

HB4757



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4757

Introduced 1/27/2022, by Rep. Kambium Buckner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-5.1 new

Amends the Criminal Code of 2012. Prohibits the transfer, purchase, manufacture, importation, possession of unfinished frames or receivers and unserialized firearms. Provides a process for serializing unfinished frames or receivers and unserialized firearms. Provides that it is unlawful for a person to manufacture or distribute a firearm using a three-dimensional printer under specified circumstances. Provides that a first violation is a Class A misdemeanor and that a second or subsequent violation is a Class X felony.

LRB102 25210 RLC 34480 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by adding
5 Section 24-5.1 as follows:

6 (720 ILCS 5/24-5.1 new)

7 Sec. 24-5.1. Prohibition on the transfer, purchase,
8 manufacture, importation, possession of unfinished frames or
9 receivers and unserialized firearms; exceptions; penalties.

10 (a) As used in this Section:

11 "Federal firearms dealer" means a licensed
12 manufacturer pursuant to 18 U.S.C. Section 921(a)(11).

13 "Federal firearms importer" means a licensed importer
14 pursuant to 18 U.S.C. Section 921(a)(9).

15 "Federal firearms manufacturer" means a licensed
16 manufacturer pursuant to 18 U.S.C. Section 921(a)(10).

17 "Frame or receiver" means a part of a firearm that,
18 when the complete weapon is assembled, is visible from the
19 exterior and provides housing or a structure designed to
20 hold or integrate one or more fire control components,
21 even if pins or other attachments are required to connect
22 those components to the housing or structure. For models
23 of firearms in which multiple parts provide such housing

1 or structure, the part or parts that the Director of the
2 federal Bureau of Alcohol, Tobacco, Firearms & Explosives
3 has determined are a frame or receiver constitute the
4 frame or receiver. For purposes of this definition, the
5 term "fire control component" means a component necessary
6 for the firearm to initiate, complete, or continue the
7 firing sequence, including any of the following: Hammer,
8 bolt, bolt carrier, breechblock, cylinder, trigger
9 mechanism, firing pin, striker, or slide rails.

10 "Three-dimensional printer" means a computer or
11 computer-drive machine capable of producing a
12 three-dimensional object from a digital model.

13 "Unfinished frame or receiver" means any forging,
14 casting, printing, extrusion, machined body or similar
15 article that: (1) has reached a stage in manufacture where
16 it may readily be completed, assembled or converted to be
17 a functional; or (2) is marketed or sold to the public to
18 become or be used as the frame or receiver of a functional
19 firearm once completed, assembled or converted.

20 (b) One hundred eighty days after the effective date of
21 this amendatory Act of the 102nd General Assembly, it shall be
22 unlawful for any person to knowingly possess, transport, or
23 receive an unfinished frame or receiver, unless: the party
24 possessing or receiving the unfinished frame or receiver is a
25 federal firearms importer or federal firearms manufacturer; or
26 the unfinished frame or receiver is required by federal law to

1 be, and has been, imprinted with a serial number issued by a
2 federal firearms importer or federal firearms manufacturer.

3 It shall be unlawful for any person to knowingly sell,
4 offer to sell, transfer, or purchase an unfinished frame or
5 receiver, unless: the party purchasing or receiving the
6 unfinished frame or receiver is a federal firearms importer,
7 federal firearms manufacturer, or federal firearms dealer; or
8 the unfinished frame or receiver is required by federal law to
9 be, and has been, imprinted with a serial number issued by a
10 federal firearms importer or federal firearms manufacturer.

11 (c) One year after the effective date of this amendatory
12 Act of the 102nd General Assembly, unless the party receiving
13 the firearm is a law enforcement agency, federal firearms
14 importer, or federal firearms manufacturer, it shall be
15 unlawful for any person to knowingly possess, purchase,
16 transport, or receive a firearm that is not imprinted with a
17 serial number: by a federal firearms importer or federal
18 firearms manufacturer in compliance with all federal laws and
19 regulations regulating the manufacture and import of firearms;
20 or by a federal firearms manufacturer, federal firearms
21 dealer, or other federal licensee authorized to provide
22 marketing services in compliance with the unserialized firearm
23 serialization process under subsection (e) of this Section.

