admission, unless
10 the treatment was solely for an alcohol abuse disorder; or

11 (2) a person who voluntarily or involuntarily receives
12 mental health treatment as an out-patient or is otherwise
13 provided services by a public or private mental health
14 facility, and who poses a clear and present danger to
15 himself, herself, or to others.

16 "Person with a developmental disability" means a person
17 with a disability which is attributable to any other condition
18 which results in impairment similar to that caused by an
19 intellectual disability and which requires services similar to
20 those required by persons with intellectual disabilities. The
21 disability must originate before the age of 18 years, be
22 expected to continue indefinitely, and constitute a
23 substantial disability. This disability results, in the
24 professional opinion of a physician, clinical psychologist, or
25 qualified examiner, in significant functional limitations in 3
26 or more of the following areas of major life activity:

- 1 (i) self-care;
- 2 (ii) receptive and expressive language;
- 3 (iii) learning;
- 4 (iv) mobility; or
- 5 (v) self-direction.

6 "Person with an intellectual disability" means a person
7 with a significantly subaverage general intellectual
8 functioning which exists concurrently with impairment in
9 adaptive behavior and which originates before the age of 18
10 years.

11 "Physician" has the meaning as defined in Section 1-120 of
12 the Mental Health and Developmental Disabilities Code.

13 "Qualified examiner" has the meaning provided in Section
14 1-122 of the Mental Health and Developmental Disabilities Code.

15 "Sanctioned competitive shooting event" means a shooting
16 contest officially recognized by a national or state shooting
17 sport association, and includes any sight-in or practice
18 conducted in conjunction with the event.

19 "School administrator" means the person required to report
20 under the School Administrator Reporting of Mental Health Clear
21 and Present Danger Determinations Law.

22 "Stun gun or taser" has the meaning ascribed to it in
23 Section 24-1 of the Criminal Code of 2012.

24 "Unfinished frame or receiver" means a frame or lower
25 receiver blank, casting, or machined body that requires further
26 machining or molding to be used as part of a functional firearm

1 which is designed and intended to be used in the assembly of a
2 functional firearm. "Unfinished frame or receiver" does not
3 include a piece of material that has had: (1) its size or
4 external shape altered solely to facilitate transportation or
5 storage; or (2) solely its chemical composition altered.

6 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
7 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

8 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

9 Sec. 2. Firearm Owner's Identification Card required;
10 exceptions.

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

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

21 (b) The provisions of this Section regarding the possession
22 of firearms, firearm ammunition, stun guns, and tasers do not
23 apply to:

24 (1) United States Marshals, while engaged in the
25 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, 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 (c-10) The provisions of this Section regarding the
5 possession of unfinished frames or receivers do not apply to a
6 federally licensed firearm dealer if:

7 (1) the unfinished frame or receiver is an unfinished
8 part within a manufacturing process that includes
9 serialization where the name of the manufacturer and an
10 individual serial number is conspicuously placed on the
11 unfinished frame or receiver in accordance with the
12 procedures for the serialization of a firearm in 18 U.S.C.
13 923(i) and pertinent regulations, including, but not
14 limited to, 27 CFR 478.92; and

15 (2) the federally licensed firearm dealer maintains
16 records relating to the unfinished frame or receiver in
17 accordance with the procedures for recording keeping
18 related to firearms under 18 U.S.C. 923(g) and all
19 pertinent regulations, including, but not limited to, 27
20 CFR Part 478, Subpart H.

21 (d) Any person who becomes a resident of this State, who is
22 not otherwise prohibited from obtaining, possessing, or using a
23 firearm or firearm ammunition, shall not be required to have a
24 Firearm Owner's Identification Card to possess firearms or
25 firearms ammunition until 60 calendar days after he or she
26 obtains an Illinois driver's license or Illinois

1 Identification Card.

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

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

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

17 (a-5) Any person who is not a federally licensed firearm
18 dealer and who desires to transfer or sell a firearm while that
19 person is on the grounds of a gun show must, before selling or
20 transferring the firearm, request the Department of State
21 Police to conduct a background check on the prospective
22 recipient of the firearm in accordance with Section 3.1.

