

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE 1. COMBATING ILLEGAL GUN TRAFFICKING ACT

5 Section 1-1. References to Act. This Act may be referred
6 to as the Combating Illegal Gun Trafficking Act.

7 ARTICLE 5. FIREARM DEALER LICENSE CERTIFICATION ACT

8 Section 5-1. Short title. This Article 1 may be cited as
9 the Firearm Dealer License Certification Act. References in
10 this Article to "this Act" mean this Article.

11 Section 5-5. Definitions. In this Act:

12 "Certified licensee" means a licensee that has previously
13 certified its license with the Department under this Act.

14 "Department" means the Department of State Police.

15 "Director" means the Director of State Police.

16 "Entity" means any person, firm, corporation, group of
17 individuals, or other legal entity.

18 "Inventory" means firearms in the possession of an
19 individual or entity for the purpose of sale or transfer.

20 "License" means a Federal Firearms License authorizing a

1 person or entity to engage in the business of dealing firearms.

2 "Licensee" means a person, firm, corporation, or other
3 entity who has been given, and is currently in possession of, a
4 valid Federal Firearms License.

5 "Retail location" means a store open to the public from
6 which a certified licensee engages in the business of selling,
7 transferring, or facilitating a sale or transfer of a firearm.
8 For purposes of this Act, a gun show or similar event at which
9 a certified licensee engages in business from time to time is
10 not a retail location.

11 Section 5-10. Copy of Federal Firearms License filed with
12 the Department. Each licensee shall file with the Department a
13 copy of its license, together with a sworn affidavit indicating
14 that the license presented is in fact its license and that the
15 license is valid. The Department may by rule create a process
16 for checking the validity of the license, in lieu of requiring
17 an affidavit. Upon receipt and review by the Department, the
18 Department shall issue a certificate of license to the
19 licensee, allowing the licensee to conduct business within this
20 State. The Department shall issue an initial certificate of
21 license within 30 days of receipt of the copy of license and
22 sworn affidavit. If the Department does not issue the
23 certificate within 30 days, the licensee shall operate as if a
24 certificate has been granted unless and until a denial is
25 issued by the Department.

1 Section 5-15. Certification requirement.

2 (a) Beginning 180 days after the effective date of this
3 Act, it is unlawful for a person or entity to engage in the
4 business of selling, leasing, or otherwise transferring
5 firearms without a valid certificate of license issued under
6 this Act. In the event that a person or entity maintains
7 multiple licenses to engage in different lines of business
8 requiring different licenses at one location, then the licenses
9 shall be deemed one license for purposes of certification. In
10 the event that a person or entity maintains multiple licenses
11 to engage in business at multiple locations, under the same
12 business name on the license or a different business name on
13 the license, then each license and location must receive its
14 own certification.

15 (b) It is unlawful for a person or entity without first
16 being a certified licensee under this Act to act as if he or
17 she is certified under this Act, to advertise, to assume to act
18 as a certified licensee or to use a title implying that the
19 person or entity is engaged in business as a certified licensee
20 without a license certified under this Act.

21 (c) It is unlawful to obtain or attempt to obtain any
22 certificate of license under this Act by material misstatement
23 or fraudulent misrepresentation. Notwithstanding the
24 provisions of Section 5-85, in addition to any penalty imposed
25 under this Section, any certificate of license obtained under

1 this Act due to material misstatement or fraudulent
2 misrepresentation shall automatically be revoked.

3 (d) A person who violates any provision of this Section is
4 guilty of a Class A misdemeanor for a first violation, and a
5 Class 4 felony for a second or subsequent violation.

6 (e) In addition to any other penalty provided by law, any
7 person or entity who violates any provision of this Section
8 shall pay a civil penalty to the Department in an amount not to
9 exceed \$10,000 for each offense, as determined by the
10 Department. The civil penalty shall be assessed by the
11 Department after a hearing is held in accordance with Sections
12 5-95 and 5-100.

13 (f) The Department has the authority and power to
14 investigate any and all unlicensed activity requiring a license
15 certified under this Act.

16 (g) The civil penalty shall be paid within 90 days after
17 the effective date of the order imposing the civil penalty. The
18 order shall constitute a judgment and may be filed and
19 execution had thereon in the same manner as any judgment from
20 any court of record.

21 (h) In the event the certification of a certified licensee
22 is revoked, it shall be a violation of this Act for the revoked
23 licensee to seek certification of a license held under a
24 different business name, or to re-open as a certified licensee
25 under another business name using the same license or as the
26 same person or entity doing business under a different business

1 name.

