



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4507

by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/3

from Ch. 38, par. 83-3

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may not retain, copy, or distribute any information previously collected under the provisions concerning the transfer of firearms, stun guns, and tasers. Provides that the Department shall destroy all records of the dial up telephone system with respect to the call, other than the identifying number and the date the number was assigned, and all records of the system relating to the person or the transfer, within 31 days after the call. Provides that if the transfer of a firearm is denied by the Department of State Police, the Department may keep the records of a denial until the denial is appealed and overturned, or as long as necessary for a criminal prosecution. Defines "transfer". Effective immediately.

LRB098 16442 RLC 51507 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 Section 3 as follows:

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

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

22 (a-10) Any person who is not a federally licensed firearm  
23 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. On or after January 1, 2006, the record shall

1 contain the date of application for transfer of the firearm. On  
2 demand of a peace officer such transferor shall produce for  
3 inspection such record of transfer. If the transfer or sale  
4 took place at a gun show, the record shall include the unique  
5 identification number. Failure to record the unique  
6 identification number or approval number is a petty offense.

7 (b-5) Any resident may purchase ammunition from a person  
8 within or outside of Illinois if shipment is by United States  
9 mail or by a private express carrier authorized by federal law  
10 to ship ammunition. Any resident purchasing ammunition within  
11 or outside the State of Illinois must provide the seller with a  
12 copy of his or her valid Firearm Owner's Identification Card  
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 on  
16 either of those 2 documents.

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

20 (d) The Department of State Police may not retain, copy, or  
21 distribute any information previously collected under this  
22 Section. Except as provided in subsection (e) of this Section,  
23 the Department shall destroy all records of the dial up  
24 telephone system with respect to the call, other than the  
25 identifying number and the date the number was assigned, and  
26 all records of the system relating to the person or the

1 transfer, within 31 days after the call.

2 (e) If the transfer of a firearm is denied by the  
3 Department of State Police, the Department may keep the records  
4 of a denial until the denial is appealed and overturned, or as  
5 long as necessary for a criminal prosecution. For the purposes  
6 of this Act, "transfer" means the permanent transfer of  
7 possession, ownership, or title to a firearm. "Transfer" does  
8 not include any other condition of possession or use of a  
9 firearm, except as provided in this subsection (e).

10 (Source: P.A. 97-1135, eff. 12-4-12; 98-508, eff. 8-19-13.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.