



Sen. Julie A. Morrison

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LRB103 03208 RLC 58808 a

1 AMENDMENT TO SENATE BILL 754

2 AMENDMENT NO. _____. Amend Senate Bill 754 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 1, 1.1, 2, and 3 as follows:

6 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

7 Sec. 1. It is hereby declared as a matter of legislative
8 determination that in order to promote and protect the health,
9 safety, and welfare of the public, it is necessary and in the
10 public interest to provide a system of identifying persons who
11 are not qualified to acquire or possess firearms, firearm
12 ammunition, prepackaged explosive components, stun guns, and
13 tasers within the State of Illinois by the establishment of a
14 system of Firearm Owner's Identification Cards, thereby
15 establishing a practical and workable system by which law
16 enforcement authorities will be afforded an opportunity to

1 identify those persons who are prohibited by Section 24-3.1 of
2 the Criminal Code of 2012, from acquiring or possessing
3 firearms and firearm ammunition and who are prohibited by this
4 Act from acquiring stun guns and tasers.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (430 ILCS 65/1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or
10 possession of cannabis, a controlled substance, or
11 methamphetamine within the past year; or

12 (2) determined by the Illinois State Police to be
13 addicted to narcotics based upon federal law or federal
14 guidelines.

15 "Addicted to narcotics" does not include possession or use
16 of a prescribed controlled substance under the direction and
17 authority of a physician or other person authorized to
18 prescribe the controlled substance when the controlled
19 substance is used in the prescribed manner.

20 "Adjudicated as a person with a mental disability" means
21 the person is the subject of a determination by a court, board,
22 commission or other lawful authority that the person, as a
23 result of marked subnormal intelligence, or mental illness,
24 mental impairment, incompetency, condition, or disease:

25 (1) presents a clear and present danger to himself,

1 herself, or to others;

2 (2) lacks the mental capacity to manage his or her own
3 affairs or is adjudicated a person with a disability as
4 defined in Section 11a-2 of the Probate Act of 1975;

5 (3) is not guilty in a criminal case by reason of
6 insanity, mental disease or defect;

7 (3.5) is guilty but mentally ill, as provided in
8 Section 5-2-6 of the Unified Code of Corrections;

9 (4) is incompetent to stand trial in a criminal case;

10 (5) is not guilty by reason of lack of mental
11 responsibility under Articles 50a and 72b of the Uniform
12 Code of Military Justice, 10 U.S.C. 850a, 876b;

13 (6) is a sexually violent person under subsection (f)
14 of Section 5 of the Sexually Violent Persons Commitment
15 Act;

16 (7) is a sexually dangerous person under the Sexually
17 Dangerous Persons Act;

18 (8) is unfit to stand trial under the Juvenile Court
19 Act of 1987;

20 (9) is not guilty by reason of insanity under the
21 Juvenile Court Act of 1987;

22 (10) is subject to involuntary admission as an
23 inpatient as defined in Section 1-119 of the Mental Health
24 and Developmental Disabilities Code;

25 (11) is subject to involuntary admission as an
26 outpatient as defined in Section 1-119.1 of the Mental

1 Health and Developmental Disabilities Code;

2 (12) is subject to judicial admission as set forth in
3 Section 4-500 of the Mental Health and Developmental
4 Disabilities Code; or

5 (13) is subject to the provisions of the Interstate
6 Agreements on Sexually Dangerous Persons Act.

7 "Clear and present danger" means a person who:

8 (1) communicates a serious threat of physical violence
9 against a reasonably identifiable victim or poses a clear
10 and imminent risk of serious physical injury to himself,
11 herself, or another person as determined by a physician,
12 clinical psychologist, or qualified examiner; or

13 (2) demonstrates threatening physical or verbal
14 behavior, such as violent, suicidal, or assaultive
15 threats, actions, or other behavior, as determined by a
16 physician, clinical psychologist, qualified examiner,
17 school administrator, or law enforcement official.

18 "Clinical psychologist" has the meaning provided in
19 Section 1-103 of the Mental Health and Developmental
20 Disabilities Code.

21 "Controlled substance" means a controlled substance or
22 controlled substance analog as defined in the Illinois
23 Controlled Substances Act.

24 "Counterfeit" means to copy or imitate, without legal
25 authority, with intent to deceive.

26 "Developmental disability" means a severe, chronic

1 disability of an individual that:

2 (1) is attributable to a mental or physical impairment
3 or combination of mental and physical impairments;

4 (2) is manifested before the individual attains age
5 22;

6 (3) is likely to continue indefinitely;

7 (4) results in substantial functional limitations in 3
8 or more of the following areas of major life activity:

9 (A) Self-care.