2 (i) The Department shall require all of the following
3 information from each applicant for certification under this
4 Act:

5 (1) The name, full business address, and telephone
6 number of the entity. The business address for the entity
7 shall be the complete street address where firearms in the
8 inventory of the entity are regularly stored, shall be
9 located within the State, and may not be a Post Office Box.

10 (2) All trade, business, or assumed names used by the
11 certified licensee by and under which the certified
12 licensee sells, transfers, or facilitates transfers of
13 firearms.

14 (3) The type of ownership or operation, such as a
15 partnership, corporation, or sole proprietorship.

16 (4) The name of the owner or operator of the
17 dealership, including:

18 (A) if a person, then the name and address of
19 record of the person;

20 (B) if a partnership, then the name and address of
21 record of each partner and the name of the partnership;

22 (C) if a corporation, then the name, address of
23 record, and title of each corporate officer and each
24 owner of more than 5% of the corporation, the corporate
25 names by and which the certified licensee sells,
26 transfers, or facilitates transfers of firearms, and

1 the name of the state of incorporation; and
2 (D) if a sole proprietorship, then the full name
3 and address of record of the sole proprietor and the
4 name of the business entity.

5 Section 5-20. Additional licensee requirements.

6 (a) A certified licensee shall make a photo copy of a
7 buyer's or transferee's valid photo identification card
8 whenever a firearm sale transaction takes place. The photo copy
9 shall be attached to the documentation detailing the record of
10 sale.

11 (b) A certified licensee shall post in a conspicuous
12 position on the premises where the licensee conducts business a
13 sign that contains the following warning in block letters not
14 less than one inch in height:

15 "With few exceptions enumerated in the Firearm Owners
16 Identification Card Act, it is unlawful for you to:

17 (A) store or leave an unsecured firearm in a place
18 where a child can obtain access to it;

19 (B) sell or transfer your firearm to someone else
20 without receiving approval for the transfer from the
21 Department of State Police, or

22 (C) fail to report the loss or theft of your
23 firearm to local law enforcement within 72 hours."

24 This sign shall be created by the Department and made available
25 for printing or downloading from the Department's website.

1 (c) No retail location established after the effective date
2 of this Act shall be located within 500 feet of any school,
3 pre-school, or day care facility in existence at its location
4 before the retail location is established as measured from the
5 nearest corner of the building holding the retail location to
6 the corner of the school, pre-school, or day care facility
7 building nearest the retail location at the time the retail
8 location seeks licensure.

9 Section 5-25. Exemptions.

10 The provisions of this Act related to the certification of
11 a license do not apply to a person or entity that engages in
12 the following activities:

13 (1) temporary transfers of firearms solely for use at
14 the location or on the premises where the transfer takes
15 place, such as transfers at a shooting range for use at
16 that location;

17 (2) temporary transfers of firearms solely for use
18 while in the presence of the transferor or transfers for
19 the purposes of firearm safety training by a firearms
20 safety training instructor;

21 (3) transfers of firearms among immediate family or
22 household members, as "immediate family or household
23 member" is defined in Section 3-2.7-10 of the Unified Code
24 of Corrections, provided that both the transferor and
25 transferee have a currently valid Firearm Owner's

1 Identification Card; however, this paragraph (3) does not
2 limit the familial gift exemption under paragraph (2) of
3 subsection (a-15) of Section 3 of the Firearm Owners
4 Identification Card Act;

5 (4) transfers by persons or entities acting under
6 operation of law or a court order;

7 (5) transfers by persons or entities liquidating all or
8 part of a collection. For purposes of this paragraph (5),
9 "collection" means 2 or more firearms which are of special
10 interest to collectors by reason of some quality other than
11 is associated with firearms intended for sporting use or as
12 offensive or defensive weapons;

13 (6) transfers of firearms that have been rendered
14 permanently inoperable to a nonprofit historical society,
15 museum, or institutional collection;

16 (7) transfers by a law enforcement or corrections
17 agency or a law enforcement or corrections officer acting
18 within the course and scope of his or her official duties;

19 (8) transfers to a State or local law enforcement
20 agency by a person who has his or her Firearm Owner's
21 Identification Card revoked;

22 (9) transfers of curios and relics, as defined under
23 federal law, between collectors licensed under subsection
24 (b) of Section 923 of the federal Gun Control Act of 1968;

25 (10) transfers by a person or entity licensed as an
26 auctioneer under the Auction License Act; or

1 (11) transfers between a pawnshop and a customer which
2 amount to a bailment. For purposes of this paragraph (11),
3 "bailment" means the act of placing property in the custody
4 and control of another, by agreement in which the holder is
5 responsible for the safekeeping and return of the property.