23 (a-10) Notwithstanding item (2) of subsection (a) of this
24 Section, any person who is not a federally licensed firearm
25 dealer and who desires to transfer or sell a firearm or

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

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

16 (1) transfers that occur at the place of business of a
17 federally licensed firearm dealer, if the federally
18 licensed firearm dealer conducts a background check on the
19 prospective recipient of the firearm in accordance with
20 Section 3.1 of this Act and follows all other applicable
21 federal, State, and local laws as if he or she were the
22 seller or transferor of the firearm, although the dealer is
23 not required to accept the firearm into his or her
24 inventory. The purchaser or transferee may be required by
25 the federally licensed firearm dealer to pay a fee not to
26 exceed \$10 per firearm, which the dealer may retain as

1 compensation for performing the functions required under
2 this paragraph, plus the applicable fees authorized by
3 Section 3.1;

4 (2) transfers as a bona fide gift to the transferor's
5 husband, wife, son, daughter, stepson, stepdaughter,
6 father, mother, stepfather, stepmother, brother, sister,
7 nephew, niece, uncle, aunt, grandfather, grandmother,
8 grandson, granddaughter, father-in-law, mother-in-law,
9 son-in-law, or daughter-in-law;

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

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

14 (5) the delivery of a firearm by its owner to a
15 gunsmith for service or repair, the return of the firearm
16 to its owner by the gunsmith, or the delivery of a firearm
17 by a gunsmith to a federally licensed firearms dealer for
18 service or repair and the return of the firearm to the
19 gunsmith;

20 (6) temporary transfers that occur while in the home of
21 the unlicensed transferee, if the unlicensed transferee is
22 not otherwise prohibited from possessing firearms and the
23 unlicensed transferee reasonably believes that possession
24 of the firearm is necessary to prevent imminent death or
25 great bodily harm to the unlicensed transferee;

26 (7) transfers to a law enforcement or corrections

1 agency or a law enforcement or corrections officer acting
2 within the course and scope of his or her official duties;

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

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

9 (a-20) The Department of State Police shall develop an
10 Internet-based system for individuals to determine the
11 validity of a Firearm Owner's Identification Card prior to the
12 sale or transfer of a firearm. The Department shall have the
13 Internet-based system completed and available for use by July
14 1, 2015. The Department shall adopt rules not inconsistent with
15 this Section to implement this system.

16 (b) Any person within this State who transfers or causes to
17 be transferred any firearm, stun gun, or taser shall keep a
18 record of such transfer for a period of 10 years from the date
19 of transfer. Such record shall contain the date of the
20 transfer; the description, serial number or other information
21 identifying the firearm, stun gun, or taser if no serial number
22 is available; and, if the transfer was completed within this
23 State, the transferee's Firearm Owner's Identification Card
24 number and any approval number or documentation provided by the
25 Department of State Police pursuant to subsection (a-10) of
26 this Section; if the transfer was not completed within this

1 State, the record shall contain the name and address of the
2 transferee. On or after January 1, 2006, the record shall
3 contain the date of application for transfer of the firearm. On
4 demand of a peace officer such transferor shall produce for
5 inspection such record of transfer. If the transfer or sale
6 took place at a gun show, the record shall include the unique
7 identification number. Failure to record the unique
8 identification number or approval number is a petty offense.
9 For transfers of a firearm, stun gun, or taser made on or after
10 the effective date of this amendatory Act of the 100th General
11 Assembly, failure by the private seller to maintain the
12 transfer records in accordance with this Section is a Class A
13 misdemeanor for the first offense and a Class 4 felony for a
14 second or subsequent offense. A transferee shall not be
15 criminally liable under this Section provided that he or she
16 provides the Department of State Police with the transfer
17 records in accordance with procedures established by the
18 Department. The Department shall establish, by rule, a standard
19 form on its website.

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. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

8 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

9 Sec. 3.1. Dial up system.

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

20 (b) Upon receiving a request from a federally licensed
21 firearm dealer, gun show promoter, or gun show vendor, the
22 Department of State Police shall immediately approve, or within
23 the time period established by Section 24-3 of the Criminal
24 Code of 2012 regarding the delivery of firearms, stun guns,
25 unfinished frames or receivers, and tasers notify the inquiring

1 dealer, gun show promoter, or gun show vendor of any objection
2 that would disqualify the transferee from acquiring or
3 possessing a firearm, stun gun, unfinished frame or receiver,
4 or taser. In conducting the inquiry, the Department of State
5 Police shall initiate and complete an automated search of its
6 criminal history record information files and those of the
7 Federal Bureau of Investigation, including the National
8 Instant Criminal Background Check System, and of the files of
9 the Department of Human Services relating to mental health and
10 developmental disabilities to obtain any felony conviction or
11 patient hospitalization information which would disqualify a
12 person from obtaining or require revocation of a currently
13 valid Firearm Owner's Identification Card.

