



Executive Committee

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LRB095 04536 RLC 34028 a

1 AMENDMENT TO HOUSE BILL 758

2 AMENDMENT NO. _____. Amend House Bill 758 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 1.1, 3, and 3.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Counterfeit" means to copy or imitate, without legal
9 authority, with intent to deceive.

10 "Federally licensed firearm dealer" means a person who is
11 licensed as a federal firearms dealer under Section 923 of the
12 federal Gun Control Act of 1968 (18 U.S.C. 923).

13 "Firearm" means any device, by whatever name known, which
14 is designed to expel a projectile or projectiles by the action
15 of an explosion, expansion of gas or escape of gas; excluding,
16 however:

1 (1) any pneumatic gun, spring gun, paint ball gun or
2 B-B gun which either expels a single globular projectile
3 not exceeding .18 inch in diameter and which has a maximum
4 muzzle velocity of less than 700 feet per second or
5 breakable paint balls containing washable marking colors;

6 (2) any device used exclusively for signalling or
7 safety and required or recommended by the United States
8 Coast Guard or the Interstate Commerce Commission;

9 (3) any device used exclusively for the firing of stud
10 cartridges, explosive rivets or similar industrial
11 ammunition; and

12 (4) an antique firearm (other than a machine-gun)
13 which, although designed as a weapon, the Department of
14 State Police finds by reason of the date of its
15 manufacture, value, design, and other characteristics is
16 primarily a collector's item and is not likely to be used
17 as a weapon.

18 "Firearm ammunition" means any self-contained cartridge or
19 shotgun shell, by whatever name known, which is designed to be
20 used or adaptable to use in a firearm; excluding, however:

21 (1) any ammunition exclusively designed for use with a
22 device used exclusively for signalling or safety and
23 required or recommended by the United States Coast Guard or
24 the Interstate Commerce Commission; and

25 (2) any ammunition designed exclusively for use with a
26 stud or rivet driver or other similar industrial

1 ammunition.

2 "Gun show" means an event or function:

3 (1) at which the sale and transfer of firearms is the
4 regular and normal course of business and where 50 or more
5 firearms are displayed, offered, or exhibited for sale,
6 transfer, or exchange; or

7 (2) at which not less than 10 gun show vendors display,
8 offer, or exhibit for sale, sell, transfer, or exchange
9 firearms.

10 "Gun show" includes the entire premises provided for an
11 event or function, including parking areas for the event or
12 function, that is sponsored to facilitate the purchase, sale,
13 transfer, or exchange of firearms as described in this Section.

14 "Gun show" does not include training or safety classes,
15 competitive shooting events, such as rifle, shotgun, or handgun
16 matches, trap, skeet, or sporting clays shoots, dinners,
17 banquets, raffles, or any other event where the sale or
18 transfer of firearms is not the primary course of business.

19 "Gun show promoter" means a person who organizes or
20 operates a gun show.

21 "Gun show vendor" means a person who exhibits, sells,
22 offers for sale, transfers, or exchanges any firearms at a gun
23 show, regardless of whether the person arranges with a gun show
24 promoter for a fixed location from which to exhibit, sell,
25 offer for sale, transfer, or exchange any firearm.

26 "Handgun" has the meaning ascribed to it in clause (h) (2)

1 of subsection (A) of Section 24-3 of the Criminal Code of 1961.

2 "Private sale or transfer of a handgun" means the sale or
3 transfer of a handgun or handguns by or among 2 or more persons
4 who are not federally licensed firearm dealers.

5 "Private seller" means a person who is not a federally
6 licensed firearm dealer.

7 "Sanctioned competitive shooting event" means a shooting
8 contest officially recognized by a national or state shooting
9 sport association, and includes any sight-in or practice
10 conducted in conjunction with the event.

11 "Stun gun or taser" has the meaning ascribed to it in
12 Section 24-1 of the Criminal Code of 1961.

13 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
14 8-19-05.)