6 Section 5-30. Training of certified licensees. Any
7 certified licensee and any employee of a certified licensee who
8 sells or transfers firearms shall receive at least 2 hours of
9 training annually regarding legal requirements and responsible
10 business practices as applicable to the sale or transfer or
11 firearms. The Department may adopt rules regarding continuing
12 education for certified licensees related to legal
13 requirements and responsible business practices regarding the
14 sale or transfer of firearms.

15 Section 5-35. Inspection of licensees' places of business.
16 Licensees shall have their places of business open for
17 inspection by the Department and law enforcement during all
18 hours of operation involving the selling, leasing, or otherwise
19 transferring of firearms, provided that the Department or law
20 enforcement may conduct no more than one unannounced inspection
21 per business per year without good cause. During an inspection,
22 licensees shall make all records, documents, and firearms
23 accessible for inspection upon the request of the Department or
24 law enforcement agency.

1 Section 5-40. Qualifications for operation.

2 (a) Each certified licensee shall submit with each
3 application for certification or renewal an affidavit to the
4 Department stating that each owner, employee, or other agent of
5 the certified licensee who sells or conducts transfers of
6 firearms for the certified licensee is at least 21 years of
7 age, has a currently valid Firearm Owner's Identification Card
8 and, for a renewal, has completed the training required under
9 Section 5-30. The affidavit must also contain the name and
10 Firearm Owner's Identification Card number of each owner,
11 employee, or other agent who sells or conducts transfers of
12 firearms for the certified licensee. If an owner, employee, or
13 other agent of the certified licensee is not otherwise a
14 resident of this State, the certified licensee shall submit an
15 affidavit stating that the owner, employee, or other agent has
16 undergone a background check and is not prohibited from owning
17 or possessing firearms.

18 (b) In addition to the affidavit required under subsection
19 (a), within 30 days of a new owner, employee, or other agent
20 beginning selling or conducting transfers of firearms for the
21 certified licensee, the certified licensee shall submit an
22 affidavit to the Department stating the date that the new
23 owner, employee, or other agent began selling or conducting
24 transfers of firearms for the certified licensee, and providing
25 the information required in subsection (a) for that new owner,

1 employee, or other agent.

2 (c) If a certified licensee has a license, certificate, or
3 permit to sell, lease, transfer, purchase, or possess firearms
4 issued by the federal government or the government of any state
5 revoked or suspended for good cause within the preceding 4
6 years, the Department may consider revoking or suspending the
7 certified licenses in this State. In making a determination of
8 whether or not to revoke or suspend a certified license in this
9 State, the Department shall consider the number of retail
10 locations the certified licensee or any related person or
11 entity operates in this State or in other states under the same
12 or different business names, and the severity of the infraction
13 in the state in which a license was revoked or suspended.

14 (d) Applications and affidavits required under this
15 Section are not subject to disclosure by the Department under
16 the Freedom of Information Act.

17 Section 5-45. Issuance of subpoenas. The Department may
18 subpoena and bring before it any person or entity to take oral
19 or written testimony or may compel the production of any books,
20 papers, records, or any other documents that the Department
21 deems directly relevant or material to an investigation or
22 hearing conducted by the Department in the enforcement of this
23 Act, with the same fees and in the same manner prescribed in
24 civil cases in the courts of this State. The licensee may file
25 an emergency motion with the Director or a hearing officer

1 authorized by the Department to quash a subpoena issued by the
2 Department. If the Director or hearing officer determines that
3 the subpoena was issued without good cause, the Director or
4 hearing officer may quash the subpoena.

5 Section 5-50. Security system.

6 (a) On or before January 2, 2021, each certified licensee
7 operating a retail location in this State must maintain a video
8 security system and shall maintain video surveillance of
9 critical areas of the business premises, including, but not
10 limited to, all places where firearms in inventory are stored,
11 handled, sold, or transferred, and each entrance and exit. A
12 video surveillance system of the certified licensee's retail
13 location may not be installed in a bathroom and may not monitor
14 inside the bathrooms located in the retail location. If a video
15 security system is deemed inadequate by the Department, the
16 licensee shall have 30 days to correct the inadequacy. The
17 Department shall submit to the licensee a written statement
18 describing the specific inadequacies.

