



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5312

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

Amends the Firearm Owners Identification Card Act. Deletes existing preemption provisions concerning firearms. Provides that regulation of the ownership and possession of firearms and related items are the exclusive powers and functions of the State. Provides that a local government, including a home rule unit, may not require registration, reporting of the sale or transfer of a firearm, or maintenance of a firearm registry. Provides that any existing or future local ordinances or resolutions imposing any registration requirement on firearms and related items are invalid and void. Effective immediately.

LRB100 16847 SLF 31988 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) (Blank). ~~Except as otherwise provided in the Firearm~~
9 ~~Concealed Carry Act and subsections (b) and (c) 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) (Blank). ~~Notwithstanding subsection (a) of this~~
16 ~~Section, the regulation, licensing, possession, and~~
17 ~~registration of handguns and ammunition for a handgun, and the~~
18 ~~transportation of any firearm and ammunition by a holder of a~~
19 ~~valid Firearm Owner's Identification Card issued by the~~
20 ~~Department of State Police under this Act are exclusive powers~~
21 ~~and functions of this State. Any ordinance or regulation, or~~
22 ~~portion of that ordinance or regulation, enacted on or before~~
23 ~~the effective date of this amendatory Act of the 98th General~~

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

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

1 ~~designated by either make or model or by a test or list of~~
2 ~~cosmetic features that cumulatively would place the firearm~~
3 ~~into a definition of "assault weapon" under the ordinance.~~

4 (d) (Blank). ~~For the purposes of this Section, "handgun"~~
5 ~~has the meaning ascribed to it in Section 5 of the Firearm~~
6 ~~Concealed Carry Act.~~

7 (d-1) The regulation of the ownership and possession of
8 firearms and ammunition, components, accessories, or
9 accoutrements for firearms are exclusive powers and functions
10 of this State. A unit of local government, including a home
11 rule unit, may not require the registration of the person or
12 firearm or ammunition as a condition of ownership or possession
13 of the firearm or ammunition.

14 (d-2) No unit of local government, including a home rule
15 unit, may require that any person, corporation, or entity
16 report the sale or transfer of a firearm or ammunition or
17 maintain a registry or list of the sale or transfer of a
18 firearm or ammunition.

19 (d-3) The provisions of any ordinance or resolution adopted
20 before, on, or after the effective date of this amendatory Act
21 of the 100th General Assembly by any unit of local government,
22 including a home rule unit, that imposes any type of
23 registration requirement on the ownership or possession of
24 firearms and ammunition, components, accessories, and
25 accoutrements of firearms are invalid and void.

26 (e) This Section is a denial and limitation of home rule

1 powers and functions under subsection (h) of Section 6 of
2 Article VII of the Illinois Constitution.

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

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