



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB6279

by Rep. Brandon W. Phelps - Jerry F. Costello, II - Mike Smiddy - Katherine Cloonen - Patrick J. Verschoore, et al.

SYNOPSIS AS INTRODUCED:

430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

Amends the Firearm Owners Identification Card Act. Provides that a unit of local government, including a home rule unit, may not assess any fee or tax on any firearm or firearm ammunition, other than a retailers' occupation tax imposed under the Home Rule County Retailers' Occupation Tax Law, the Home Rule Municipal Retailers' Occupation Tax Act, or the Non-Home Rule Municipal Retailers' Occupation Tax Act. Provides that the assessment of fees or taxes on firearms or firearm ammunition, except as otherwise provided in this provision are exclusive powers and functions of the State. Provides that this provision is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. Effective immediately.

LRB098 21650 RLC 60492 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

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 13.1 as follows:

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

7 Sec. 13.1. Preemption.

8 (a) Except as otherwise provided in the Firearm Concealed
9 Carry Act and subsections (b), ~~and~~ (c), and (c-5) of this
10 Section, the provisions of any ordinance enacted by any
11 municipality which requires registration or imposes greater
12 restrictions or limitations on the acquisition, possession and
13 transfer of firearms than are imposed by this Act, are not
14 invalidated or affected by this Act.

15 (b) Notwithstanding subsection (a) of this Section, the
16 regulation, licensing, possession, and registration of
17 handguns and ammunition for a handgun, and the transportation
18 of any firearm and ammunition by a holder of a valid Firearm
19 Owner's Identification Card issued by the Department of State
20 Police under this Act are exclusive powers and functions of
21 this State. Any ordinance or regulation, or portion of that
22 ordinance or regulation, enacted on or before the effective
23 date of this amendatory Act of the 98th General Assembly that

1 purports to impose regulations or restrictions on a holder of a
2 valid Firearm Owner's Identification Card issued by the
3 Department of State Police under this Act in a manner that is
4 inconsistent with this Act, on the effective date of this
5 amendatory Act of the 98th General Assembly, shall be invalid
6 in its application to a holder of a valid Firearm Owner's
7 Identification Card issued by the Department of State Police
8 under this Act.

9 (c) Notwithstanding subsection (a) of this Section, the
10 regulation of the possession or ownership of assault weapons
11 are exclusive powers and functions of this State. Any ordinance
12 or regulation, or portion of that ordinance or regulation, that
13 purports to regulate the possession or ownership of assault
14 weapons in a manner that is inconsistent with this Act, shall
15 be invalid unless the ordinance or regulation is enacted on,
16 before, or within 10 days after the effective date of this
17 amendatory Act of the 98th General Assembly. Any ordinance or
18 regulation described in this subsection (c) enacted more than
19 10 days after the effective date of this amendatory Act of the
20 98th General Assembly is invalid. An ordinance enacted on,
21 before, or within 10 days after the effective date of this
22 amendatory Act of the 98th General Assembly may be amended. The
23 enactment or amendment of ordinances under this subsection (c)
24 are subject to the submission requirements of Section 13.3. For
25 the purposes of this subsection, "assault weapons" means
26 firearms designated by either make or model or by a test or

1 list of cosmetic features that cumulatively would place the
2 firearm into a definition of "assault weapon" under the
3 ordinance.

4 (c-5) Notwithstanding subsection (a) of this Section, a
5 unit of local government, including a home rule unit, may not
6 assess any fee or tax on any firearm or firearm ammunition,
7 other than a retailers' occupation tax imposed under the Home
8 Rule County Retailers' Occupation Tax Law, the Home Rule
9 Municipal Retailers' Occupation Tax Act, or the Non-Home Rule
10 Municipal Retailers' Occupation Tax Act. The assessment of fees
11 or taxes on firearms or firearm ammunition, except as otherwise
12 provided in this subsection (c-5) are exclusive powers and
13 functions of the State. This subsection (c-5) is a denial and
14 limitation of home rule powers and functions under subsection
15 (h) of Section 6 of Article VII of the Illinois Constitution.

16 (d) For the purposes of this Section, "handgun" has the
17 meaning ascribed to it in Section 5 of the Firearm Concealed
18 Carry Act.

19 (e) This Section is a denial and limitation of home rule
20 powers and functions under subsection (h) of Section 6 of
21 Article VII of the Illinois Constitution.

22 (Source: P.A. 98-63, eff. 7-9-13.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.