



Sen. Robert Peters

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1 AMENDMENT TO SENATE BILL 2279

2 AMENDMENT NO. _____. Amend Senate Bill 2279 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 "Destructive device" has the meaning given the term in 18
8 U.S.C. 921(a)(4).

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

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

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

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

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

12 "Firearm" means:

13 (1) any weapon (including a starter gun) which will or
14 is designed to or may readily be converted to expel a
15 projectile by the action of an explosive;

16 (2) the frame or receiver of any such weapon;

17 (3) any firearm muffler or firearm silencer; or

18 (4) any destructive device.

19 "Firearm" does not include an antique firearm.

20 "Firearm death" means the death of a person that is the
21 direct or proximate result of a high-velocity projectile fired
22 from a firearm. "Firearm death" includes suicides and
23 homicides.

24 "Firearm injury" means a physical, mental, or emotional
25 injury to a person that is the direct or proximate result of a
26 high-velocity projectile fired from a firearm, whether

1 self-inflicted, accidental, or intentional.

2 "Firearm trade show" means either (i) a professional
3 industry event in which firearm manufacturers, firearm
4 wholesalers, and firearm distributors showcase new firearm
5 products and firearm-related products, negotiate deals, and
6 network or (ii) a public event in which federally licensed
7 dealers and, in some cases, private collectors or private
8 sellers gather to display and sell firearms, ammunition, and
9 outdoor gear directly to the general public.

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

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

16 "Manufacturer" means any person engaged in the manufacture
17 of firearms for purposes of sale or distribution or that holds
18 a federal firearms license type 6, 7, or 10.

19 "Organizer of a firearm trade show" means a person
20 responsible for planning, coordinating, and managing all
21 aspects of a firearm trade show.

22 "Pawnbroker" means any person whose business or occupation
23 includes the taking or receiving by way of pledge or pawn, of
24 any firearm as security for the payment or repayment of money.

25 "Private seller" means a person who makes occasional sales
26 from the person's personal collection of firearms and is not

1 required to have a Federal Firearms License.

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

4 "RIFL Agency" or "Agency" means the Responsibility in
5 Firearm Legislation Agency established under Section 15 of
6 this Act.

7 "RIFL Board" or "Board" means the Board of Directors
8 supervising and directing the RIFL Agency, as appointed under
9 Section 20 of this Act.

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

12 "RIFL License" or "license" means a Responsibility in
13 Firearm Legislation License granted by the RIFL Agency under
14 Section 30 of this Act.

15 "Sponsor of a firearm trade show" means a person that
16 funds or provides resources for specific parts of a firearm
17 trade show in exchange for prominent marketing, visibility,
18 and networking opportunities with industry professionals and
19 consumers.

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

22 "Tracing" means the systematic tracking of a firearm's
23 manufacture, distribution, retail sale, and ownership.

24 Section 15. Responsibility in Firearm Legislation Agency.
25 For the purpose of effectuating the policy declared in Section

1 5 of this Act, there is established in the Executive Branch of
2 the State Government an independent agency to be known as the
3 Responsibility in Firearm Legislation Agency. This RIFL Agency
4 shall be under the supervision and direction of a Board of
5 Directors as described in Section 20 of this Act. The RIFL
6 Agency shall have the powers and duties enumerated in this
7 Act, with such other powers and duties conferred upon it by
8 law.

9 Section 20. Responsibility in Firearm Legislation Agency
10 Board of Directors.

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

13 (1) The Governor shall appoint the Board of Directors
14 of the RIFL Agency with the advice and consent of the
15 Senate. The Board shall supervise and direct the RIFL
16 Agency established under Section 15 of this Act.

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

18 (A) Three members who are representatives from
19 private industry. One of the 3 members shall be
20 licensed to practice law in the State of Illinois, and
21 one member shall be a representative of the firearm
22 industry.

23 (B) Three members who are representatives from
24 health professions, licensed in the State of Illinois
25 and with experience in the treatment of patients who

1 have suffered firearm injuries. At least one member
2 must hold a Medical Doctorate or Doctor of Osteopathic
3 Medicine and one member must be a licensed
4 psychiatrist, psychologist, psychotherapist, or
5 behavioral therapist.

6 (C) One member who is a highly respected legal
7 scholar. The Chief Justice of the Illinois Supreme
8 Court may submit a nomination under this subparagraph
9 (C) to the Governor.