10 (B) Receptive and expressive language.

11 (C) Learning.

12 (D) Mobility.

13 (E) Self-direction.

14 (F) Capacity for independent living.

15 (G) Economic self-sufficiency; and

16 (5) reflects the individual's need for a combination
17 and sequence of special, interdisciplinary, or generic
18 services, individualized supports, or other forms of
19 assistance that are of lifelong or extended duration and
20 are individually planned and coordinated.

21 "Federally licensed firearm dealer" means a person who is
22 licensed as a federal firearms dealer under Section 923 of the
23 federal Gun Control Act of 1968 (18 U.S.C. 923).

24 "Firearm" means any device, by whatever name known, which
25 is designed to expel a projectile or projectiles by the action
26 of an explosion, expansion of gas or escape of gas; excluding,

1 however:

2 (1) any pneumatic gun, spring gun, paint ball gun, or
3 B-B gun which expels a single globular projectile not
4 exceeding .18 inch in diameter or which has a maximum
5 muzzle velocity of less than 700 feet per second;

6 (1.1) any pneumatic gun, spring gun, paint ball gun,
7 or B-B gun which expels breakable paint balls containing
8 washable marking colors;

9 (2) any device used exclusively for signaling or
10 safety and required or recommended by the United States
11 Coast Guard or the Interstate Commerce Commission;

12 (3) any device used exclusively for the firing of stud
13 cartridges, explosive rivets or similar industrial
14 ammunition; and

15 (4) an antique firearm (other than a machine-gun)
16 which, although designed as a weapon, the Illinois State
17 Police finds by reason of the date of its manufacture,
18 value, design, and other characteristics is primarily a
19 collector's item and is not likely to be used as a weapon.

20 "Firearm ammunition" means any self-contained cartridge or
21 shotgun shell, by whatever name known, which is designed to be
22 used or adaptable to use in a firearm; excluding, however:

23 (1) any ammunition exclusively designed for use with a
24 device used exclusively for signaling or safety and
25 required or recommended by the United States Coast Guard
26 or the Interstate Commerce Commission; and

1 (2) any ammunition designed exclusively for use with a
2 stud or rivet driver or other similar industrial
3 ammunition.

4 "Gun show" means an event or function:

5 (1) at which the sale and transfer of firearms is the
6 regular and normal course of business and where 50 or more
7 firearms are displayed, offered, or exhibited for sale,
8 transfer, or exchange; or

9 (2) at which not less than 10 gun show vendors
10 display, offer, or exhibit for sale, sell, transfer, or
11 exchange firearms.

12 "Gun show" includes the entire premises provided for an
13 event or function, including parking areas for the event or
14 function, that is sponsored to facilitate the purchase, sale,
15 transfer, or exchange of firearms as described in this
16 Section. Nothing in this definition shall be construed to
17 exclude a gun show held in conjunction with competitive
18 shooting events at the World Shooting Complex sanctioned by a
19 national governing body in which the sale or transfer of
20 firearms is authorized under subparagraph (5) of paragraph (g)
21 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

22 Unless otherwise expressly stated, "gun show" does not
23 include training or safety classes, competitive shooting
24 events, such as rifle, shotgun, or handgun matches, trap,
25 skeet, or sporting clays shoots, dinners, banquets, raffles,
26 or any other event where the sale or transfer of firearms is

1 not the primary course of business.

2 "Gun show promoter" means a person who organizes or
3 operates a gun show.

4 "Gun show vendor" means a person who exhibits, sells,
5 offers for sale, transfers, or exchanges any firearms at a gun
6 show, regardless of whether the person arranges with a gun
7 show promoter for a fixed location from which to exhibit,
8 sell, offer for sale, transfer, or exchange any firearm.

9 "Intellectual disability" means significantly subaverage
10 general intellectual functioning, existing concurrently with
11 deficits in adaptive behavior and manifested during the
12 developmental period, which is defined as before the age of
13 22, that adversely affects a child's educational performance.

14 "Involuntarily admitted" has the meaning as prescribed in
15 Sections 1-119 and 1-119.1 of the Mental Health and
16 Developmental Disabilities Code.

17 "Mental health facility" means any licensed private
18 hospital or hospital affiliate, institution, or facility, or
19 part thereof, and any facility, or part thereof, operated by
20 the State or a political subdivision thereof which provides
21 treatment of persons with mental illness and includes all
22 hospitals, institutions, clinics, evaluation facilities,
23 mental health centers, colleges, universities, long-term care
24 facilities, and nursing homes, or parts thereof, which provide
25 treatment of persons with mental illness whether or not the
26 primary purpose is to provide treatment of persons with mental

1 illness.

