



Rep. Kevin John Olickal

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1 AMENDMENT TO HOUSE BILL 3320

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3320 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Responsibility in Firearm Legislation Act.

6 Section 5. Findings and purpose. The General Assembly  
7 finds that the people of the State of Illinois have incurred  
8 undue direct costs and financial burdens from injuries and  
9 deaths as a result of the use of firearms in this State.  
10 Therefore, to protect the health, safety, and welfare of the  
11 people of the State of Illinois, it is necessary that firearm  
12 manufacturers who generate substantial public costs share the  
13 financial consequences of their for-profit activity with the  
14 public and obtain licensing to sell, distribute, or import in  
15 Illinois. The proceeds of licensing under this Act are  
16 intended to be distributed within the State for community

1 violence intervention, victim services, evidence-based  
2 high-risk youth intervention services, and evidence-based  
3 violence prevention services and must be substantially related  
4 to reducing public costs and harms created by firearm injury.

5 Section 10. Definitions. In this Act, unless the context  
6 requires otherwise:

7 "Direct costs" means costs incurred for any one or more of  
8 the following: medical treatment and care; medical devices and  
9 prescription drugs; mental health treatment provided by a  
10 psychiatrist, psychologist, social worker, or behavioral  
11 therapist; physical therapy, occupational therapy, and  
12 rehabilitation services; funeral, burial, and cremation  
13 services; emergency transportation; lost wages; emergency  
14 relocation; property damage; legal services; or emergency  
15 child or dependent care.

16 "Distributor of firearms" or "distributor" means a person  
17 who supplies firearms to retailers or other businesses that  
18 sell firearms to consumers in this State.

19 "Evidence-based high-risk youth intervention services" has  
20 the same meaning given to that term in the Reimagine Public  
21 Safety Act.

22 "Evidence-based violence prevention services" has the same  
23 meaning given to that term in the Reimagine Public Safety Act.

24 "Experience rating" means a rating determined by the  
25 Agency by rule that correlates with the number of firearms

1 recovered in a given year in connection with incidents  
2 involving firearm injuries and firearm deaths that are linked  
3 to a specific manufacturer in the State, regardless of the  
4 origin of purchase, taking into account the number of firearm  
5 injuries and firearm deaths associated with each firearm  
6 recovered, regardless of modifications or accessories added to  
7 the firearm after manufacturing, divided by the total number  
8 of firearms recovered in connection with those incidents in  
9 that same year.

10 "Finished firearm" means a firearm other than a firearm  
11 muffler or firearm silencer that contains all component parts  
12 necessary to function, whether or not assembled or operable.

13 "Firearm" has the same meaning given to that term in the  
14 Firearm Owners Identification Card Act.

15 "Firearm death" means the death of a person that is the  
16 direct or proximate result of a high-velocity projectile fired  
17 from a firearm. "Firearm death" includes suicides and  
18 homicides.

19 "Firearm injury" means a physical, mental, or emotional  
20 injury to a person that is the direct or proximate result of a  
21 high-velocity projectile fired from a firearm, whether  
22 self-inflicted, accidental, or intentional.

23 "Firearm trade show" means either (i) a professional  
24 industry event in which firearm manufacturers, firearm  
25 wholesalers, and firearm distributors showcase new firearm  
26 products and firearm-related products, negotiate deals, and

1 network or (ii) a public event in which federally licensed  
2 dealers and, in some cases, private collectors or private  
3 sellers gather to display and sell firearms, ammunition, and  
4 outdoor gear directly to the general public.

5 "Importer" means any person that brings one or more  
6 manufactured firearms into the State of Illinois.

7 "Licensed dealer" means any person engaged in the business  
8 of selling guns for profit and who is legally authorized by  
9 federal and State authorities to manufacture, import, or sell  
10 firearms.

11 "Manufacturer" means a person with a Federal Firearms  
12 License who manufactures and sells finished firearms to  
13 consumers, distributors, or retailers in this State.  
14 "Manufacturer" does not include a person that manufactured or  
15 sold less than 10 firearms in the last 3 years.

16 "Organizer of a firearm trade show" means a person  
17 responsible for planning, coordinating, and managing all  
18 aspects of a firearm trade show.

19 "Private seller" means a person who makes occasional sales  
20 from the person's personal collection of firearms and is not  
21 required to have a Federal Firearms License.

