



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1488

by Rep. Tony McCombie

SYNOPSIS AS INTRODUCED:

See Index

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may develop a system under which the holder of a Firearm Owner's Identification Card may display an electronic version of his or her Firearm Owner's Identification Card on a mobile telephone or other portable electronic device. Provides that an electronic version of a Firearm Owner's Identification Card shall contain security features the Department determines to be necessary to ensure that the electronic version is accurate and current and shall satisfy other requirements the Department determines to be necessary regarding form and content. Provides that the display or possession of an electronic version of a valid Firearm Owner's Identification Card in accordance with the requirements of the Department satisfies all requirements for the display or possession of a valid Firearm Owner's Identification Card under the laws of the State. Amends the Firearm Concealed Carry Act. Provides that the Department of State Police may develop a system under which the holder of a concealed carry license may display an electronic version of his or her license on a mobile telephone or other portable electronic device. Provides that an electronic version of a license shall contain security features the Department determines to be necessary to ensure that the electronic version is accurate and current and shall satisfy other requirements the Department determines to be necessary regarding form and content. Provides that the display or possession of an electronic version of a license in accordance with the requirements of the Department satisfies all requirements for the display or possession of a valid license under the laws of the State. Makes conforming changes.

LRB101 05838 SLF 50855 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 2 and 3 and by adding Section 6.2
6 as follows:

7 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

8 Sec. 2. Firearm Owner's Identification Card required;
9 exceptions.

10 (a) (1) A ~~No~~ person shall not ~~may~~ acquire or possess any
11 firearm, stun gun, or taser within this State without
12 possessing ~~having in his or her possession~~ a Firearm Owner's
13 Identification Card previously issued in his or her name by the
14 Department of State Police under the provisions of this Act.

15 (2) A ~~No~~ person shall not ~~may~~ acquire or possess firearm
16 ammunition within this State without possessing ~~having in his~~
17 ~~or her possession~~ a Firearm Owner's Identification Card
18 previously issued in his or her name by the Department of State
19 Police under the provisions of this Act.

20 (b) The provisions of this Section regarding the possession
21 of firearms, firearm ammunition, stun guns, and tasers do not
22 apply to:

23 (1) United States Marshals, while engaged in the

1 operation of their official duties;

2 (2) Members of the Armed Forces of the United States or
3 the National Guard, while engaged in the operation of their
4 official duties;

5 (3) Federal officials required to carry firearms,
6 while engaged in the operation of their official duties;

7 (4) Members of bona fide veterans organizations which
8 receive firearms directly from the armed forces of the
9 United States, while using the firearms for ceremonial
10 purposes with blank ammunition;

11 (5) Nonresident hunters during hunting season, with
12 valid nonresident hunting licenses and while in an area
13 where hunting is permitted; however, at all other times and
14 in all other places these persons must have their firearms
15 unloaded and enclosed in a case;

16 (6) Those hunters exempt from obtaining a hunting
17 license who are required to submit their Firearm Owner's
18 Identification Card when hunting on Department of Natural
19 Resources owned or managed sites;

20 (7) Nonresidents while on a firing or shooting range
21 recognized by the Department of State Police; however,
22 these persons must at all other times and in all other
23 places have their firearms unloaded and enclosed in a case;

24 (8) Nonresidents while at a firearm showing or display
25 recognized by the Department of State Police; however, at
26 all other times and in all other places these persons must

1 have their firearms unloaded and enclosed in a case;

2 (9) Nonresidents whose firearms are unloaded and
3 enclosed in a case;

4 (10) Nonresidents who are currently licensed or
5 registered to possess a firearm in their resident state;

6 (11) Unemancipated minors while in the custody and
7 immediate control of their parent or legal guardian or
8 other person in loco parentis to the minor if the parent or
9 legal guardian or other person in loco parentis to the
10 minor possesses ~~has~~ a ~~currently valid~~ Firearm Owner's
11 Identification Card;

12 (12) Color guards of bona fide veterans organizations
13 or members of bona fide American Legion bands while using
14 firearms for ceremonial purposes with blank ammunition;