15 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

25 (a-5) Any person who is not a federally licensed firearm

1 dealer and who desires to transfer or sell a firearm while that
2 person is on the grounds of a gun show or with respect to a
3 private sale or transfer of a handgun or handguns at a private
4 sale or transfer must, before selling or transferring the
5 firearm, request the Department of State Police to conduct a
6 background check on the prospective recipient of the firearm in
7 accordance with Section 3.1.

8 (b) Any person within this State who transfers or causes to
9 be transferred any firearm, stun gun, or taser shall keep a
10 record of such transfer for a period of 10 years from the date
11 of transfer. Such record shall contain the date of the
12 transfer; the description, serial number or other information
13 identifying the firearm, stun gun, or taser if no serial number
14 is available; and, if the transfer was completed within this
15 State, the transferee's Firearm Owner's Identification Card
16 number. On or after January 1, 2006, the record shall contain
17 the date of application for transfer of the firearm. On demand
18 of a peace officer such transferor shall produce for inspection
19 such record of transfer. If the transfer or sale took place at
20 a gun show or private sale or transfer, the record shall
21 include the unique identification number. Failure to record the
22 unique identification number is a petty offense.

23 (b-5) Any resident may purchase ammunition from a person
24 outside of Illinois. Any resident purchasing ammunition
25 outside the State of Illinois must provide the seller with a
26 copy of his or her valid Firearm Owner's Identification Card

1 and either his or her Illinois driver's license or Illinois
2 State Identification Card prior to the shipment of the
3 ammunition. The ammunition may be shipped only to an address on
4 either of those 2 documents.

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

8 (d) The provisions of this Section regarding the private
9 sale or transfer of a handgun or handguns does not apply to:

10 (1) Transfers between spouses, a parent and child, or a
11 grandparent and grandchild.

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

14 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,
15 eff. 7-29-05; 94-571, eff. 8-12-05; revised 8-19-05.)

16 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

17 Sec. 3.1. Dial up system.

18 (a) The Department of State Police shall provide a dial up
19 telephone system or utilize other existing technology which
20 shall be used by any federally licensed firearm dealer, gun
21 show promoter, ~~or~~ gun show vendor, or with respect to a private
22 sale or transfer of a handgun or handguns, private seller who
23 is to transfer a firearm, stun gun, or taser under the
24 provisions of this Act. The Department of State Police may
25 utilize existing technology which allows the caller to be

1 charged a fee not to exceed \$2. Fees collected by the
2 Department of State Police shall be deposited in the State
3 Police Services Fund and used to provide the service.

4 (b) Upon receiving a request from a federally licensed
5 firearm dealer, gun show promoter, ~~or~~ gun show vendor, or
6 private seller, the Department of State Police shall
7 immediately approve, or within the time period established by
8 Section 24-3 of the Criminal Code of 1961 regarding the
9 delivery of firearms, stun guns, and tasers notify the
10 inquiring dealer, gun show promoter, ~~or~~ gun show vendor, or
11 private seller of any objection that would disqualify the
12 transferee from acquiring or possessing a firearm, stun gun, or
13 taser. In conducting the inquiry, the Department of State
14 Police shall initiate and complete an automated search of its
15 criminal history record information files and those of the
16 Federal Bureau of Investigation, including the National
17 Instant Criminal Background Check System, and of the files of
18 the Department of Human Services relating to mental health and
19 developmental disabilities to obtain any felony conviction or
20 patient hospitalization information which would disqualify a
21 person from obtaining or require revocation of a currently
22 valid Firearm Owner's Identification Card.

23 (c) If receipt of a firearm would not violate Section 24-3
24 of the Criminal Code of 1961, federal law, or this Act the
25 Department of State Police shall:

26 (1) assign a unique identification number to the

1 transfer; and

2 (2) provide the licensee, gun show promoter, ~~or~~ gun
3 show vendor, or private seller with the number.

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

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

10 (e-5) The provisions of this Section regarding the private
11 sale or transfer of a handgun or handguns do not apply to:

12 (1) Transfers between spouses, a parent and child, or a
13 grandparent and grandchild.

14 (2) Transfers by persons acting pursuant to operation
15 of law or a court order.

16 (f) The Department of State Police shall promulgate rules
17 not inconsistent with this Section to implement this system.

18 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
19 8-19-05.)".