22 "Retailer of firearms" or "retailer" means a person that  
23 sells firearms directly to consumers in this State.

24 "RIFL Agency" or "Agency" means the Responsibility in  
25 Firearm Legislation Agency established under Section 15 of  
26 this Act.

1 "RIFL Board" or "Board" means the Board of Directors  
2 supervising and directing the RIFL Agency, as appointed under  
3 Section 20 of this Act.

4 "RIFL Fund" or "Fund" means the Responsibility in Firearm  
5 Legislation Fund created under Section 35 of this Act.

6 "RIFL License" or "license" means a Responsibility in  
7 Firearm Legislation License granted by the RIFL Agency under  
8 Section 30 of this Act.

9 "Sponsor of a firearm trade show" means a person that  
10 funds or provides resources for specific parts of a firearm  
11 trade show in exchange for prominent marketing, visibility,  
12 and networking opportunities with industry professionals and  
13 consumers.

14 "Total annual aggregate fee" means the sum of all license  
15 fees imposed over one year on manufacturers under this Act.

16 Section 15. Responsibility in Firearm Legislation Agency.  
17 For the purpose of effectuating the policy declared in Section  
18 5 of this Act, there is established in the Executive Branch of  
19 the State Government an independent agency to be known as the  
20 Responsibility in Firearm Legislation Agency. This RIFL Agency  
21 shall be under the supervision and direction of a Board of  
22 Directors as described in Section 20 of this Act. The RIFL  
23 Agency shall have the powers and duties enumerated in this  
24 Act, with such other powers and duties conferred upon it by  
25 law.

1           Section 20. Responsibility in Firearm Legislation Agency  
2 Board of Directors.

3           (a) The Board of Directors of the RIFL Agency shall be  
4 appointed as follows:

5                 (1) The Governor shall appoint the Board of Directors  
6 of the RIFL Agency with the advice and consent of the  
7 Senate. The Board shall supervise and direct the RIFL  
8 Agency established under Section 15 of this Act.

9                 (2) The Board shall have 9 members as follows:

10                         (A) Three members who are representatives from  
11 private industry. One of the 3 members shall be  
12 licensed to practice law in the State of Illinois, and  
13 one member shall be a representative of the firearm  
14 industry.

15                         (B) Three members who are representatives from  
16 health professions, licensed in the State of Illinois  
17 and with experience in the treatment of patients who  
18 have suffered firearm injuries. At least one member  
19 must hold a Medical Doctorate or Doctor of Osteopathic  
20 Medicine and one member must be a licensed  
21 psychiatrist, psychologist, psychotherapist, or  
22 behavioral therapist.

23                         (C) One member who is a highly respected legal  
24 scholar. The Chief Justice of the Illinois Supreme  
25 Court may submit a nomination under this subparagraph

1 (C) to the Governor.

2 (D) One member who is an economist who provides  
3 analysis in commercial litigation or a certified  
4 public accountant and who does not work in a similar  
5 industry or field as any other representative.

6 (E) One member who is an executive director of a  
7 community violence intervention organization.

8 (3) Members of the Board shall serve for a term of 4  
9 years. No member may serve for more than 2 consecutive  
10 terms.

11 (4) Vacancies shall be filled by the Board as  
12 described under this subsection (a). An interim member  
13 appointed by the Board by majority vote shall serve for  
14 the remainder of the term or until a replacement can be  
15 appointed by the Governor, as follows:

16 (A) Vacancies under subparagraphs (C), (D), and  
17 (E) of paragraph (2) of this subsection (a) shall be  
18 filled by majority vote of any remaining members under  
19 subparagraphs (C), (D), and (E) of paragraph (2) of  
20 this subsection (a).

21 (B) Vacancies under subparagraphs (A) and (B) of  
22 paragraph (2) of this subsection (a) shall be filled  
23 by majority vote of any remaining members under  
24 subparagraphs (A) and (B) of paragraph (2) of this  
25 subsection (a).

26 If no candidate receives a majority of votes under

1           this paragraph (4), then the candidate with the fewest  
2           votes is disqualified and a new vote will be made for the  
3           remaining candidates. This shall continue until one  
4           candidate is chosen.

5           In the event of a tie under this paragraph (4), the  
6           President of the Board shall cast a tie-breaking vote.

