



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3126

Introduced 1/11/2022, by Sen. Neil Anderson

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/2  
430 ILCS 65/3

from Ch. 38, par. 83-2  
from Ch. 38, par. 83-3

Amends the Firearm Owners Identification Card Act. Eliminates provision that no person may acquire or possess firearm ammunition within the State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Illinois State Police under the provisions of the Act. Eliminates provision that no person may knowingly transfer, or cause to be transferred, any firearm ammunition to any person within the State unless the transferee with whom the person deals displays either: (1) a currently valid Firearm Owner's Identification Card which has previously been issued in his or her name by the Illinois State Police under the provisions of the Act; or (2) a currently valid license to carry a concealed firearm which has previously been issued in his or her name by the Illinois State Police under the Firearm Concealed Carry Act. Effective immediately.

LRB102 23254 RLC 32419 b

1 AN ACT concerning safety.

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

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 2 and 3 as follows:

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

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

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

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

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

22 (1) United States Marshals, while engaged in the  
23 operation of their official duties;

1           (2) Members of the Armed Forces of the United States  
2           or the National Guard, while engaged in the operation of  
3           their 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  
13          and in all other places these persons must have their  
14          firearms 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 Illinois State Police; however, these  
21          persons must at all other times and in all other places  
22          have their firearms unloaded and enclosed in a case;

23          (8) Nonresidents while at a firearm showing or display  
24          recognized by the Illinois State Police; however, at all  
25          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  
7 older while the person is on a firing or shooting range or  
8 is a 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  
22 officials of this or any other jurisdiction, while engaged in  
23 the operation of their official duties.

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

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

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

11 (Source: P.A. 102-538, eff. 8-20-21.)

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

13 (Text of Section before amendment by P.A. 102-237)

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

1 (a-5) Any person who is not a federally licensed firearm  
2 dealer and who desires to transfer or sell a firearm while that  
3 person is on the grounds of a gun show must, before selling or  
4 transferring the firearm, request the Illinois State Police to  
5 conduct a background check on the prospective recipient of the  
6 firearm in accordance with Section 3.1.

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

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

26 (1) transfers that occur at the place of business of a

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

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

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

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

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



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

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

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

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

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

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

1 (b) Any person within this State who transfers or causes  
2 to be transferred any firearm, stun gun, or taser shall keep a  
3 record of such transfer for a period of 10 years from the date  
4 of transfer. Such record shall contain the date of the  
5 transfer; the description, serial number or other information  
6 identifying the firearm, stun gun, or taser if no serial  
7 number is available; and, if the transfer was completed within  
8 this State, the transferee's Firearm Owner's Identification  
9 Card number and any approval number or documentation provided  
10 by the Illinois State Police pursuant to subsection (a-10) of  
11 this Section; if the transfer was not completed within this  
12 State, the record shall contain the name and address of the  
13 transferee. On or after January 1, 2006, the record shall  
14 contain the date of application for transfer of the firearm.  
15 On demand of a peace officer such transferor shall produce for  
16 inspection such record of transfer. If the transfer or sale  
17 took place at a gun show, the record shall include the unique  
18 identification number. Failure to record the unique  
19 identification number or approval number is a petty offense.  
20 For transfers of a firearm, stun gun, or taser made on or after  
21 January 18, 2019 (the effective date of Public Act 100-1178)  
22 ~~this amendatory Act of the 100th General Assembly~~, failure by  
23 the private seller to maintain the transfer records in  
24 accordance with this Section is a Class A misdemeanor for the  
25 first offense and a Class 4 felony for a second or subsequent  
26 offense. A transferee shall not be criminally liable under

1 this Section provided that he or she provides the Illinois  
2 State Police with the transfer records in accordance with  
3 procedures established by the Illinois State Police  
4 Department. The Illinois State Police Department shall  
5 establish, by rule, a standard form on its website.

6 (b-5) (Blank). ~~Any resident may purchase ammunition from a~~  
7 ~~person within or outside of Illinois if shipment is by United~~  
8 ~~States mail or by a private express carrier authorized by~~  
9 ~~federal law to ship ammunition. Any resident purchasing~~  
10 ~~ammunition within or outside the State of Illinois must~~  
11 ~~provide the seller with a copy of his or her valid Firearm~~  
12 ~~Owner's Identification Card or valid concealed carry license~~  
13 ~~and either his or her Illinois driver's license or Illinois~~  
14 ~~State Identification Card prior to the shipment of the~~  
15 ~~ammunition. The ammunition may be shipped only to an address~~  
16 ~~on either of those 2 documents.~~

17 (c) (Blank). ~~The provisions of this Section regarding the~~  
18 ~~transfer of firearm ammunition shall not apply to those~~  
19 ~~persons specified in paragraph (b) of Section 2 of this Act.~~

20 (Source: P.A. 102-538, eff. 8-20-21; revised 10-13-21.)

21 (Text of Section after amendment by P.A. 102-237)

22 Sec. 3. (a) Except as provided in Section 3a, no person may  
23 knowingly transfer, or cause to be transferred, any firearm,  
24 ~~firearm ammunition~~, stun gun, or taser to any person within  
25 this State unless the transferee with whom he deals displays

1 either: (1) a currently valid Firearm Owner's Identification  
2 Card which has previously been issued in his or her name by the  
3 Illinois State Police under the provisions of this Act; or (2)  
4 a currently valid license to carry a concealed firearm which  
5 has previously been issued in his or her name by the Illinois  
6 State Police under the Firearm Concealed Carry Act. In  
7 addition, all firearm, stun gun, and taser transfers by  
8 federally licensed firearm dealers are subject to Section 3.1.