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

17 (1) assign a unique identification number to the
18 transfer; and

19 (2) provide the licensee, gun show promoter, or gun
20 show vendor with the number.

21 (d) Approvals issued by the Department of State Police for
22 the purchase of a firearm are valid for 30 days from the date
23 of issue.

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

1 (2) The Department of State Police and the Department of
2 Human Services shall, in accordance with State and federal law
3 regarding confidentiality, enter into a memorandum of
4 understanding with the Federal Bureau of Investigation for the
5 purpose of implementing the National Instant Criminal
6 Background Check System in the State. The Department of State
7 Police shall report the name, date of birth, and physical
8 description of any person prohibited from possessing a firearm
9 pursuant to the Firearm Owners Identification Card Act or 18
10 U.S.C. 922(g) and (n) to the National Instant Criminal
11 Background Check System Index, Denied Persons Files.

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

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

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

22 (430 ILCS 65/12) (from Ch. 38, par. 83-12)

23 Sec. 12. The provisions of this Act shall not apply to the
24 passing or transfer of any firearm, ~~or~~ firearm ammunition, or
25 unfinished frame or receiver upon the death of the owner

1 thereof to his or her heir or legatee or to the passing or
2 transfer of any firearm or firearm ammunition incident to any
3 legal proceeding or action until 60 days after such passing or
4 transfer.

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

6 Section 110. The Criminal Code of 2012 is amended by
7 changing Section 24-3 and by adding Article 24.3 as follows:

8 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

9 Sec. 24-3. Unlawful sale or delivery of firearms.

10 (A) A person commits the offense of unlawful sale or
11 delivery of firearms when he or she knowingly does any of the
12 following:

13 (a) Sells or gives any firearm of a size which may be
14 concealed upon the person to any person under 18 years of
15 age.

16 (b) Sells or gives any firearm to a person under 21
17 years of age who has been convicted of a misdemeanor other
18 than a traffic offense or adjudged delinquent.

19 (c) Sells or gives any firearm to any narcotic addict.

20 (d) Sells or gives any firearm to any person who has
21 been convicted of a felony under the laws of this or any
22 other jurisdiction.

23 (e) Sells or gives any firearm to any person who has
24 been a patient in a mental institution within the past 5

1 years. In this subsection (e):

2 "Mental institution" means any hospital,
3 institution, clinic, evaluation facility, mental
4 health center, or part thereof, which is used primarily
5 for the care or treatment of persons with mental
6 illness.

7 "Patient in a mental institution" means the person
8 was admitted, either voluntarily or involuntarily, to
9 a mental institution for mental health treatment,
10 unless the treatment was voluntary and solely for an
11 alcohol abuse disorder and no other secondary
12 substance abuse disorder or mental illness.

13 (f) Sells or gives any firearms to any person who is a
14 person with an intellectual disability.

15 (g) Delivers any firearm or unfinished frame or
16 receiver, incidental to a sale, without withholding
17 delivery of the firearm or unfinished frame or receiver for
18 at least 72 hours after application for its purchase has
19 been made, or delivers a stun gun or taser, incidental to a
20 sale, without withholding delivery of the stun gun or taser
21 for at least 24 hours after application for its purchase
22 has been made. However, this paragraph (g) does not apply
23 to: (1) the sale of a firearm to a law enforcement officer
24 if the seller of the firearm knows that the person to whom
25 he or she is selling the firearm is a law enforcement
26 officer or the sale of a firearm to a person who desires to