7           (b) The requirements for the President of the Board shall  
8           be as follows:

9           (1) The President of the Board shall be chosen from  
10          among the members described under subparagraphs (C), (D),  
11          and (E) of paragraph (2) of subsection (a). The President  
12          of the Board shall be appointed by the Governor with the  
13          advice and consent of the Senate. A person may be  
14          appointed concurrently President of the Board and member  
15          under subparagraph (C), (D), or (E) of paragraph (2) of  
16          subsection (a) as provided under paragraph (1) of  
17          subsection (a).

18          (2) If, for any reason there is a vacancy for the  
19          President of the Board, then the Board, by a majority of  
20          members, shall choose an interim President of the Board  
21          from among the remaining representatives as described  
22          under subparagraphs (C), (D), and (E) of paragraph (2) of  
23          subsection (a) who shall serve until a President of the  
24          Board is appointed according to paragraph (1).

25          (c) No business may be conducted at a meeting of the Board  
26          unless a majority of members are present. Except for the

1 appointment of interim members to fill vacancies as provided  
2 under paragraph (4) of subsection (a) of this Section, an  
3 action, order, decision, or resolution of the Board is only  
4 binding if a majority of the members of the Board have voted in  
5 favor of the action, order, decision, or resolution unless a  
6 vote of more than a majority of members of the Board is  
7 otherwise required according to rules adopted by the Board.

8 (d) The Board shall:

9 (1) supervise and direct the Agency;

10 (2) adopt rules as authorized by law; and

11 (3) hire executive staff including an Executive  
12 Director of the RIFL Agency and Associate Director of the  
13 RIFL Agency.

14 (e) The Board shall adopt rules providing for salaries for  
15 an Executive Director and Associate Director, and any other  
16 executive staff, as well as compensation for members of the  
17 Board. The Board may adopt any other rules necessary to carry  
18 out the purposes of this Act.

19 (f) The personnel, administration, and other costs and  
20 expenses of the Board may only be paid by appropriations from  
21 the RIFL Fund or by appropriations from any other fund. Any  
22 appropriation from the General Revenue Fund or any other fund  
23 besides the RIFL Fund to pay for the personnel,  
24 administration, and other costs and expenses of the Board  
25 shall be reimbursed by transfer from the RIFL Fund at the  
26 direction of the Board.

1 Section 25. General powers and duties of the Agency.

2 (a) The Agency shall develop and administer the RIFL  
3 Licensing Program.

4 (b) Except as otherwise limited by this Act, the Agency  
5 has all of the powers to carry out the purposes and provisions  
6 of this Act, including, but not limited to:

7 (1) obtaining and employing personnel and hiring  
8 consultants that are necessary to fulfill the Agency's  
9 purposes, and making expenditures for that purpose within  
10 the appropriations for that purpose;

11 (2) purchasing, receiving, taking by grant, gift,  
12 devise, bequest, or otherwise, lease, or otherwise  
13 acquiring, owning, holding, improving, employing, using,  
14 and otherwise dealing in and with, real or personal  
15 property, whether tangible or intangible, or any interest  
16 therein, within the State;

17 (3) acquiring real or personal property, whether  
18 tangible or intangible, including, without limitation,  
19 property rights, interests in property, franchises,  
20 obligations, contracts, and debt and equity securities;

21 (4) selling, conveying, leasing, exchanging,  
22 transferring, abandoning, or otherwise disposing of, or  
23 mortgaging, pledging, or creating a security interest in,  
24 any of its assets, properties, or any interest therein,  
25 wherever situated;

1           (5) purchasing, taking, receiving, subscribing for, or  
2 otherwise acquiring, holding, making a tender offer for,  
3 voting, disposing of, mortgaging, pledging or granting a  
4 security interest in, using, and otherwise dealing in and  
5 with, bonds and other obligations, shares or other  
6 securities (or interests therein) issued by others,  
7 whether engaged in a similar or different business or  
8 activity;

9           (6) making and executing agreements, contracts, and  
10 other instruments necessary or convenient in the exercise  
11 of the powers and functions of the Agency under this Act,  
12 including contracts with any person;

13           (7) lending money, investing and reinvesting its funds  
14 in accordance with the Public Funds Investment Act, and  
15 taking and holding real and personal property as security  
16 for the payment of funds loaned or invested;