10 (D) One member who is an economist who provides
11 analysis in commercial litigation or a certified
12 public accountant and who does not work in a similar
13 industry or field as any other representative.

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

16 (3) Members of the Board shall serve for a term of 4
17 years. No member may serve for more than 2 consecutive
18 terms.

19 (4) Vacancies shall be filled by the Board as
20 described under this subsection (a). An interim member
21 appointed by the Board by majority vote shall serve for
22 the remainder of the term or until a replacement can be
23 appointed by the Governor, as follows:

24 (A) Vacancies under subparagraphs (C), (D), and
25 (E) of paragraph (2) of this subsection (a) shall be
26 filled by majority vote of any remaining members under

1 subparagraphs (C), (D), and (E) of paragraph (2) of
2 this subsection (a).

3 (B) Vacancies under subparagraphs (A) and (B) of
4 paragraph (2) of this subsection (a) shall be filled
5 by majority vote of any remaining members under
6 subparagraphs (A) and (B) of paragraph (2) of this
7 subsection (a).

8 If no candidate receives a majority of votes under
9 this paragraph (4), then the candidate with the fewest
10 votes is disqualified and a new vote will be held for the
11 remaining candidates. This shall continue until one
12 candidate is chosen.

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

15 (b) The requirements for the President of the Board shall
16 be as follows:

17 (1) The President of the Board shall be chosen from
18 among the members described under subparagraphs (C), (D),
19 and (E) of paragraph (2) of subsection (a). The President
20 of the Board shall be appointed by the Governor with the
21 advice and consent of the Senate. A person may be
22 appointed concurrently President of the Board and member
23 under subparagraph (C), (D), or (E) of paragraph (2) of
24 subsection (a) as provided under paragraph (1) of
25 subsection (a).

26 (2) If, for any reason there is a vacancy for the

1 President of the Board, then the Board, by a majority of
2 members, shall choose an interim President of the Board
3 from among the remaining representatives as described
4 under subparagraphs (C), (D), and (E) of paragraph (2) of
5 subsection (a) who shall serve until a President of the
6 Board is appointed according to paragraph (1).

7 (c) No business may be conducted at a meeting of the Board
8 unless a majority of members are present. Except for the
9 appointment of interim members to fill vacancies as provided
10 under paragraph (4) of subsection (a) of this Section, an
11 action, order, decision, or resolution of the Board is only
12 binding if a majority of the members of the Board have voted in
13 favor of the action, order, decision, or resolution unless a
14 vote of more than a majority of members of the Board is
15 otherwise required according to rules adopted by the Board.

16 (d) The Board shall:

17 (1) supervise and direct the Agency;

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

19 (3) hire executive staff including an Executive
20 Director of the RIFL Agency and Associate Director of the
21 RIFL Agency.

22 (e) The Board shall adopt rules providing for salaries for
23 an Executive Director and Associate Director, and any other
24 executive staff, as well as compensation for members of the
25 Board. The Board may adopt any other rules necessary to carry
26 out the purposes of this Act.

1 (f) The personnel, administration, and other costs and
2 expenses of the Board may only be paid by appropriations from
3 the RIFL Fund or by appropriations from any other fund. Any
4 appropriation from the General Revenue Fund or any other fund
5 besides the RIFL Fund to pay for the personnel,
6 administration, and other costs and expenses of the Board
7 shall be reimbursed by transfer from the RIFL Fund at the
8 direction of the Board.

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

10 (a) The Agency shall develop and administer the RIFL
11 Licensing Program.

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

15 (1) obtaining and employing personnel and hiring
16 consultants that are necessary to fulfill the Agency's
17 purposes, and making expenditures for that purpose within
18 the appropriations for that purpose;

19 (2) purchasing, receiving, taking by grant, gift,
20 devise, bequest, or otherwise, lease, or otherwise
21 acquiring, owning, holding, improving, employing, using,
22 and otherwise dealing in and with, real or personal
23 property, whether tangible or intangible, or any interest
24 therein, within the State;

25 (3) acquiring real or personal property, whether

1 tangible or intangible, including, without limitation,
2 property rights, interests in property, franchises,
3 obligations, contracts, and debt and equity securities;

4 (4) selling, conveying, leasing, exchanging,
5 transferring, abandoning, or otherwise disposing of, or
6 mortgaging, pledging, or creating a security interest in,
7 any of its assets, properties, or any interest therein,
8 wherever situated;