1 purchase a firearm for use in promoting the public interest
2 incident to his or her employment as a bank guard, armed
3 truck guard, or other similar employment; (2) a mail order
4 sale of a firearm from a federally licensed firearms dealer
5 to a nonresident of Illinois under which the firearm is
6 mailed to a federally licensed firearms dealer outside the
7 boundaries of Illinois; (3) (blank); (4) the sale of a
8 firearm or unfinished frame or receiver to a dealer
9 licensed as a federal firearms dealer under Section 923 of
10 the federal Gun Control Act of 1968 (18 U.S.C. 923); or (5)
11 the transfer or sale of any rifle, shotgun, or other long
12 gun to a resident registered competitor or attendee or
13 non-resident registered competitor or attendee by any
14 dealer licensed as a federal firearms dealer under Section
15 923 of the federal Gun Control Act of 1968 at competitive
16 shooting events held at the World Shooting Complex
17 sanctioned by a national governing body. For purposes of
18 transfers or sales under subparagraph (5) of this paragraph
19 (g), the Department of Natural Resources shall give notice
20 to the Department of State Police at least 30 calendar days
21 prior to any competitive shooting events at the World
22 Shooting Complex sanctioned by a national governing body.
23 The notification shall be made on a form prescribed by the
24 Department of State Police. The sanctioning body shall
25 provide a list of all registered competitors and attendees
26 at least 24 hours before the events to the Department of

1 State Police. Any changes to the list of registered
2 competitors and attendees shall be forwarded to the
3 Department of State Police as soon as practicable. The
4 Department of State Police must destroy the list of
5 registered competitors and attendees no later than 30 days
6 after the date of the event. Nothing in this paragraph (g)
7 relieves a federally licensed firearm dealer from the
8 requirements of conducting a NICS background check through
9 the Illinois Point of Contact under 18 U.S.C. 922(t). For
10 purposes of this paragraph (g), "application" means when
11 the buyer and seller reach an agreement to purchase a
12 firearm. For purposes of this paragraph (g), "national
13 governing body" means a group of persons who adopt rules
14 and formulate policy on behalf of a national firearm
15 sporting organization.

16 (h) While holding any license as a dealer, importer,
17 manufacturer or pawnbroker under the federal Gun Control
18 Act of 1968, manufactures, sells or delivers to any
19 unlicensed person a handgun having a barrel, slide, frame
20 or receiver which is a die casting of zinc alloy or any
21 other nonhomogeneous metal which will melt or deform at a
22 temperature of less than 800 degrees Fahrenheit. For
23 purposes of this paragraph, (1) "firearm" is defined as in
24 the Firearm Owners Identification Card Act; and (2)
25 "handgun" is defined as a firearm designed to be held and
26 fired by the use of a single hand, and includes a

1 combination of parts from which such a firearm can be
2 assembled.

3 (i) Sells or gives a firearm of any size to any person
4 under 18 years of age who does not possess a valid Firearm
5 Owner's Identification Card.

6 (j) Sells or gives a firearm while engaged in the
7 business of selling firearms at wholesale or retail without
8 being licensed as a federal firearms dealer under Section
9 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
10 In this paragraph (j):

11 A person "engaged in the business" means a person who
12 devotes time, attention, and labor to engaging in the
13 activity as a regular course of trade or business with the
14 principal objective of livelihood and profit, but does not
15 include a person who makes occasional repairs of firearms
16 or who occasionally fits special barrels, stocks, or
17 trigger mechanisms to firearms.

18 "With the principal objective of livelihood and
19 profit" means that the intent underlying the sale or
20 disposition of firearms is predominantly one of obtaining
21 livelihood and pecuniary gain, as opposed to other intents,
22 such as improving or liquidating a personal firearms
23 collection; however, proof of profit shall not be required
24 as to a person who engages in the regular and repetitive
25 purchase and disposition of firearms for criminal purposes
26 or terrorism.

1 (k) Sells or transfers ownership of a firearm to a
2 person who does not display to the seller or transferor of
3 the firearm either: (1) a currently valid Firearm Owner's
4 Identification Card that has previously been issued in the
5 transferee's name by the Department of State Police under
6 the provisions of the Firearm Owners Identification Card
7 Act; or (2) a currently valid license to carry a concealed
8 firearm that has previously been issued in the transferee's
9 name by the Department of State Police under the Firearm
10 Concealed Carry Act. This paragraph (k) does not apply to
11 the transfer of a firearm to a person who is exempt from
12 the requirement of possessing a Firearm Owner's
13 Identification Card under Section 2 of the Firearm Owners
14 Identification Card Act. For the purposes of this Section,
15 a currently valid Firearm Owner's Identification Card
16 means (i) a Firearm Owner's Identification Card that has
17 not expired or (ii) an approval number issued in accordance
18 with subsection (a-10) of subsection 3 or Section 3.1 of
19 the Firearm Owners Identification Card Act shall be proof
20 that the Firearm Owner's Identification Card was valid.