17           (8) borrowing money at such rate or rates of interest  
18 as the Agency may determine, issuing its notes, bonds, or  
19 other obligations to evidence that indebtedness, and  
20 securing any of its obligations by mortgage or pledge of  
21 its real or personal property, revenues, grants, and other  
22 funds as provided or any interest therein, wherever  
23 situated;

24           (9) procuring insurance against any loss in connection  
25 with its properties or operations in such amount or  
26 amounts and from such insurers as it may deem necessary or

1           desirable, and paying any premiums thereof;

2           (10) negotiating and entering into agreements with  
3 trustees or receivers appointed by United States  
4 bankruptcy courts or federal district courts or in other  
5 proceedings involving adjustment of debts and authorizing  
6 proceedings involving adjustments of debts and authorizing  
7 legal counsel for the Agency to appear in any such  
8 proceedings;

9           (11) filing a petition under Chapter 9 of Title 11 of  
10 the United States Bankruptcy Code or taking other similar  
11 action for the adjustment of its debts;

12           (12) entering into management agreements for the  
13 operation of any of the property or facilities owned by  
14 the Agency;

15           (13) maintaining an office or offices at such place or  
16 places in the State as it may determine;

17           (14) requesting information, and making any inquiry,  
18 investigation, or study that the Agency may deem necessary  
19 to enable it effectively to carry out the provisions of  
20 this Act;

21           (15) accepting and expending appropriations;

22           (16) engaging in any activity or operation that is  
23 incidental to and in furtherance of efficient operation to  
24 accomplish the Agency's purposes, including hiring  
25 employees that the Board deems essential for the  
26 operations of the Agency;

1           (17) adopting, revising, amending, and repealing rules  
2           with respect to its operations and properties as may be  
3           necessary or convenient to carry out the purposes of this  
4           Act, subject to the provisions of the Illinois  
5           Administrative Procedure Act;

6           (18) establishing and collecting charges and fees as  
7           described in this Act; and

8           (19) implementing and administering this Act.

9           (c) The personnel, administration, and other costs and  
10          expenses of the Agency may only be paid by appropriations from  
11          the RIFL Fund or by appropriations from any other fund. Any  
12          appropriation from the General Revenue Fund or any other fund  
13          besides the RIFL Fund to pay for the personnel,  
14          administration, and other costs and expenses of the Agency  
15          shall be reimbursed by transfer from the RIFL Fund at the  
16          direction of the Board.

17          Section 30. Responsibility in Firearm Legislation  
18          Licensing Program.

19          (a) The Responsibility in Firearm Legislation Licensing  
20          Program is established and shall be administered by the RIFL  
21          Agency.

22          (b) A manufacturer in this State shall be issued a RIFL  
23          License by the Agency upon payment of a fee set by the Agency  
24          according to the manufacturer's responsible portion of the  
25          total annual aggregate fee using the manufacturer's experience

1 rating.

2 (c) The Agency shall maintain a list of all licensed  
3 manufacturers under this Section to be published on the  
4 Agency's website.

5 (d) Retailers, distributors, and importers shall report to  
6 the Agency the name of the manufacturer or manufacturers with  
7 whom the retailer, distributor, or importer contracts or  
8 transacts by September 1, 2027, and annually thereafter.

9 (e) Before commencing the Responsibility in Firearm  
10 Legislation Licensing Program under this Section, and in  
11 accordance with this Act and the Illinois Procurement Code,  
12 the Board shall issue a request for proposals and contract  
13 with an actuarial or economics consulting firm with experience  
14 or expertise to determine each eligible manufacturer's portion  
15 of the initial \$50,000,000 total annual aggregate fee using  
16 experience rating as defined in this Act. The Agency shall  
17 annually set fees for a RIFL License based on the following:

18 (1) The total annual aggregate fee for all  
19 manufacturers of firearms in this State shall be set by  
20 the Agency at an amount that the Agency estimates is equal  
21 to no less than 7% and no more than 15% of the direct costs  
22 and financial burdens borne by the State and its residents  
23 as a result of firearm deaths and firearm injuries  
24 occurring in this State, as determined by the Agency based  
25 on the incidence of firearm deaths and firearm injuries in  
26 this State in the previous year, except that in the first

1 program year the total annual aggregate fee shall be equal  
2 to \$50,000,000, which is 7% of the calculated direct  
3 expenses of firearm deaths and firearm injuries in the  
4 State of Illinois in calendar year 2024.