9 (5) purchasing, taking, receiving, subscribing for, or
10 otherwise acquiring, holding, making a tender offer for,
11 voting, disposing of, mortgaging, pledging or granting a
12 security interest in, using, and otherwise dealing in and
13 with, bonds and other obligations, shares or other
14 securities (or interests therein) issued by others,
15 whether engaged in a similar or different business or
16 activity;

17 (6) making and executing agreements, contracts, and
18 other instruments necessary or convenient in the exercise
19 of the powers and functions of the Agency under this Act,
20 including contracts with any person;

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

25 (8) borrowing money at such rate or rates of interest
26 as the Agency may determine, issuing its notes, bonds, or

1 other obligations to evidence that indebtedness, and
2 securing any of its obligations by mortgage or pledge of
3 its real or personal property, revenues, grants, and other
4 funds as provided or any interest therein, wherever
5 situated;

6 (9) procuring insurance against any loss in connection
7 with its properties or operations in such amount or
8 amounts and from such insurers as it may deem necessary or
9 desirable, and paying any premiums thereof;

10 (10) negotiating and entering into agreements with
11 trustees or receivers appointed by United States
12 bankruptcy courts or federal district courts or in other
13 proceedings involving adjustment of debts and authorizing
14 proceedings involving adjustment of debts and authorizing
15 legal counsel for the Agency to appear in any such
16 proceedings;

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

20 (12) entering into management agreements for the
21 operation of any of the property or facilities owned by
22 the Agency;

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

25 (14) requesting information, and making any inquiry,
26 investigation, or study that the Agency may deem necessary

1 to enable it effectively to carry out the provisions of
2 this Act;

3 (15) accepting and expending appropriations;

4 (16) engaging in any activity or operation that is
5 incidental to and in furtherance of efficient operation to
6 accomplish the Agency's purposes, including hiring
7 employees that the Board deems essential for the
8 operations of the Agency;

9 (17) adopting, revising, amending, and repealing rules
10 with respect to its operations and properties as may be
11 necessary or convenient to carry out the purposes of this
12 Act, subject to the provisions of the Illinois
13 Administrative Procedure Act;

14 (18) establishing and collecting charges and fees as
15 described in this Act; and

16 (19) implementing and administering this Act.

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

25 Section 30. Responsibility in Firearm Legislation

1 Licensing Program.

2 (a) The Responsibility in Firearm Legislation Licensing
3 Program is established and shall be administered by the RIFL
4 Agency.

5 (b) A manufacturer in this State shall be issued a RIFL
6 License by the Agency upon payment of a fee set by the Agency
7 according to the manufacturer's responsible portion of the
8 total annual aggregate fee using the manufacturer's experience
9 rating.

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

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

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

26 (1) The total annual aggregate fee for all

1 manufacturers of firearms in this State shall be set by
2 the Agency at an amount that the Agency estimates is equal
3 to no less than 7% and no more than 15% of the direct costs
4 and financial burdens borne by the State and its residents
5 as a result of firearm deaths and firearm injuries
6 occurring in this State, as determined by the Agency based
7 on the incidence of firearm deaths and firearm injuries in
8 this State in the previous year, except that in the first
9 program year the total annual aggregate fee shall be equal
10 to \$50,000,000, which is 7% of the calculated direct
11 expenses of firearm deaths and firearm injuries in the
12 State of Illinois in calendar year 2024.

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

17 (3) The RIFL License fee for each manufacturer shall
18 be calculated according to the manufacturer's portion of
19 the total annual aggregate fee using the manufacturer's
20 experience rating.

21 (4) No more than 10% of the annual aggregate fee shall
22 be appropriated for personnel, administration, and other
23 costs of the Agency and Board, except that in the first
24 year or any year the Board contracts with an actuarial or
25 economics consulting firm under this subsection (e), the
26 percentage of the annual aggregate fee allocated for

1 personnel, administration, and other costs of the Agency
2 and Board may be adjusted to cover the costs and expenses
3 related to the actuarial or economics consulting firm
4 under this subsection (e).

5 Costs and expenses of the State related to the actuarial
6 or economics consulting firm under this subsection (e) shall
7 either be paid by appropriations from the RIFL Fund or by
8 appropriations from any other fund. Any appropriation from the
9 General Revenue Fund or any other fund besides the RIFL Fund to
10 pay for costs and expenses related to the actuarial or
11 economics consulting firm shall be reimbursed by transfer from
12 the RIFL Fund at the direction of the Board.