19 (b) Each certified licensee operating a retail
20 establishment in this State must post a sign in a conspicuous
21 place at each entrance to the retail location that states in
22 block letters not less than one inch in height: "THESE PREMISES
23 ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED."
24 This sign shall be created by the Department and available for
25 printing or downloading from the Department's website.

1 (c) On or before January 2, 2020, each certified licensee
2 maintaining an inventory of firearms for sale or transfer must
3 be connected to an alarm monitoring system or service that will
4 notify its local law enforcement agency of an unauthorized
5 intrusion into the premises of the licensee where the firearm
6 inventory is maintained.

7 Section 5-55. Safe storage by certified licensees. In
8 addition to adequate locks, exterior lighting, surveillance
9 cameras, alarm systems, and other anti-theft measures and
10 practices, a certified licensee maintaining a retail location
11 shall develop a plan that addresses the safe storage of
12 firearms and ammunition during retail hours and after closing.
13 The certified licensee shall submit its safe storage plan to
14 the Department and the plan shall be deemed approved unless it
15 is rejected by the Department. The Department may reject the
16 plan if it is inadequate, along with a written statement
17 describing the specific inadequacies. The certified licensee
18 shall submit a corrected plan to the Department within 60 days
19 of notice of an inadequate plan. In the event there are still
20 problems with the corrected plan, the Department shall note the
21 specific inadequacies in writing and the certified licensee
22 shall have 60 days from each notice of an inadequate plan to
23 submit a corrected plan. The Department may reject the
24 corrected plan if it is inadequate. A certified licensee may
25 operate at all times that a plan is on file with the

1 Department, and during times permitted by this Section to
2 prepare and submit corrected plans. That any certified licensee
3 has operated without an approved safe storage plan for more
4 than 60 days shall be grounds for revocation of a certificate
5 of license. The Department shall adopt rules regarding the
6 adequacy of a safe storage plan. The rules shall take into
7 account the various types and sizes of the entities involved,
8 and shall comply with all relevant State and federal laws. Safe
9 storage plans required under this Section are not subject to
10 disclosure by the Department under the Freedom of Information
11 Act.

12 Section 5-60. Statewide compliance standards. The
13 Department shall develop and implement by rule statewide
14 training standards for assisting certified licensees in
15 recognizing indicators that would lead a reasonable dealer to
16 refuse sale of a firearm, including, but not limited to,
17 indicators of a straw purchase.

18 Section 5-65. Electronic-based recordkeeping. On or before
19 January 2, 2020, each certified licensee operating a retail
20 location shall implement an electronic-based record system to
21 keep track of its changing inventory by updating the make,
22 model, caliber or gauge, and serial number of each firearm that
23 is received or sold by the certified licensee. Retail sales and
24 purchases shall be recorded within 24 hours of the transaction.

1 Shipments of firearms from manufacturers or wholesalers shall
2 be recorded upon the earlier of five business days or with 24
3 hours of the shipment being unpacked and the firearm placed in
4 inventory. Each certified licensee shall maintain these
5 records for a period of no less than the time period under 27
6 CFR 478.129 or any subsequent law that regulates the retention
7 of records.

8 Section 5-70. Fees and fines deposited in the Firearm
9 Dealer License Certification Fund. The Department shall set
10 and collect a fee for each licensee certifying under this Act.
11 The fee may not exceed \$300 for a certified licensee operating
12 without a retail location. The fee may not exceed \$1,500 for
13 any certified licensee operating with a retail location. The
14 Department may not charge a certified licensee in this State,
15 operating under the same or different business name, fees
16 exceeding \$40,000 for the certification of multiple licenses.
17 All fees and fines collected under this Act shall be deposited
18 in the Firearm Dealer License Certification Fund which is
19 created in the State treasury. Moneys in the Fund shall be used
20 for implementation and administration of this Act.

21 Section 5-75. Term of license. Each certification shall be
22 valid for the term of the license being certified. A licensee
23 shall certify each new or renewed license. However, the
24 Department is not required to renew a certification if a prior

1 certification has been revoked or suspended.

2 Section 5-80. Retention of records. Each certified
3 licensee shall keep, either in electronic form or hard copy,
4 all acquisition and disposition records for a period of time no
5 less than the time required under 27 CFR 478.129 or any
6 subsequent law that regulates the retention of records. All
7 video surveillance records, along with any sound recordings
8 obtained from them, shall be kept for a period of not less than
9 90 days.