5 (2) The total annual aggregate fee for all  
6 manufacturers in this State shall annually thereafter be  
7 adjusted by the Agency based on the incidence of firearm  
8 injury and firearm death and related expenses.

9 (3) The RIFL License fee for each manufacturer shall  
10 be calculated according to the manufacturer's portion of  
11 the total annual aggregate fee using the manufacturer's  
12 experience rating.

13 (4) No more than 10% of the annual aggregate fee shall  
14 be appropriated for personnel, administration, and other  
15 costs of the Agency and Board, except that in the first  
16 year or any year the Board contracts with an actuarial or  
17 economics consulting firm under this subsection (e), the  
18 percentage of the annual aggregate fee allocated for  
19 personnel, administration, and other costs of the Agency  
20 and Board may be adjusted to cover the costs and expenses  
21 related to the actuarial or economics consulting firm  
22 under this subsection (e).

23 Costs and expenses of the State related to the actuarial  
24 or economics consulting firm under this subsection (e) shall  
25 either be paid by appropriations from the RIFL Fund or by  
26 appropriations from any other fund. Any appropriation from the

1 General Revenue Fund or any other fund besides the RIFL Fund to  
2 pay for costs and expenses related to the actuarial or  
3 economics consulting firm shall be reimbursed by transfer from  
4 the RIFL Fund at the direction of the Board.

5 (f) The RIFL Agency shall inform each manufacturer of the  
6 amount of the license fee due from the manufacturer and the  
7 description of how the fee was calculated at least 90 days  
8 before the license renewal date.

9 (g) The RIFL Agency shall provide manufacturers with an  
10 opportunity to dispute any fees levied for a license under  
11 procedures established by rules adopted by the Agency under  
12 this Act.

13 (h) The proceeds from all fees under the Responsibility in  
14 Firearm Legislation Licensing Program shall be deposited into  
15 the RIFL Fund established under Section 35 for grants through  
16 the Reimagine Public Safety Act under the Department of Human  
17 Services Office of Firearm Violence Prevention.

18 (i) Beginning June 19, 2028, a manufacturer may not  
19 operate in this State without a license issued by the Agency  
20 under this Act.

21 (j) Beginning June 19, 2028, a retailer may not sell a  
22 firearm to a consumer in this State from a manufacturer who  
23 does not have a license issued by the Agency under this Act.

24 (k) Beginning June 19, 2028, an importer may not import  
25 firearms into this State from a manufacturer who does not have  
26 a license issued by the Agency under this Act.

1           (1) Beginning June 19, 2028, a distributor may not  
2 distribute a firearm into this State from a manufacturer who  
3 does not have a license issued by the Agency under this Act.

4           (m) Beginning June 19, 2028, a licensed dealer, private  
5 seller, sponsor of a firearm trade show, or organizer of a  
6 firearm trade show may not sell, distribute, sponsor, or  
7 organize to effectuate the selling of firearms in this State  
8 from a manufacturer who does not have a license issued by the  
9 Agency under this Act.

10           Section 35. RIFL Fund. The Responsibility in Firearm  
11 Legislation Fund is created as a special fund in the State  
12 treasury. Proceeds from fees imposed for RIFL Licenses under  
13 Section 30 of this Act or from fees imposed under rules adopted  
14 under this Act shall be collected by the RIFL Agency and  
15 deposited into the Fund. Civil penalties collected under  
16 Section 45 shall be deposited into the Fund. Interest and  
17 dividends shall be reinvested into the Fund. Moneys in the  
18 RIFL Fund, as directed by the RIFL Board and in consultation  
19 with the Department of Human Services Office of Firearm  
20 Violence Prevention, shall be expended to provide for grants  
21 through the Reimagine Public Safety Act under the Department  
22 of Human Services Office of Firearm Violence Prevention, for  
23 costs, expenses, and reimbursements under paragraph (4) of  
24 subsection (e) of Section 30, and for no other purpose, except  
25 that moneys in the RIFL Fund, as directed by the RIFL Board,

1 may be transferred to reimburse appropriations from other  
2 funds pursuant to subsection (f) of Section 20, subsection (c)  
3 of Section 25, or subsection (e) of Section 30. Subsections  
4 (b) and (c) of Section 5 of the State Finance Act do not apply  
5 to the RIFL Fund.

