



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1405

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3
430 ILCS 65/3.1

from Ch. 38, par. 83-3
from Ch. 38, par. 83-3.1

Amends the Firearm Owners Identification Card Act. Provides that a person who is not a federally licensed importer, manufacturer, or dealer and who desires to sell or transfer a firearm of a size that may be concealed upon the person to another person, who is not a federally licensed importer, manufacturer, or dealer, shall do so only at the place of business of a federally licensed firearm dealer. Provides that the federally licensed firearm dealer shall conduct a background check on the prospective recipient of the firearm and follow all other applicable federal, State, and local laws as if he or she were the seller of the firearm. Provides that the purchaser or transferee may be required by the federally licensed firearm dealer to pay a fee not to exceed \$10 per firearm, plus other authorized fees. Makes exceptions for (i) the transfer of a firearm between spouses, a parent and child, or other family members, (ii) transfers by persons acting pursuant to operation of law or a court order, or (iii) transfers on the grounds of a gun show. Provides that the Department of State Police shall develop an Internet based system for individuals to request the Department of State Police to conduct an instant criminal background check prior to the sale or transfer of a handgun. Provides that the Department of State Police shall have the system completed and available for use by July 1, 2016.

LRB099 06008 RLC 26062 b

FISCAL 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 Sections 3 and 3.1 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 (a-25) Any person who is not a federally licensed importer,
17 manufacturer, or dealer and who desires to sell or transfer a
18 firearm of a size that may be concealed upon the person to
19 another person, who is not a federally licensed importer,
20 manufacturer, or dealer, shall do so only at the place of
21 business of a federally licensed firearm dealer. The federally
22 licensed firearm dealer shall conduct a background check on the
23 prospective recipient of the firearm in accordance with Section
24 3.1 of this Act and follow all other applicable federal, State,
25 and local laws as if he or she were the seller of the firearm.
26 The purchaser or transferee may be required by the federally

1 licensed firearm dealer to pay a fee not to exceed \$10 per
2 firearm, which the dealer may retain as compensation for
3 performing the functions required under this subsection, plus
4 the applicable fees authorized by Section 3.1.

5 The provisions of this subsection (a-25) do not apply to:

6 (1) transfers to the transferor's husband, wife, son,
7 daughter, stepson, stepdaughter, father, mother,
8 stepfather, stepmother, brother, sister, nephew, niece,
9 uncle, aunt, grandfather, grandmother, grandson,
10 granddaughter, father-in-law, mother-in-law, son-in-law or
11 daughter-in-law;

12 (2) transfers by persons acting pursuant to operation
13 of law or a court order; or

14 (3) transfers on the grounds of a gun show.

15 (b) Any person within this State who transfers or causes to
16 be transferred any firearm, stun gun, or taser shall keep a
17 record of such transfer for a period of 10 years from the date
18 of transfer. Such record shall contain the date of the
19 transfer; the description, serial number or other information
20 identifying the firearm, stun gun, or taser if no serial number
21 is available; and, if the transfer was completed within this
22 State, the transferee's Firearm Owner's Identification Card
23 number and any approval number or documentation provided by the
24 Department of State Police pursuant to subsection (a-10) of
25 this Section. On or after January 1, 2006, the record shall
26 contain the date of application for transfer of the firearm. On

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

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

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

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

20 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

21 Sec. 3.1. Dial up system.

22 (a) The Department of State Police shall provide a dial up
23 telephone system or utilize other existing technology which
24 shall be used by any federally licensed firearm dealer, gun
25 show promoter, or gun show vendor who is to transfer a firearm,

1 stun gun, or taser under the provisions of this Act. The
2 Department of State Police may utilize existing technology
3 which allows the caller to be charged a fee not to exceed \$2.
4 Fees collected by the Department of State Police shall be
5 deposited in the State Police Services Fund and used to provide
6 the service.

7 (b) Upon receiving a request from a federally licensed
8 firearm dealer, gun show promoter, or gun show vendor, the
9 Department of State Police shall immediately approve, or within
10 the time period established by Section 24-3 of the Criminal
11 Code of 2012 regarding the delivery of firearms, stun guns, and
12 tasers notify the inquiring dealer, gun show promoter, or gun
13 show vendor of any objection that would disqualify the
14 transferee from acquiring or possessing a firearm, stun gun, or
15 taser. In conducting the inquiry, the Department of State
16 Police shall initiate and complete an automated search of its
17 criminal history record information files and those of the
18 Federal Bureau of Investigation, including the National
19 Instant Criminal Background Check System, and of the files of
20 the Department of Human Services relating to mental health and
21 developmental disabilities to obtain any felony conviction or
22 patient hospitalization information which would disqualify a
23 person from obtaining or require revocation of a currently
24 valid Firearm Owner's Identification Card.

25 (c) If receipt of a firearm would not violate Section 24-3
26 of the Criminal Code of 2012, federal law, or this Act the

1 Department of State Police shall:

2 (1) assign a unique identification number to the
3 transfer; and

4 (2) provide the licensee, gun show promoter, or gun
5 show vendor with the number.

6 (d) Approvals issued by the Department of State Police for
7 the purchase of a firearm are valid for 30 days from the date
8 of issue.

9 (e) (1) The Department of State Police must act as the
10 Illinois Point of Contact for the National Instant Criminal
11 Background Check System.

12 (2) The Department of State Police and the Department of
13 Human Services shall, in accordance with State and federal law
14 regarding confidentiality, enter into a memorandum of
15 understanding with the Federal Bureau of Investigation for the
16 purpose of implementing the National Instant Criminal
17 Background Check System in the State. The Department of State
18 Police shall report the name, date of birth, and physical
19 description of any person prohibited from possessing a firearm
20 pursuant to the Firearm Owners Identification Card Act or 18
21 U.S.C. 922(g) and (n) to the National Instant Criminal
22 Background Check System Index, Denied Persons Files.

23 (3) The Department of State Police shall provide notice of
24 the disqualification of a person under subsection (b) of this
25 Section or the revocation of a person's Firearm Owner's
26 Identification Card under Section 8 of this Act, and the reason

1 for the disqualification or revocation, to all law enforcement
2 agencies with jurisdiction to assist with the seizure of the
3 person's Firearm Owner's Identification Card.

4 (f) The Department of State Police shall adopt rules not
5 inconsistent with this Section to implement this system.

6 (g) The Department of State Police shall develop an
7 Internet based system for individuals to request the Department
8 of State Police to conduct an instant criminal background check
9 prior to the sale or transfer of a handgun. The Department of
10 State Police shall have the system completed and available for
11 use by July 1, 2016. The Department shall adopt rules not
12 inconsistent with this Section to implement this system.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)