10 Section 5-85. Disciplinary sanctions.

11 (a) For violations of this Act not penalized under Section
12 5-15, the Department may refuse to renew or restore, or may
13 reprimand, place on probation, suspend, revoke, or take other
14 disciplinary or non-disciplinary action against any licensee,
15 and may impose a fine commensurate with the severity of the
16 violation not to exceed \$10,000 for each violation for any of
17 the following, consistent with the Protection of Lawful
18 Commerce in Arms Act, 15 U.S.C. 7901 through 7903:

19 (1) Violations of this Act, or any law applicable to
20 the sale or transfer of firearms.

21 (2) A pattern of practice or other behavior which
22 demonstrates incapacity or incompetency to practice under
23 this Act.

24 (3) Aiding or assisting another person in violating any

1 provision of this Act or rules adopted under this Act.

2 (4) Failing, within 60 days, to provide information in
3 response to a written request made by the Department.

4 (5) Conviction of, plea of guilty to, or plea of nolo
5 contendere to any crime that disqualifies the person from
6 obtaining a valid Firearm Owner's Identification Card.

7 (6) Continued practice, although the person has become
8 unfit to practice due to any of the following:

9 (A) Any circumstance that disqualifies the person
10 from obtaining a valid Firearm Owner's Identification
11 Card or concealed carry license.

12 (B) Habitual or excessive use or abuse of drugs
13 defined in law as controlled substances, alcohol, or
14 any other substance that results in the inability to
15 practice with reasonable judgment, skill, or safety.

16 (7) Receiving, directly or indirectly, compensation
17 for any firearms sold or transferred illegally.

18 (8) Discipline by another United States jurisdiction,
19 foreign nation, or governmental agency, if at least one of
20 the grounds for the discipline is the same or substantially
21 equivalent to those set forth in this Act.

22 (9) Violation of any disciplinary order imposed on a
23 licensee by the Department.

24 (10) A finding by the Department that the licensee,
25 after having his or her certified license placed on
26 probationary status, has violated the terms of probation.

1 (11) A fraudulent or material misstatement in the
2 completion of an affirmative obligation or inquiry by law
3 enforcement.

4 (b) All fines imposed under this Section shall be paid
5 within 90 days after the effective date of the final order
6 imposing the fine.

7 Section 5-90. Statute of limitations. No action may be
8 taken under this Act against a person or entity certified under
9 this Act unless the action is commenced within 5 years after
10 the occurrence of the alleged violations. A continuing
11 violation shall be deemed to have occurred on the date when the
12 circumstances last existed that give rise to the alleged
13 violation.

14 Section 5-95. Complaints; investigations; hearings.

15 (a) The Department may investigate the actions of any
16 applicant or of any person or persons holding or claiming to
17 hold a license or registration under this Act.

18 (b) The Department shall, before disciplining a licensee
19 under Section 5-85 or refusing to issue a certificate of
20 license, at least 30 days before the date set for the hearing,
21 (i) notify the accused in writing of the charges made and the
22 time and place for the hearing on the charges, (ii) direct him
23 or her to file a written answer to the charges under oath
24 within 20 days after service, and (iii) inform the licensee

1 that failure to answer will result in a default being entered
2 against the licensee.

3 (c) At the time and place fixed in the notice, the Director
4 or the hearing officer appointed by the Director shall proceed
5 to hear the charges, and the parties or their counsel shall be
6 accorded ample opportunity to present any pertinent
7 statements, testimony, evidence, and arguments. The Director
8 or hearing officer may continue the hearing from time to time.
9 In case the person, after receiving the notice, fails to file
10 an answer, his, her, or its license may, in the discretion of
11 the Director, having first received the recommendation of the
12 Director, be suspended, revoked, or placed on probationary
13 status, or be subject to whatever disciplinary action the
14 Director considers proper, including limiting the scope,
15 nature, or extent of the person's business, or the imposition
16 of a fine, without hearing, if the act or acts charged
17 constitute sufficient grounds for that action under this Act.

18 (d) The written notice and any notice in the subsequent
19 proceeding may be served by certified mail to the licensee's
20 address of record.

21 (e) The Director has the authority to appoint any attorney
22 licensed to practice law in this State to serve as the hearing
23 officer in any action for refusal to issue, restore, or renew a
24 license, or to discipline a licensee. The hearing officer has
25 full authority to conduct the hearing.