15 (13) Nonresident hunters whose state of residence does
16 not require them to be licensed or registered to possess a
17 firearm and only during hunting season, with valid hunting
18 licenses, while accompanied by, and using a firearm owned
19 by, a person who possesses a valid Firearm Owner's
20 Identification Card and while in an area within a
21 commercial club licensed under the Wildlife Code where
22 hunting is permitted and controlled, but in no instance
23 upon sites owned or managed by the Department of Natural
24 Resources;

25 (14) Resident hunters who are properly authorized to
26 hunt and, while accompanied by a person who possesses a

1 valid Firearm Owner's Identification Card, hunt in an area
2 within a commercial club licensed under the Wildlife Code
3 where hunting is permitted and controlled;

4 (15) A person who is otherwise eligible to obtain a
5 Firearm Owner's Identification Card under this Act and is
6 under the direct supervision of a holder of a Firearm
7 Owner's Identification Card who is 21 years of age or older
8 while the person is on a firing or shooting range or is a
9 participant in a firearms safety and training course
10 recognized by a law enforcement agency or a national,
11 statewide shooting sports organization; and

12 (16) Competitive shooting athletes whose competition
13 firearms are sanctioned by the International Olympic
14 Committee, the International Paralympic Committee, the
15 International Shooting Sport Federation, or USA Shooting
16 in connection with such athletes' training for and
17 participation in shooting competitions at the 2016 Olympic
18 and Paralympic Games and sanctioned test events leading up
19 to the 2016 Olympic and Paralympic Games.

20 (c) The provisions of this Section regarding the
21 acquisition and possession of firearms, firearm ammunition,
22 stun guns, and tasers do not apply to law enforcement officials
23 of this or any other jurisdiction, while engaged in the
24 operation of their official duties.

25 (c-5) The provisions of paragraphs (1) and (2) of
26 subsection (a) of this Section regarding the possession of

1 firearms and firearm ammunition do not apply to the holder of a
2 valid concealed carry license issued under the Firearm
3 Concealed Carry Act who possesses a ~~is in physical possession~~
4 ~~of the~~ concealed carry license.

5 (d) Any person who becomes a resident of this State, who is
6 not otherwise prohibited from obtaining, possessing, or using a
7 firearm or firearm ammunition, shall not be required to have a
8 Firearm Owner's Identification Card to possess firearms or
9 firearms ammunition until 60 calendar days after he or she
10 obtains an Illinois driver's license or Illinois
11 Identification Card.

12 (Source: P.A. 99-29, eff. 7-10-15.)

13 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

14 Sec. 3. (a) Except as provided in Section 3a, no person may
15 knowingly transfer, or cause to be transferred, any firearm,
16 firearm ammunition, stun gun, or taser to any person within
17 this State unless the transferee with whom he or she deals
18 possesses ~~displays~~ either: (1) a currently valid Firearm
19 Owner's Identification Card which has previously been issued in
20 his or her name by the Department of State Police under the
21 provisions of this Act; or (2) a currently valid license to
22 carry a concealed firearm which has previously been issued in
23 his or her name by the Department of State Police under the
24 Firearm Concealed Carry Act. In addition, all firearm, stun
25 gun, and taser transfers by federally licensed firearm dealers

1 are subject to Section 3.1.

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

8 (a-10) Notwithstanding item (2) of subsection (a) of this
9 Section, any person who is not a federally licensed firearm
10 dealer and who desires to transfer or sell a firearm or
11 firearms to any person who is not a federally licensed firearm
12 dealer shall, before selling or transferring the firearms,
13 contact the Department of State Police with the transferee's or
14 purchaser's Firearm Owner's Identification Card number to
15 determine the validity of the transferee's or purchaser's
16 Firearm Owner's Identification Card. This subsection (a-10)
17 shall not be effective until January 1, 2014. The Department of
18 State Police may adopt rules concerning the implementation of
19 this subsection (a-10). The Department of State Police shall
20 provide the seller or transferor an approval number if the
21 purchaser's Firearm Owner's Identification Card is valid.
22 Approvals issued by the Department for the purchase of a
23 firearm pursuant to this subsection are valid for 30 days from
24 the date of issue.