21 (1) In addition to the other requirements of this
22 paragraph (k), all persons who are not federally
23 licensed firearms dealers must also have complied with
24 subsection (a-10) of Section 3 of the Firearm Owners
25 Identification Card Act by determining the validity of
26 a purchaser's Firearm Owner's Identification Card.

1 (2) All sellers or transferors who have complied
2 with the requirements of subparagraph (1) of this
3 paragraph (k) shall not be liable for damages in any
4 civil action arising from the use or misuse by the
5 transferee of the firearm transferred, except for
6 willful or wanton misconduct on the part of the seller
7 or transferor.

8 (1) Not being entitled to the possession of a firearm,
9 delivers the firearm, knowing it to have been stolen or
10 converted. It may be inferred that a person who possesses a
11 firearm with knowledge that its serial number has been
12 removed or altered has knowledge that the firearm is stolen
13 or converted.

14 (B) Paragraph (h) of subsection (A) does not include
15 firearms sold within 6 months after enactment of Public Act
16 78-355 (approved August 21, 1973, effective October 1, 1973),
17 nor is any firearm legally owned or possessed by any citizen or
18 purchased by any citizen within 6 months after the enactment of
19 Public Act 78-355 subject to confiscation or seizure under the
20 provisions of that Public Act. Nothing in Public Act 78-355
21 shall be construed to prohibit the gift or trade of any firearm
22 if that firearm was legally held or acquired within 6 months
23 after the enactment of that Public Act.

24 (C) Sentence.

25 (1) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (c), (e), (f), (g),

1 or (h) of subsection (A) commits a Class 4 felony.

2 (2) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (b) or (i) of
4 subsection (A) commits a Class 3 felony.

5 (3) Any person convicted of unlawful sale or delivery
6 of firearms in violation of paragraph (a) of subsection (A)
7 commits a Class 2 felony.

8 (4) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (a), (b), or (i) of
10 subsection (A) in any school, on the real property
11 comprising a school, within 1,000 feet of the real property
12 comprising a school, at a school related activity, or on or
13 within 1,000 feet of any conveyance owned, leased, or
14 contracted by a school or school district to transport
15 students to or from school or a school related activity,
16 regardless of the time of day or time of year at which the
17 offense was committed, commits a Class 1 felony. Any person
18 convicted of a second or subsequent violation of unlawful
19 sale or delivery of firearms in violation of paragraph (a),
20 (b), or (i) of subsection (A) in any school, on the real
21 property comprising a school, within 1,000 feet of the real
22 property comprising a school, at a school related activity,
23 or on or within 1,000 feet of any conveyance owned, leased,
24 or contracted by a school or school district to transport
25 students to or from school or a school related activity,
26 regardless of the time of day or time of year at which the

1 offense was committed, commits a Class 1 felony for which
2 the sentence shall be a term of imprisonment of no less
3 than 5 years and no more than 15 years.

4 (5) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (a) or (i) of
6 subsection (A) in residential property owned, operated, or
7 managed by a public housing agency or leased by a public
8 housing agency as part of a scattered site or mixed-income
9 development, in a public park, in a courthouse, on
10 residential property owned, operated, or managed by a
11 public housing agency or leased by a public housing agency
12 as part of a scattered site or mixed-income development, on
13 the real property comprising any public park, on the real
14 property comprising any courthouse, or on any public way
15 within 1,000 feet of the real property comprising any
16 public park, courthouse, or residential property owned,
17 operated, or managed by a public housing agency or leased
18 by a public housing agency as part of a scattered site or
19 mixed-income development commits a Class 2 felony.

20 (6) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (j) of subsection (A)
22 commits a Class A misdemeanor. A second or subsequent
23 violation is a Class 4 felony.

24 (7) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (k) of subsection (A)
26 commits a Class 4 felony, except that a violation of

1 subparagraph (1) of paragraph (k) of subsection (A) shall
2 not be punishable as a crime or petty offense. A third or
3 subsequent conviction for a violation of paragraph (k) of
4 subsection (A) is a Class 1 felony.

5 (8) A person 18 years of age or older convicted of
6 unlawful sale or delivery of firearms in violation of
7 paragraph (a) or (i) of subsection (A), when the firearm
8 that was sold or given to another person under 18 years of
9 age was used in the commission of or attempt to commit a
10 forcible felony, shall be fined or imprisoned, or both, not
11 to exceed the maximum provided for the most serious
12 forcible felony so committed or attempted by the person
13 under 18 years of age who was sold or given the firearm.

