



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3500

Introduced 2/24/2011, by Rep. Richard Morthland

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

Amends the Firearm Owners Identification Card Act. Provides that the regulation of the acquisition, possession, transportation, storage, purchase, selling, and dealing in rifles and shotguns legally purchased or possessed under federal and State law and their ammunition, components, accessories, and accoutrements is an exclusive State power and function and may not be exercised by units of local government, including home rule units. Provides that the regulation by units of local government, including home rule units, of gun shows and firearm sales to gun club members is limited to imposing licensing fees and occupation and use taxes that are the same for other sporting goods businesses.

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FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

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 Criminal Code of 1961 is amended by  
5 changing Section 13.1 as follows:

6 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

7 Sec. 13.1. Local regulation.

8 (a) The provisions of any ordinance enacted by any  
9 municipality which requires registration or imposes greater  
10 restrictions or limitations on the acquisition, possession and  
11 transfer of firearms, other than rifles and shotguns legally  
12 purchased or possessed under federal and State law, than are  
13 imposed by this Act, are not invalidated or affected by this  
14 Act.

15 (b) A unit of local government, including a home rule unit,  
16 may not regulate the acquisition, possession, transportation,  
17 storage, purchase, selling, or otherwise dealing in rifles and  
18 shotguns legally purchased or possessed under federal and State  
19 law and may not regulate ammunition, components, accessories,  
20 or accoutrements of rifles and shotguns. It is declared to be  
21 the public policy of this State that regulation of the  
22 acquisition, possession, transportation, storage, purchase,  
23 selling, or otherwise dealing in rifles and shotguns legally

1 purchased or possessed under federal and State law and the  
2 regulation of ammunition, components, accessories, or  
3 accoutrements of rifles and shotguns is an exclusive State  
4 power or function. Such power or function shall not be  
5 exercised concurrently, either directly or indirectly by any  
6 unit of local government, including home rule units. This  
7 subsection (b) is a denial and limitation of home rule powers  
8 and functions under subsection (h) of Section 6 of Article VII  
9 of the Illinois Constitution.

10 (c) A firearm dealer or gun show that operates his, her, or  
11 its business in compliance with federal and State law is  
12 entitled to acquire, possess, transport, store, purchase,  
13 sell, or otherwise deal in rifles and shotguns legally  
14 purchased or possessed under federal or State law in any one or  
15 more of the following ways: as a seller of firearms only to  
16 members of an organized gun club of which the seller is a  
17 member, at gun shows regulated by the Illinois Department of  
18 State Police, or in suitable business districts anywhere in  
19 this State; and no unit of local government, including a home  
20 rule unit, may limit, abridge, or deny that right, except to  
21 impose license fees and occupation and use taxes that are the  
22 same as for other sporting goods businesses. This subsection  
23 (c) is a limitation under subsection (h) of Section 6 of  
24 Article VII of the Illinois Constitution on the exercise by  
25 home rule units of powers and functions exclusively exercised  
26 by the State with respect to rifles and shotguns.

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1 (Source: P.A. 76-1939.)