1 Section 5-100. Hearing; rehearing.

2 (a) The Director or the hearing officer authorized by the
3 Department shall hear evidence in support of the formal charges
4 and evidence produced by the licensee. At the conclusion of the
5 hearing, the Director shall prepare a written report of his or
6 her findings of fact, conclusions of law, and recommendations.
7 The report shall contain a finding of whether the accused
8 person violated this Act or failed to comply with the
9 conditions required in this Act.

10 (b) At the conclusion of the hearing, a copy of the
11 Director's or hearing officer's report shall be served upon the
12 licensee by the Department, either personally or as provided in
13 this Act, for the service of a notice of hearing. Within 20
14 calendar days after service, the licensee may present to the
15 Department a motion in writing for a rehearing, which shall
16 specify the particular grounds for rehearing. The Department
17 may respond to the motion for rehearing within 20 calendar days
18 after its service on the Department. If no motion for rehearing
19 is filed, then upon the expiration of the time specified for
20 filing such a motion, or upon denial of a motion for rehearing,
21 the Director may enter an order in accordance with his or her
22 recommendations or the recommendations of the hearing officer.
23 If the licensee orders from the reporting service and pays for
24 a transcript of the record within the time for filing a motion
25 for rehearing, the 20-day period within which a motion may be
26 filed shall commence upon the delivery of the transcript to the

1 licensee.

2 (c) All proceedings under this Section are matters of
3 public record and shall be preserved.

4 (d) The licensee may continue to operate during the course
5 of an investigation or hearing, unless the Director finds that
6 the public interest, safety, or welfare requires an emergency
7 action.

8 (e) Upon the suspension or revocation of a certificate of
9 license, the licensee shall surrender the certificate to the
10 Department and, upon failure to do so, the Department shall
11 seize the same. However, when the certification of a certified
12 licensee is suspended, the certified licensee shall not operate
13 as a certified licensee during the period in which the
14 certificate is suspended and, if operating during that period,
15 shall be operating in violation of subsection (a) of Section
16 5-15 of this Act. A person who violates this Section is guilty
17 of a Class A misdemeanor for a first violation, and a Class 4
18 felony for a second or subsequent violation. In addition to any
19 other penalty provided by law, any person or entity who
20 violates this Section shall pay a civil penalty to the
21 Department in an amount not to exceed \$2,500 for the first
22 violation, and a fine not to exceed \$5,000 for a second or
23 subsequent violation.

24 Section 5-105. Restoration of certificate of license after
25 disciplinary proceedings. At any time after the successful

1 completion of a term of probation, suspension, or revocation of
2 a certificate of license, the Department may restore it to the
3 licensee, unless, after an investigation and a hearing, the
4 Director determines that restoration is not in the public
5 interest. No person or entity whose certificate of license,
6 card, or authority has been revoked as authorized in this Act
7 may apply for restoration of that certificate of license, card,
8 or authority until such time as provided for in the Civil
9 Administrative Code of Illinois.

10 Section 5-110. Administrative review. All final
11 administrative decisions of the Department are subject to
12 judicial review under Article III of the Code of Civil
13 Procedure. The term "administrative decision" is defined as in
14 Section 3-101 of the Code of Civil Procedure. The proceedings
15 for judicial review shall be commenced in the circuit court of
16 the county in which the party applying for review resides, but
17 if the party is not a resident of this State, the venue shall
18 be in Sangamon County. The Department shall not be required to
19 certify any record to the court, or file any answer in court,
20 or otherwise appear in any court in a judicial review
21 proceeding, unless, and until, the Department has received from
22 the plaintiff payment of the costs of furnishing and certifying
23 the record, which costs shall be determined by the Department.
24 Exhibits shall be certified without cost. Failure on the part
25 of the applicant or licensee to file a receipt in court is

1 grounds for dismissal of the action.

2 Section 5-115. Prima facie proof.

3 (a) An order or a certified copy thereof, over the seal of
4 the Department and purporting to be signed by the Director, is
5 prima facie proof that the signature is that of the Director,
6 and the Director is qualified to act.

7 (b) A certified copy of a record of the Department shall,
8 without further proof, be admitted into evidence in any legal
9 proceeding, and shall be prima facie correct and prima facie
10 evidence of the information contained therein.

11 Section 5-120. Federal agencies and investigations.
12 Nothing in this Act shall be construed to interfere with any
13 federal agency or any federal agency investigation. All
14 Department rules adopted under this Act shall comply with
15 federal law. The Department may as necessary coordinate efforts
16 with relevant State and federal law enforcement agencies to
17 enforce this Act.