6 Section 40. RIFL firearm recovery reporting.

7 (a) Beginning June 1, 2027, all law enforcement agencies  
8 shall report to the Illinois State Police the serial number,  
9 manufacturer, make, and model of all firearms recovered in any  
10 incidents to which they respond that result in a firearm  
11 injury.

12 (b) The Illinois State Police shall compile all reports  
13 and provide a report to the Agency by December 1, 2027, and  
14 annually thereafter.

15 (c) The Agency shall make available on the Agency's public  
16 website the substance of the reports received under this  
17 Section.

18 (d) The Agency, in consultation with the Illinois State  
19 Police, shall, by rule, establish procedures implementing this  
20 Section.

21 Section 45. Enforcement and penalties.

22 (a) The State's Attorney of the county where the violation  
23 occurs or the Attorney General may investigate violations of  
24 this Act or rules adopted under this Act and bring civil

1 actions to enforce this Act or rules adopted under this Act.  
2 Any civil penalty collected under this Act or rules adopted  
3 under this Act shall be deposited into the RIFL Fund.

4 (b) A manufacturer who violates subsection (i) of Section  
5 30 is subject to a civil penalty of up to \$250,000. After 60  
6 days of continuous violation of subsection (i) of Section 30,  
7 the manufacturer shall be prohibited from operating in the  
8 State. A manufacturer is liable for all fees, fines, or other  
9 penalties levied, including any fees, fines, or penalties for  
10 late payment or other fees, fines, or penalties under rules  
11 adopted by the Agency. A license shall not be reinstated until  
12 all outstanding fees, fines, and other penalties are paid in  
13 full. All fines and penalties shall be paid into the RIFL Fund.

14 (c) A retailer, distributor, importer, licensed dealer,  
15 private seller, sponsor of a firearm trade show, or organizer  
16 of a firearm trade show who violates subsection (j), (k), (l),  
17 or (m) of Section 30 is subject to a civil penalty of up to  
18 \$10,000 per violation. It is an affirmative defense that a  
19 retailer, distributor, importer, licensed dealer, private  
20 seller, sponsor of a firearm trade show, or organizer of a  
21 firearm trade show reasonably relied upon the list of  
22 manufacturers under Section 30 of this Act.

23 (d) The Agency may adopt rules that provide for other  
24 civil penalties for violations of this Act or rules adopted  
25 under this Act of no more than \$10,000 per violation for  
26 retailers, distributors, importers, licensed dealers, private

1 sellers, sponsors of a firearm trade show, or organizers of a  
2 firearm trade show.

3 (e) The State's Attorney of the county where the violation  
4 occurs or the Attorney General may bring an action for an  
5 equitable or other remedy in a court to enforce this Act or to  
6 prevent a violation of this Act.

7 (f) If a manufacturer that operates in the State on or  
8 after the effective date of this Act stops operating in the  
9 State for any period of time and stops paying fees under  
10 Section 30 but then later resumes operating in the State, the  
11 manufacturer must pay all the fees under Section 30 for the  
12 years the manufacturer was not operating in the State or not  
13 paying its annual fees under Section 30.

14 (g) No manufacturer, retailer, distributor, importer,  
15 licensed dealer, private seller, sponsor of a firearm trade  
16 show, or organizer of a firearm trade show may, for the purpose  
17 of avoiding fees, penalties, or liability under this Act or  
18 rules adopted under this Act:

19 (1) dissolve, merge, reincorporate, or transfer assets  
20 to another entity;

21 (2) create, register, or operate a new entity that  
22 continues the activities, products, management, ownership,  
23 or operators of the manufacturer, retailer, distributor,  
24 importer, licensed dealer, private seller, sponsor of a  
25 firearm trade show, or organizer of a firearm trade show  
26 that owes any fees, penalties, or liability under this

1 Act; or

2 (3) use a judicial or administrative or other process  
3 to discharge fees or penalties imposed under this Act,  
4 except to the extent permitted by federal law.