14 (9) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (d) of subsection (A)
16 commits a Class 3 felony.

17 (10) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (l) of subsection (A)
19 commits a Class 2 felony if the delivery is of one firearm.
20 Any person convicted of unlawful sale or delivery of
21 firearms in violation of paragraph (l) of subsection (A)
22 commits a Class 1 felony if the delivery is of not less
23 than 2 and not more than 5 firearms at the same time or
24 within a one year period. Any person convicted of unlawful
25 sale or delivery of firearms in violation of paragraph (l)
26 of subsection (A) commits a Class X felony for which he or

1 she shall be sentenced to a term of imprisonment of not
2 less than 6 years and not more than 30 years if the
3 delivery is of not less than 6 and not more than 10
4 firearms at the same time or within a 2 year period. Any
5 person convicted of unlawful sale or delivery of firearms
6 in violation of paragraph (1) of subsection (A) commits a
7 Class X felony for which he or she shall be sentenced to a
8 term of imprisonment of not less than 6 years and not more
9 than 40 years if the delivery is of not less than 11 and
10 not more than 20 firearms at the same time or within a 3
11 year period. Any person convicted of unlawful sale or
12 delivery of firearms in violation of paragraph (1) of
13 subsection (A) commits a Class X felony for which he or she
14 shall be sentenced to a term of imprisonment of not less
15 than 6 years and not more than 50 years if the delivery is
16 of not less than 21 and not more than 30 firearms at the
17 same time or within a 4 year period. Any person convicted
18 of unlawful sale or delivery of firearms in violation of
19 paragraph (1) of subsection (A) commits a Class X felony
20 for which he or she shall be sentenced to a term of
21 imprisonment of not less than 6 years and not more than 60
22 years if the delivery is of 31 or more firearms at the same
23 time or within a 5 year period.

24 (D) In ~~For purposes of~~ this Section:

25 "School" means a public or private elementary or secondary
26 school, community college, college, or university.

1 "School related activity" means any sporting, social,
2 academic, or other activity for which students' attendance or
3 participation is sponsored, organized, or funded in whole or in
4 part by a school or school district.

5 (E) A prosecution for a violation of paragraph (k) of
6 subsection (A) of this Section may be commenced within 6 years
7 after the commission of the offense. A prosecution for a
8 violation of this Section other than paragraph (g) of
9 subsection (A) of this Section may be commenced within 5 years
10 after the commission of the offense defined in the particular
11 paragraph.

12 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
13 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

14 (720 ILCS 5/Art. 24.3 heading new)

15 ARTICLE 24.3. UNDETECTABLE AND UNTRACEABLE FIREARMS

16 (720 ILCS 5/24.3-1 new)

17 Sec. 24.3-1. Definitions. In this Article:

18 "Additive manufacturing" means a manufacturing process in
19 which the material is added in order to produce the product,
20 including, but not limited to, three-dimensional printing, in
21 which layers of material are laid down in succession.

22 "Downloadable firearm" means a firearm manufactured or
23 produced using additive manufacturing.

24 "Downloadable firearm code" means digital instructions in

1 the form of computer-aided design files or other code or
2 instructions stored and displayed in an electronic format as a
3 digital model that may be used to manufacture or produce a
4 firearm, firearm receiver, magazine, or firearm component
5 using additive manufacturing.

6 "Unfinished frame or receiver" has the same meaning
7 ascribed to the term in Section 1.1 of the Firearm Owners
8 Identification Card Act.

9 "Undetectable firearm" means a firearm that can operate
10 while in a form that is not detectable as the security exemplar
11 as defined in 18 U.S.C. 922 (p) (2) (C).

12 "Untraceable firearm" means an un-serialized downloadable
13 firearm or an un-serialized firearm manufactured, assembled,
14 or produced using an unfinished frame or receiver.

15 (720 ILCS 5/24.3-2 new)

16 Sec. 24.3-2. Unlawful manufacture of an undetectable
17 firearm.

18 (a) A person commits unlawful manufacture of an
19 undetectable firearm if he or she knowingly manufactures,
20 assembles, sells, offers to sell, or transfers an undetectable
21 firearm.

