



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4318

Introduced 1/29/2020, by Rep. Tony McCombie

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/6.2 new	

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 must satisfy all requirements for the display or possession of a valid Firearm Owner's Identification Card under the laws of the State.

LRB101 15237 RLC 64406 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; if the transfer was not completed within this  
12 State, the record shall contain the name and address of the  
13 transferee. On or after January 1, 2006, the record shall  
14 contain the date of application for transfer of the firearm. On  
15 demand of a peace officer such transferor shall produce for  
16 inspection such record of transfer. If the transfer or sale  
17 took place at a gun show, the record shall include the unique  
18 identification number. Failure to record the unique  
19 identification number or approval number is a petty offense.  
20 For transfers of a firearm, stun gun, or taser made on or after  
21 the effective date of this amendatory Act of the 100th General  
22 Assembly, failure by the private seller to maintain the  
23 transfer records in accordance with this Section is a Class A  
24 misdemeanor for the first offense and a Class 4 felony for a  
25 second or subsequent offense. A transferee shall not be  
26 criminally liable under this Section provided that he or she

1 provides the Department of State Police with the transfer  
2 records in accordance with procedures established by the  
3 Department. The Department shall establish, by rule, a standard  
4 form on its website.

5 (b-5) Any resident may purchase ammunition from a person  
6 within or outside of Illinois if shipment is by United States  
7 mail or by a private express carrier authorized by federal law  
8 to ship ammunition. Any resident purchasing ammunition within  
9 or outside the State of Illinois must provide the seller with a  
10 copy of his or her valid Firearm Owner's Identification Card or  
11 valid concealed carry license and either his or her Illinois  
12 driver's license or Illinois State Identification Card prior to  
13 the shipment of the ammunition. The ammunition may be shipped  
14 only to an address on either of those 2 documents.

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

18 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

19 (430 ILCS 65/6.2 new)

20 Sec. 6.2. Electronic Firearm Owner's Identification Cards.  
21 The Department of State Police may develop a system under which  
22 the holder of a Firearm Owner's Identification Card may display  
23 an electronic version of his or her Firearm Owner's  
24 Identification Card on a mobile telephone or other portable  
25 electronic device. An electronic version of a Firearm Owner's

1 Identification Card shall contain security features the  
2 Department determines to be necessary to ensure that the  
3 electronic version is accurate and current and shall satisfy  
4 other requirements the Department determines to be necessary  
5 regarding form and content. The display or possession of an  
6 electronic version of a valid Firearm Owner's Identification  
7 Card in accordance with the requirements of the Department must  
8 satisfy all requirements for the display or possession of a  
9 valid Firearm Owner's Identification Card under the laws of  
10 this State. The possession or display of an electronic Firearm  
11 Owner's Identification Card on a mobile telephone or other  
12 portable electronic device does not constitute consent for a  
13 law enforcement officer, court, or other officer of the court  
14 to access other contents of the mobile telephone or other  
15 portable electronic device. The Department may adopt rules to  
16 implement this Section.