9 (a-5) Any person who is not a federally licensed firearm  
10 dealer and who desires to transfer or sell a firearm while that  
11 person is on the grounds of a gun show must, before selling or  
12 transferring the firearm, request the Illinois State Police to  
13 conduct a background check on the prospective recipient of the  
14 firearm in accordance with Section 3.1.

15 (a-10) Notwithstanding item (2) of subsection (a) of this  
16 Section, any person who is not a federally licensed firearm  
17 dealer and who desires to transfer or sell a firearm or  
18 firearms to any person who is not a federally licensed firearm  
19 dealer shall, before selling or transferring the firearms,  
20 contact a federal firearm license dealer under paragraph (1)  
21 of subsection (a-15) of this Section to conduct the transfer  
22 or the Illinois State Police with the transferee's or  
23 purchaser's Firearm Owner's Identification Card number to  
24 determine the validity of the transferee's or purchaser's  
25 Firearm Owner's Identification Card under State and federal  
26 law, including the National Instant Criminal Background Check

1 System. This subsection shall not be effective until January  
2 1, 2024. Until that date the transferor shall contact the  
3 Illinois State Police with the transferee's or purchaser's  
4 Firearm Owner's Identification Card number to determine the  
5 validity of the card. The Illinois State Police may adopt  
6 rules concerning the implementation of this subsection. The  
7 Illinois State Police shall provide the seller or transferor  
8 an approval number if the purchaser's Firearm Owner's  
9 Identification Card is valid. Approvals issued by the Illinois  
10 State Police ~~Department~~ for the purchase of a firearm pursuant  
11 to this subsection are valid for 30 days from the date of  
12 issue.

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

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

1           this paragraph, plus the applicable fees authorized by  
2           Section 3.1;

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

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

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

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

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

25          (7) transfers to a law enforcement or corrections  
26          agency or a law enforcement or corrections officer acting

1 within the course and scope of his or her official duties;

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

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

8 (a-20) The Illinois State Police shall develop an  
9 Internet-based system for individuals to determine the  
10 validity of a Firearm Owner's Identification Card prior to the  
11 sale or transfer of a firearm. The Illinois State Police  
12 ~~Department~~ shall have the Internet-based system updated and  
13 available for use by January 1, 2024. The Illinois State  
14 Police shall adopt rules not inconsistent with this Section to  
15 implement this system; but no rule shall allow the Illinois  
16 State Police to retain records in contravention of State and  
17 federal law.

18 (a-25) On or before January 1, 2022, the Illinois State  
19 Police shall develop an Internet-based system upon which the  
20 serial numbers of firearms that have been reported stolen are  
21 available for public access for individuals to ensure any  
22 firearms are not reported stolen prior to the sale or transfer  
23 of a firearm under this Section. The Illinois State Police  
24 shall have the Internet-based system completed and available  
25 for use by July 1, 2022. The Illinois State Police ~~Department~~  
26 shall adopt rules not inconsistent with this Section to

1 implement this system.

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



1 contain the date of application for transfer of the firearm.  
2 On demand of a peace officer such transferor shall produce for  
3 inspection such record of transfer. For any transfer pursuant  
4 to subsection (a-10) of this Section, on the demand of a peace  
5 officer, such transferee shall identify the federally licensed  
6 firearm dealer maintaining the transfer record. If the  
7 transfer or sale took place at a gun show, the record shall  
8 include the unique identification number. Failure to record  
9 the unique identification number or approval number is a petty  
10 offense. For transfers of a firearm, stun gun, or taser made on  
11 or after January 18, 2019 (the effective date of Public Act  
12 100-1178) ~~this amendatory Act of the 100th General Assembly,~~  
13 failure by the private seller to maintain the transfer records  
14 in accordance with this Section, or failure by a transferee  
15 pursuant to subsection a-10 of this Section to identify the  
16 federally licensed firearm dealer maintaining the transfer  
17 record, is a Class A misdemeanor for the first offense and a  
18 Class 4 felony for a second or subsequent offense occurring  
19 within 10 years of the first offense and the second offense was  
20 committed after conviction of the first offense. Whenever any  
21 person who has not previously been convicted of any violation  
22 of subsection (a-5), the court may grant supervision pursuant  
23 to and consistent with the limitations of Section 5-6-1 of the  
24 Unified Code of Corrections. A transferee or transferor shall  
25 not be criminally liable under this Section provided that he  
26 or she provides the Illinois State Police with the transfer

1 records in accordance with procedures established by the  
2 Illinois State Police Department. The Illinois State Police  
3 Department shall establish, by rule, a standard form on its  
4 website.

5 (b-5) (Blank). ~~Any resident may purchase ammunition from a~~  
6 ~~person within or outside of Illinois if shipment is by United~~  
7 ~~States mail or by a private express carrier authorized by~~  
8 ~~federal law to ship ammunition. Any resident purchasing~~  
9 ~~ammunition within or outside the State of Illinois must~~  
10 ~~provide the seller with a copy of his or her valid Firearm~~  
11 ~~Owner's Identification Card or valid concealed carry license~~  
12 ~~and either his or her Illinois driver's license or Illinois~~  
13 ~~State Identification Card prior to the shipment of the~~  
14 ~~ammunition. The ammunition may be shipped only to an address~~  
15 ~~on either of those 2 documents.~~

16 (c) (Blank). ~~The provisions of this Section regarding the~~  
17 ~~transfer of firearm ammunition shall not apply to those~~  
18 ~~persons specified in paragraph (b) of Section 2 of this Act.~~

19 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;  
20 revised 10-13-21.)

21 Section 95. No acceleration or delay. Where this Act makes  
22 changes in a statute that is represented in this Act by text  
23 that is not yet or no longer in effect (for example, a Section  
24 represented by multiple versions), the use of that text does  
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other  
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.