24 (d) Unless the party selling and the party receiving or
25 purchasing the firearm is a law enforcement agency, federal
26 firearms importer, or federal firearms manufacturer, it shall

1 be unlawful for any person to knowingly sell, offer to sell, or
2 transfer a firearm that is not imprinted with a serial number:
3 by a federal firearms manufacturer, federal firearms dealer,
4 or other federal licensee authorized to provide marketing
5 service in compliance with unserialized firearm serialization
6 process under subsection (e) of this Section; or by a federal
7 firearms importer or federal firearms manufacturer in
8 compliance with all federal laws and regulations regulating
9 the manufacture and import of firearms.

10 (e) Unserialized firearms shall be serialized in
11 compliance with all of the following:

12 (1) An unserialized firearm may be serialized by a
13 federally licensed firearms dealer or other federal
14 licensee authorized to provide marking services with the
15 licensee's abbreviated federal firearms license number as
16 a prefix (which is the first three and last five digits)
17 followed by a hyphen, and then followed by a number as a
18 suffix, e.g., "12345678-[number]". The serial number(s)
19 must be placed in a manner that accords with the
20 requirements under federal law for affixing serial numbers
21 to firearms, including the requirements that the serial
22 number(s) be at the minimum size and depth, and not
23 susceptible of being readily obliterated, altered, or
24 removed, and the licensee must retain records that accord
25 with the requirements under federal law in the case of the
26 sale of a firearm.

1 (2) Every federally licensed firearms dealer or other
2 federal licensee that engraves, casts, stamps or otherwise
3 conspicuously places a unique serial number pursuant to
4 this section shall keep a record book and enter it at the
5 time of every transaction involving the transfer of a
6 firearm, rifle, shotgun, finished frame or receiver, or
7 unfinished frame or receiver that has been so marked by
8 the federal licensee, the date, name, age, and residence
9 of any person to whom such item is transferred along with
10 the unique serial number engraved, cast, stamped, or
11 otherwise conspicuously placed thereon.

12 (3) Every federally licensed firearms dealer or other
13 federal licensee that engraves, casts, stamps or otherwise
14 conspicuously places a unique serial number pursuant to
15 this section shall review and confirm the validity of the
16 owner's Firearm Owner's Identification (FOID) Card issued
17 under the Firearm Owners Identification Card Act prior to
18 returning the firearm to the owner.

19 (4) A federally licensed firearm dealer or other
20 federal licensee may charge a fee not to exceed \$35 to
21 engrave, cast, stamp or otherwise conspicuously place a
22 unique serial number pursuant to this section.

23 (f) It is unlawful for a person to manufacture or
24 distribute a firearm using a three-dimensional printer when
25 the person does any one of the following:

26 (1) Uses a three-dimensional printer or similar device

1 to manufacture or produce a firearm, firearm receiver, or
2 major firearm component when not licensed as a federal
3 firearm manufacturer.

4 (2) Distributes by any means, including the Internet,
5 to a person who is not licensed as a manufacturer,
6 instructions in the form of computer-aided design files or
7 other code or instructions stored and displayed in
8 electronic format as a digital model that may be used to
9 program a three-dimensional printer to manufacture or
10 produce a firearm, firearm receiver or major component of
11 a firearm.

12 (g) The Director of the Illinois State Police shall issue
13 public notice regarding the provisions of this Section. Such
14 notice shall include posting on the Illinois State Police
15 website and may include written notification or any other
16 means of communication State-wide to all federal firearms
17 manufacturers, federal firearms dealers, or other federal
18 licensees authorized to provide marketing services in
19 compliance with the unserialized firearm serialization process
20 in subsection (e) in order to educate the public.

21 (h) Subsections (c) and (d) shall not apply to a firearm
22 that:

23 (1) has been rendered permanently inoperable;

24 (2) is an antique firearm, as defined in 18 U.S.C.
25 Section 921(a)(16); or

26 (3) was manufactured prior to October 22, 1968.

1 (i) A person who violates the provisions of this Section
2 is guilty of a Class A misdemeanor for a first violation and is
3 guilty of a Class X felony for a second or subsequent
4 violation.