18 ARTICLE 10. GUN TRAFFICKING INFORMATION ACT

19 Section 10-1. Short title. This Article 5 may be cited as
20 the Gun Trafficking Information Act. References in this Article
21 to "this Act" mean this Article.

1 Section 10-5. Gun trafficking information.

2 (a) The Department of State Police shall use all reasonable
3 efforts in making publicly available, on a regular and ongoing
4 basis, key information related to firearms used in the
5 commission of crimes in this State, including, but not limited
6 to: reports on crimes committed with firearms, locations where
7 the crimes occurred, the number of persons killed or injured in
8 the commission of the crimes, the state where the firearms used
9 originated, the Federal Firearms Licensee that sold the
10 firearm, and the type of firearms used. The Department shall
11 make the information available on its website, in addition to
12 electronically filing a report with the Governor and the
13 General Assembly. The report to the General Assembly shall be
14 filed with the Clerk of the House of Representatives and the
15 Secretary of the Senate in electronic form only, in the manner
16 that the Clerk and the Secretary shall direct.

17 (b) The Department shall study, on a regular and ongoing
18 basis, and compile reports on the number of Firearm Owner's
19 Identification Card checks to determine firearms trafficking
20 or straw purchase patterns. The Department shall, to the extent
21 not inconsistent with law, share such reports and underlying
22 data with academic centers, foundations, and law enforcement
23 agencies studying firearms trafficking, provided that
24 personally identifying information is protected. For purposes
25 of this subsection (b), a Firearm Owner's Identification Card
26 number is not personally identifying information, provided

1 that no other personal information of the card holder is
2 attached to the record. The Department may create and attach an
3 alternate unique identifying number to each Firearm Owner's
4 Identification Card number, instead of releasing the Firearm
5 Owner's Identification Card number itself.

6 (c) Each department, office, division, and agency of this
7 State shall, to the extent not inconsistent with law, cooperate
8 fully with the Department and furnish the Department with all
9 relevant information and assistance on a timely basis as is
10 necessary to accomplish the purpose of this Act. The Illinois
11 Criminal Justice Information Authority shall submit the
12 information required in subsection (a) of this Section to the
13 Department of State Police, and any other information as the
14 Department may request, to assist the Department in carrying
15 out its duties under this Act.

16 ARTICLE 15. AMENDATORY PROVISIONS

17 Section 15-3. The State Finance Act is amended by adding
18 Section 5.886 as follows:

19 (30 ILCS 105/5.886 new)

20 Sec. 5.886. The Firearm Dealer License Certification Fund.

21 Section 15-5. The Firearm Owners Identification Card Act is
22 amended by changing Section 3 as follows:

1 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

2 Sec. 3. (a) Except as provided in Section 3a, no person may
3 knowingly transfer, or cause to be transferred, any firearm,
4 firearm ammunition, stun gun, or taser to any person within
5 this State unless the transferee with whom he deals displays
6 either: (1) a currently valid Firearm Owner's Identification
7 Card which has previously been issued in his or her name by the
8 Department of State Police under the provisions of this Act; or
9 (2) a currently valid license to carry a concealed firearm
10 which has previously been issued in his or her name by the
11 Department of State Police under the Firearm Concealed Carry
12 Act. In addition, all firearm, stun gun, and taser transfers by
13 federally licensed firearm dealers are subject to Section 3.1.

14 (a-5) Any person who is not a federally licensed firearm
15 dealer and who desires to transfer or sell a firearm while that
16 person is on the grounds of a gun show must, before selling or
17 transferring the firearm, request the Department of State
18 Police to conduct a background check on the prospective
19 recipient of the firearm in accordance with Section 3.1.

20 (a-10) Notwithstanding item (2) of subsection (a) of this
21 Section, any person who is not a federally licensed firearm
22 dealer and who desires to transfer or sell a firearm or
23 firearms to any person who is not a federally licensed firearm
24 dealer shall, before selling or transferring the firearms,
25 contact the Department of State Police with the transferee's or

1 purchaser's Firearm Owner's Identification Card number to
2 determine the validity of the transferee's or purchaser's
3 Firearm Owner's Identification Card. This subsection shall not
4 be effective until January 1, 2014. The Department of State
5 Police may adopt rules concerning the implementation of this
6 subsection. The Department of State Police shall provide the
7 seller or transferor an approval number if the purchaser's
8 Firearm Owner's Identification Card is valid. Approvals issued
9 by the Department for the purchase of a firearm pursuant to
10 this subsection are valid for 30 days from the date of issue.