13 (f) The RIFL Agency shall inform each manufacturer of the
14 amount of the license fee due from the manufacturer and the
15 description of how the fee was calculated at least 90 days
16 before the license renewal date.

17 (g) The RIFL Agency shall provide manufacturers with an
18 opportunity to dispute any fees levied for a license under
19 procedures established by rules adopted by the Agency under
20 this Act.

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

26 (i) Beginning June 19, 2028, a manufacturer may not

1 operate in this State without a license issued by the Agency
2 under this Act.

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

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

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

12 (m) Beginning June 19, 2028, a licensed dealer,
13 pawnbroker, private seller, sponsor of a firearm trade show,
14 or organizer of a firearm trade show may not sell, distribute,
15 sponsor, or organize to effectuate the selling of firearms in
16 this State from a manufacturer who does not have a license
17 issued by the Agency under this Act.

18 Section 35. RIFL Fund. The Responsibility in Firearm
19 Legislation Fund is created as a special fund in the State
20 treasury. Proceeds from fees imposed for RIFL Licenses under
21 Section 30 of this Act or from fees imposed under rules adopted
22 under this Act shall be collected by the RIFL Agency and
23 deposited into the Fund. Civil penalties collected under
24 Section 45 shall be deposited into the Fund. Interest and
25 dividends shall be reinvested into the Fund. Moneys in the

1 RIFL Fund, as directed by the RIFL Board and in consultation
2 with the Department of Human Services Office of Firearm
3 Violence Prevention, shall be expended to provide for grants
4 through the Reimagine Public Safety Act under the Department
5 of Human Services Office of Firearm Violence Prevention, for
6 costs, expenses, and reimbursements under paragraph (4) of
7 subsection (e) of Section 30, and for no other purpose, except
8 that moneys in the RIFL Fund, as directed by the RIFL Board,
9 may be transferred to reimburse appropriations from other
10 funds pursuant to subsection (f) of Section 20, subsection (c)
11 of Section 25, or subsection (e) of Section 30. Subsections
12 (b) and (c) of Section 5 of the State Finance Act do not apply
13 to the RIFL Fund.

14 Section 40. RIFL firearm recovery reporting.

15 (a) Beginning June 1, 2027, all law enforcement agencies
16 shall report to the Illinois State Police any firearms
17 identified by physical recovery or through tracing that
18 resulted in a firearm injury or firearm death, and shall
19 include the manufacturer, and if available the serial number,
20 make, or model of the firearm.

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

24 (c) The Agency shall make available on the Agency's public
25 website the substance of the reports received under this

1 Section.

2 (d) The Agency, in consultation with the Illinois State
3 Police, shall, by rule, establish procedures implementing this
4 Section.

5 Section 45. Enforcement and penalties.

6 (a) The State's Attorney of the county where the violation
7 occurs or the Attorney General may investigate violations of
8 this Act or rules adopted under this Act and bring civil
9 actions to enforce this Act or rules adopted under this Act.
10 Any civil penalty collected under this Act or rules adopted
11 under this Act shall be deposited into the RIFL Fund.

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

22 (c) A retailer, distributor, importer, licensed dealer,
23 private seller, sponsor of a firearm trade show, or organizer
24 of a firearm trade show who violates subsection (j), (k), (l),
25 or (m) of Section 30 is subject to a civil penalty of up to

1 \$10,000 per violation. It is an affirmative defense that a
2 retailer, distributor, importer, licensed dealer, private
3 seller, sponsor of a firearm trade show, or organizer of a
4 firearm trade show reasonably relied upon the list of
5 manufacturers under Section 30 of this Act.

6 (d) The Agency may adopt rules that provide for other
7 civil penalties for violations of this Act or rules adopted
8 under this Act of no more than \$10,000 per violation for
9 retailers, distributors, importers, licensed dealers, private
10 sellers, sponsors of a firearm trade show, or organizers of a
11 firearm trade show.

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

16 (f) If a manufacturer that operates in the State on or
17 after the effective date of this Act stops operating in the
18 State for any period of time and stops paying fees under
19 Section 30 but then later resumes operating in the State, the
20 manufacturer must pay all the fees under Section 30 for the
21 years the manufacturer was not operating in the State or not
22 paying its annual fees under Section 30.