22 (b) Sentence. Unlawful manufacture of an undetectable
23 firearm is a Class 2 felony.

24 (720 ILCS 5/24.3-3 new)

1 Sec. 24.3-3. Unlawful possession of an undetectable
2 firearm.

3 (a) A person commits unlawful possession of an undetectable
4 firearm if he or she knowingly possesses an undetectable
5 firearm.

6 (b) A person commits unlawful possession of an undetectable
7 firearm if he or she knowingly possesses an undetectable
8 firearm in a public building or possess an undetectable firearm
9 with the intent to bring the undetectable firearm into or onto
10 a public building.

11 (c) Sentence. Unlawful possession of an undetectable
12 firearm is a Class 2 felony.

13 (720 ILCS 5/24.3-4 new)

14 Sec. 24.3-4. Unlawful manufacture of a downloadable
15 firearm.

16 (a) A person commits unlawful manufacture of a downloadable
17 firearm if he or she knowingly manufactures, assembles, sells,
18 offers to sell, or transfers a downloadable firearm unless:

19 (1) the person has a federal license to manufacture
20 firearms;

21 (2) the name of the manufacturer and an individual
22 serial number is conspicuously placed on the frame or
23 receiver in accordance with the procedures for the
24 serialization of a firearm in 18 U.S.C. § 923(i) and all
25 regulations, including, but not limited, to 27 CFR 478.92;

1 and

2 (3) the person maintains records relating to the
3 downloadable firearm under the procedures for
4 recordkeeping related to firearms in 18 U.S.C. 923(g) and
5 all regulations, including, but not limited, to 27 CFR Part
6 478, Subpart H.

7 (b) Sentence. Unlawful manufacture of a downloadable
8 firearm is a Class 2 felony.

9 (720 ILCS 5/24.3-5 new)

10 Sec. 24.3-5. Unlawful distribution of a downloadable
11 firearm code.

12 (a) A person commits unlawful distribution of a
13 downloadable firearm code if he or she knowingly distributes a
14 downloadable firearm code to another person or persons, or
15 makes a downloadable firearm code available that it can be
16 accessed and downloaded by one or more persons, unless:

17 (1) the distribution is to a specific person;

18 (2) the distributor requests a criminal history check
19 on the distributee in accordance with the procedures in the
20 Firearm Owners Identification Card Act for the sale of a
21 firearm;

22 (3) the distributor receives a unique approval number;

23 (4) the distributor completes and files all records
24 required by the Firearm Owners Identification Card Act in
25 the case of the sale of a firearm; and

1 (5) the firearm for which the downloadable firearm code
2 provides instructions is not prohibited under State or
3 federal law, including, but not limited to, State
4 prohibitions on undetectable firearms.

5 (b) Sentence. Unlawful distribution of a downloadable
6 firearm code is a Class 2 felony.

7 (720 ILCS 5/24.3-6 new)

8 Sec. 24.3-6. Unlawful manufacture of an untraceable
9 firearm.

10 (a) A person commits unlawful manufacture of an untraceable
11 firearm if he or she knowingly manufactures, assembles, sells,
12 offers to sell, or transfers an untraceable firearm.

13 (b) Sentence. Unlawful manufacture of an untraceable
14 firearm is a Class 2 felony.

15 (720 ILCS 5/24.3-7 new)

16 Sec. 24.3-7. Unlawful possession of an untraceable
17 firearm.

18 (a) A person commits unlawful possession of an untraceable
19 firearm if he or she knowingly possesses an untraceable
20 firearm.

21 (b) Sentence. Unlawful possession of an untraceable
22 firearm is a Class 2 felony.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

INDEX

Statutes amended in order of appearance

- 430 ILCS 65/1 from Ch. 38, par. 83-1
- 430 ILCS 65/1.1 from Ch. 38, par. 83-1.1
- 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
- 430 ILCS 65/12 from Ch. 38, par. 83-12
- 720 ILCS 5/24-3 from Ch. 38, par. 24-3
- 720 ILCS 5/Art. 24.3
- heading new
- 720 ILCS 5/24.3-1 new
- 720 ILCS 5/24.3-2 new
- 720 ILCS 5/24.3-3 new
- 720 ILCS 5/24.3-4 new
- 720 ILCS 5/24.3-5 new
- 720 ILCS 5/24.3-6 new
- 720 ILCS 5/24.3-7 new