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

1 (1) transfers that occur at the place of business of a
2 federally licensed firearm dealer, if the federally
3 licensed firearm dealer conducts a background check on the
4 prospective recipient of the firearm in accordance with
5 Section 3.1 of this Act and follows all other applicable
6 federal, State, and local laws as if he or she were the
7 seller or transferor of the firearm, although the dealer is
8 not required to accept the firearm into his or her
9 inventory. The purchaser or transferee may be required by
10 the federally licensed firearm dealer to pay a fee not to
11 exceed \$10 per firearm, which the dealer may retain as
12 compensation for performing the functions required under
13 this paragraph, plus the applicable fees authorized by
14 Section 3.1;

15 (2) transfers as a bona fide gift to the transferor's
16 husband, wife, son, daughter, stepson, stepdaughter,
17 father, mother, stepfather, stepmother, brother, sister,
18 nephew, niece, uncle, aunt, grandfather, grandmother,
19 grandson, granddaughter, father-in-law, mother-in-law,
20 son-in-law, or daughter-in-law;

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

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

25 (5) the delivery of a firearm by its owner to a
26 gunsmith for service or repair, the return of the firearm

1 to its owner by the gunsmith, or the delivery of a firearm
2 by a gunsmith to a federally licensed firearms dealer for
3 service or repair and the return of the firearm to the
4 gunsmith;

5 (6) temporary transfers that occur while in the home of
6 the unlicensed transferee, if the unlicensed transferee is
7 not otherwise prohibited from possessing firearms and the
8 unlicensed transferee reasonably believes that possession
9 of the firearm is necessary to prevent imminent death or
10 great bodily harm to the unlicensed transferee;

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

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

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

20 (a-20) The Department of State Police shall develop an
21 Internet-based system for individuals to determine the
22 validity of a Firearm Owner's Identification Card prior to the
23 sale or transfer of a firearm. The Department shall have the
24 Internet-based system completed and available for use by July
25 1, 2015. The Department shall adopt rules not inconsistent with
26 this Section to implement this system.

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

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

1 only to an address on either of those 2 documents.

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

5 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15.)

6 (430 ILCS 65/6.2 new)

7 Sec. 6.2. Electronic Firearm Owner's Identification Cards.

8 The Department of State Police may develop a system under which
9 the holder of a Firearm Owner's Identification Card may display
10 an electronic version of his or her Firearm Owner's
11 Identification Card on a mobile telephone or other portable
12 electronic device. An electronic version of a Firearm Owner's
13 Identification Card shall contain security features the
14 Department determines to be necessary to ensure that the
15 electronic version is accurate and current and shall satisfy
16 other requirements the Department determines to be necessary
17 regarding form and content. The display or possession of an
18 electronic version of a valid Firearm Owner's Identification
19 Card in accordance with the requirements of the Department
20 satisfies all requirements for the display or possession of a
21 valid Firearm Owner's Identification Card under the laws of
22 this State. The possession or display of an electronic Firearm
23 Owner's Identification Card on a mobile telephone or other
24 portable electronic device does not constitute consent for a
25 law enforcement officer, court, or other officer of the court

1 to access other contents of the mobile telephone or other
2 portable electronic device. The Department may adopt rules to
3 implement this Section.

4 Section 10. The Firearm Concealed Carry Act is amended by
5 adding Section 11 as follows:

6 (430 ILCS 66/11 new)

7 Sec. 11. Electronic concealed carry licenses. The
8 Department of State Police may develop a system under which the
9 holder of a concealed carry license may display an electronic
10 version of his or her license on a mobile telephone or other
11 portable electronic device. An electronic version of a license
12 shall contain security features the Department determines to be
13 necessary to ensure that the electronic version is accurate and
14 current and shall satisfy other requirements the Department
15 determines to be necessary regarding form and content. The
16 display or possession of an electronic version of a license in
17 accordance with the requirements of the Department satisfies
18 all requirements for the display or possession of a valid
19 license under the laws of this State. The possession or display
20 of an electronic license on a mobile telephone or other
21 portable electronic device does not constitute consent for a
22 law enforcement officer, court, or other officer of the court
23 to access other contents of the mobile telephone or other
24 portable electronic device. The Department may adopt rules to

1 implement this Section.

1 INDEX

2 Statutes amended in order of appearance

3 430 ILCS 65/2 from Ch. 38, par. 83-2

4 430 ILCS 65/3 from Ch. 38, par. 83-3

5 430 ILCS 65/6.2 new

6 430 ILCS 66/11 new