23 (g) No manufacturer, retailer, distributor, importer,
24 licensed dealer, private seller, sponsor of a firearm trade
25 show, or organizer of a firearm trade show may, for the purpose
26 of avoiding fees, penalties, or liability under this Act or

1 rules adopted under this Act:

2 (1) dissolve, merge, reincorporate, or transfer assets
3 to another entity;

4 (2) create, register, or operate a new entity that
5 continues the activities, products, management, ownership,
6 or operators of the manufacturer, retailer, distributor,
7 importer, licensed dealer, private seller, sponsor of a
8 firearm trade show, or organizer of a firearm trade show
9 that owes any fees, penalties, or liability under this
10 Act; or

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

14 (h) An entity shall be deemed a successor to a
15 manufacturer, retailer, distributor, importer, licensed
16 dealer, private seller, sponsor of a firearm trade show, or
17 organizer of a firearm trade show in violation of this Act or
18 rules adopted under this Act if it:

19 (1) acquires, purchases, or receives substantially all
20 of the assets, product lines, intellectual property,
21 equipment, or operations of the entity in violation of
22 this Act or rules adopted under this Act;

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

26 (3) operates the same or substantially similar

1 manufacturing, distribution, or commercial activities as
2 the entity in violation of this Act or rules adopted under
3 this Act; or

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

7 A successor entity under this subsection (h) shall inherit
8 all fees, penalties, liability, judgments, and obligations of
9 the manufacturer, retailer, distributor, importer, licensed
10 dealer, private seller, sponsor of a firearm trade show, or
11 organizer of a firearm trade show in violation of this Act or
12 rules adopted under this Act, regardless of nominal or other
13 corporate changes.

14 (i) If an entity is formed or used to avoid the fees,
15 penalties, liability, or other obligations of a manufacturer,
16 retailer, distributor, importer, licensed dealer, private
17 seller, sponsor of a firearm trade show, or organizer of a
18 firearm trade show that is in violation of this Act, the
19 State's Attorney of the county where the violation occurs or
20 the Attorney General may bring a civil action to declare the
21 new entity a successor of the manufacturer, retailer,
22 distributor, importer, licensed dealer, private seller,
23 sponsor of a firearm trade show, or organizer of a firearm
24 trade show. If the new entity is a successor, the court shall
25 treat both entities as a single enterprise, all liabilities
26 shall be imputed to the new entity, and enforcement actions

1 may proceed directly against the successor. Any transfer of
2 assets, contracts, inventory, accounts receivable, or
3 intellectual property made after the manufacturer, retailer,
4 distributor, importer, licensed dealer, private seller,
5 sponsor of a firearm trade show, or organizer of a firearm
6 trade show in violation of this Act became aware of an
7 investigation, violation, or penalty shall be deemed
8 presumptively fraudulent and voidable by the State.

9 Subsections (g), (h), and (i) of this Section shall be
10 interpreted as additions to, but not limitations or
11 abrogations of, recovery from a successor in interest under
12 the common law.

13 Section 50. Rulemaking. The Agency shall adopt rules to
14 implement and administer this Act.

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

17 (30 ILCS 105/5) (from Ch. 127, par. 141)

18 Sec. 5. Special funds.

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

22 (b) Except as provided in the Illinois Vehicle Hijacking
23 and Motor Vehicle Theft Prevention and Insurance Verification

1 Act and the Responsibility in Firearm Legislation Act, when
2 any special fund in the State Treasury is discontinued by an
3 Act of the General Assembly, any balance remaining therein on
4 the effective date of such Act shall be transferred to the
5 General Revenue Fund, or to such other fund as such Act shall
6 provide. Warrants outstanding against such discontinued fund
7 at the time of the transfer of any such balance therein shall
8 be paid out of the fund to which the transfer was made.

9 (c) Except as provided in the Responsibility in Firearm
10 Legislation Act, when ~~When~~ any special fund in the State
11 Treasury has been inactive for 18 months or longer, the
12 Comptroller may terminate the fund, and the balance remaining
13 in such fund shall be transferred by the Comptroller to the
14 General Revenue Fund. When a special fund has been terminated
15 by the Comptroller as provided in this Section, the General
16 Assembly shall repeal or amend all Sections of the statutes
17 creating or otherwise referring to that fund.

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

21 (d) (Blank).

22 (e) (Blank).

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

25 (30 ILCS 105/5.1038 new)

1 Sec. 5.1038. The Responsibility in Firearm Legislation
2 Fund.".