5 (h) An entity shall be deemed a successor to a  
6 manufacturer, retailer, distributor, importer, licensed  
7 dealer, private seller, sponsor of a firearm trade show, or  
8 organizer of a firearm trade show in violation of this Act or  
9 rules adopted under this Act if it:

10 (1) acquires, purchases, or receives substantially all  
11 of the assets, product lines, intellectual property,  
12 equipment, or operations of the entity in violation of  
13 this Act or rules adopted under this Act;

14 (2) shares common ownership, officers, directors,  
15 managers, or controlling shareholders with the entity in  
16 violation of this Act or rules adopted under this Act;

17 (3) operates the same or substantially similar  
18 manufacturing, distribution, or commercial activities as  
19 the entity in violation of this Act or rules adopted under  
20 this Act; or

21 (4) holds itself out to the public as a continuation  
22 of the entity in violation of this Act or rules adopted  
23 under this Act.

24 A successor entity under this subsection (h) shall inherit  
25 all fees, penalties, liability, judgments, and obligations of  
26 the manufacturer, retailer, distributor, importer, licensed

1 dealer, private seller, sponsor of a firearm trade show, or  
2 organizer of a firearm trade show in violation of this Act or  
3 rules adopted under this Act, regardless of nominal or other  
4 corporate changes.

5 (i) If an entity is formed or used to avoid the fees,  
6 penalties, liability, or other obligations of a manufacturer,  
7 retailer, distributor, importer, licensed dealer, private  
8 seller, sponsor of a firearm trade show, or organizer of a  
9 firearm trade show that is in violation of this Act, the  
10 State's Attorney of the county where the violation occurs or  
11 the Attorney General may bring a civil action to declare the  
12 new entity a successor of the manufacturer, retailer,  
13 distributor, importer, licensed dealer, private seller,  
14 sponsor of a firearm trade show, or organizer of a firearm  
15 trade show. If the new entity is a successor, the court shall  
16 treat both entities as a single enterprise, all liabilities  
17 shall be imputed to the new entity, and enforcement actions  
18 may proceed directly against the successor. Any transfer of  
19 assets, contracts, inventory, accounts receivable, or  
20 intellectual property made after the manufacturer, retailer,  
21 distributor, importer, licensed dealer, private seller,  
22 sponsor of a firearm trade show, or organizer of a firearm  
23 trade show in violation of this Act became aware of an  
24 investigation, violation, or penalty shall be deemed  
25 presumptively fraudulent and voidable by the State.

26 Subsections (g), (h), and (i) of this Section shall be

1 interpreted as additions to, but not limitations or  
2 abrogations of, recovery from a successor in interest under  
3 the common law.

4 Section 50. Rulemaking. The Agency shall adopt rules to  
5 implement and administer this Act.

6 Section 80. The State Finance Act is amended by changing  
7 Section 5 and by adding Section 5.1038 as follows:

8 (30 ILCS 105/5) (from Ch. 127, par. 141)

9 Sec. 5. Special funds.

10 (a) There are special funds in the State Treasury  
11 designated as specified in the Sections which succeed this  
12 Section 5 and precede Section 5d.

13 (b) Except as provided in the Illinois Vehicle Hijacking  
14 and Motor Vehicle Theft Prevention and Insurance Verification  
15 Act and the Responsibility in Firearm Legislation Act, when  
16 any special fund in the State Treasury is discontinued by an  
17 Act of the General Assembly, any balance remaining therein on  
18 the effective date of such Act shall be transferred to the  
19 General Revenue Fund, or to such other fund as such Act shall  
20 provide. Warrants outstanding against such discontinued fund  
21 at the time of the transfer of any such balance therein shall  
22 be paid out of the fund to which the transfer was made.

23 (c) Except as provided in the Responsibility in Firearm

1 Legislation Act, when ~~When~~ any special fund in the State  
2 Treasury has been inactive for 18 months or longer, the  
3 Comptroller may terminate the fund, and the balance remaining  
4 in such fund shall be transferred by the Comptroller to the  
5 General Revenue Fund. When a special fund has been terminated  
6 by the Comptroller as provided in this Section, the General  
7 Assembly shall repeal or amend all Sections of the statutes  
8 creating or otherwise referring to that fund.

9 The Comptroller shall be allowed the discretion to  
10 maintain or dissolve any federal trust fund which has been  
11 inactive for 18 months or longer.

12 (d) (Blank).

13 (e) (Blank).

14 (Source: P.A. 102-904, eff. 1-1-23; 103-266, eff. 1-1-24;  
15 103-616, eff. 7-1-24.)

16 (30 ILCS 105/5.1038 new)

17 Sec. 5.1038. The Responsibility in Firearm Legislation  
18 Fund."