11 (a-15) The provisions of subsection (a-10) of this Section
12 do not apply to:

13 (1) transfers that occur at the place of business of a
14 federally licensed firearm dealer, if the federally
15 licensed firearm dealer conducts a background check on the
16 prospective recipient of the firearm in accordance with
17 Section 3.1 of this Act and follows all other applicable
18 federal, State, and local laws as if he or she were the
19 seller or transferor of the firearm, although the dealer is
20 not required to accept the firearm into his or her
21 inventory. The purchaser or transferee may be required by
22 the federally licensed firearm dealer to pay a fee not to
23 exceed \$10 per firearm, which the dealer may retain as
24 compensation for performing the functions required under
25 this paragraph, plus the applicable fees authorized by
26 Section 3.1;

1 (2) transfers as a bona fide gift to the transferor's
2 husband, wife, son, daughter, stepson, stepdaughter,
3 father, mother, stepfather, stepmother, brother, sister,
4 nephew, niece, uncle, aunt, grandfather, grandmother,
5 grandson, granddaughter, father-in-law, mother-in-law,
6 son-in-law, or daughter-in-law;

7 (3) transfers by persons acting pursuant to operation
8 of law or a court order;

9 (4) transfers on the grounds of a gun show under
10 subsection (a-5) of this Section;

11 (5) the delivery of a firearm by its owner to a
12 gunsmith for service or repair, the return of the firearm
13 to its owner by the gunsmith, or the delivery of a firearm
14 by a gunsmith to a federally licensed firearms dealer for
15 service or repair and the return of the firearm to the
16 gunsmith;

17 (6) temporary transfers that occur while in the home of
18 the unlicensed transferee, if the unlicensed transferee is
19 not otherwise prohibited from possessing firearms and the
20 unlicensed transferee reasonably believes that possession
21 of the firearm is necessary to prevent imminent death or
22 great bodily harm to the unlicensed transferee;

23 (7) transfers to a law enforcement or corrections
24 agency or a law enforcement or corrections officer acting
25 within the course and scope of his or her official duties;

26 (8) transfers of firearms that have been rendered

1 permanently inoperable to a nonprofit historical society,
2 museum, or institutional collection; and

3 (9) transfers to a person who is exempt from the
4 requirement of possessing a Firearm Owner's Identification
5 Card under Section 2 of this Act.

6 (a-20) The Department of State Police shall develop an
7 Internet-based system for individuals to determine the
8 validity of a Firearm Owner's Identification Card prior to the
9 sale or transfer of a firearm. The Department shall have the
10 Internet-based system completed and available for use by July
11 1, 2015. The Department shall adopt rules not inconsistent with
12 this Section to implement this system.

13 (b) Any person within this State who transfers or causes to
14 be transferred any firearm, stun gun, or taser shall keep a
15 record of such transfer for a period of 10 years from the date
16 of transfer. Such record shall contain the date of the
17 transfer; the description, serial number or other information
18 identifying the firearm, stun gun, or taser if no serial number
19 is available; and, if the transfer was completed within this
20 State, the transferee's Firearm Owner's Identification Card
21 number and any approval number or documentation provided by the
22 Department of State Police pursuant to subsection (a-10) of
23 this Section; if the transfer was not completed within this
24 State, the record shall contain the name and address of the
25 transferee. 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 For transfers of a firearm, stun gun, or taser made on or after
7 the effective date of this amendatory Act of the 100th General
8 Assembly, failure by the private seller to maintain the
9 transfer records in accordance with this Section is a Class A
10 misdemeanor for the first offense and a Class 4 felony for a
11 second or subsequent offense. A transferee shall not be
12 criminally liable under this Section provided that he or she
13 provides the Department of State Police with the transfer
14 records in accordance with procedures established by the
15 Department. The Department shall establish, by rule, a standard
16 form on its website.

17 (b-5) Any resident may purchase ammunition from a person
18 within or outside of Illinois if shipment is by United States
19 mail or by a private express carrier authorized by federal law
20 to ship ammunition. Any resident purchasing ammunition within
21 or outside the State of Illinois must provide the seller with a
22 copy of his or her valid Firearm Owner's Identification Card or
23 valid concealed carry license and either his or her Illinois
24 driver's license or Illinois State Identification Card prior to
25 the shipment of the ammunition. The ammunition may be shipped
26 only to an address on either of those 2 documents.