2 "National governing body" means a group of persons who
3 adopt rules and formulate policy on behalf of a national
4 firearm sporting organization.

5 "Noncitizen" means a person who is not a citizen of the
6 United States, but is a person who is a foreign-born person who
7 lives in the United States, has not been naturalized, and is
8 still a citizen of a foreign country.

9 "Patient" means:

10 (1) a person who is admitted as an inpatient or
11 resident of a public or private mental health facility for
12 mental health treatment under Chapter III of the Mental
13 Health and Developmental Disabilities Code as an informal
14 admission, a voluntary admission, a minor admission, an
15 emergency admission, or an involuntary admission, unless
16 the treatment was solely for an alcohol abuse disorder; or

17 (2) a person who voluntarily or involuntarily receives
18 mental health treatment as an out-patient or is otherwise
19 provided services by a public or private mental health
20 facility and who poses a clear and present danger to
21 himself, herself, or others.

22 "Physician" has the meaning as defined in Section 1-120 of
23 the Mental Health and Developmental Disabilities Code.

24 "Prepackaged explosive components" has the same meaning
25 ascribed to the term in Section 24-4.3 of the Criminal Code of
26 2012.

1 "Protective order" means any orders of protection issued
2 under the Illinois Domestic Violence Act of 1986, stalking no
3 contact orders issued under the Stalking No Contact Order Act,
4 civil no contact orders issued under the Civil No Contact
5 Order Act, and firearms restraining orders issued under the
6 Firearms Restraining Order Act or a substantially similar
7 order issued by the court of another state, tribe, or United
8 States territory or military tribunal.

9 "Qualified examiner" has the meaning provided in Section
10 1-122 of the Mental Health and Developmental Disabilities
11 Code.

12 "Sanctioned competitive shooting event" means a shooting
13 contest officially recognized by a national or state shooting
14 sport association, and includes any sight-in or practice
15 conducted in conjunction with the event.

16 "School administrator" means the person required to report
17 under the School Administrator Reporting of Mental Health
18 Clear and Present Danger Determinations Law.

19 "Stun gun or taser" has the meaning ascribed to it in
20 Section 24-1 of the Criminal Code of 2012.

21 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
22 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
23 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

24 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

25 Sec. 2. Firearm Owner's Identification Card required;

1 exceptions.

2 (a) (1) No person may acquire or possess any firearm,
3 prepackaged explosive components, stun gun, or taser within
4 this State without having in his or her possession a Firearm
5 Owner's Identification Card previously issued in his or her
6 name by the Illinois State Police under the provisions of this
7 Act.

8 (2) No person may acquire or possess firearm ammunition
9 within this State without having in his or her possession a
10 Firearm Owner's Identification Card previously issued in his
11 or her name by the Illinois State Police under the provisions
12 of this Act.

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

16 (1) United States Marshals, while engaged in the
17 operation of their official duties;

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

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

23 (4) Members of bona fide veterans organizations which
24 receive firearms directly from the armed forces of the
25 United States, while using the firearms for ceremonial
26 purposes with blank ammunition;

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

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

10 (7) Nonresidents while on a firing or shooting range
11 recognized by the Illinois State Police; however, these
12 persons must at all other times and in all other places
13 have their firearms unloaded and enclosed in a case;

14 (8) Nonresidents while at a firearm showing or display
15 recognized by the Illinois State Police; however, at all
16 other times and in all other places these persons must
17 have their firearms unloaded and enclosed in a case;

18 (9) Nonresidents whose firearms are unloaded and
19 enclosed in a case;

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

22 (11) Unemancipated minors while in the custody and
23 immediate control of their parent or legal guardian or
24 other person in loco parentis to the minor if the parent or
25 legal guardian or other person in loco parentis to the
26 minor has a currently valid Firearm Owner's Identification

1 Card;

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

5 (13) Nonresident hunters whose state of residence does
6 not require them to be licensed or registered to possess a
7 firearm and only during hunting season, with valid hunting
8 licenses, while accompanied by, and using a firearm owned
9 by, a person who possesses a valid Firearm Owner's
10 Identification Card and while in an area within a
11 commercial club licensed under the Wildlife Code where
12 hunting is permitted and controlled, but in no instance
13 upon sites owned or managed by the Department of Natural
14 Resources;

15 (14) Resident hunters who are properly authorized to
16 hunt and, while accompanied by a person who possesses a
17 valid Firearm Owner's Identification Card, hunt in an area
18 within a commercial club licensed under the Wildlife Code
19 where hunting is permitted and controlled; and

20 (15) A person who is otherwise eligible to obtain a
21 Firearm Owner's Identification Card under this Act and is
22 under the direct supervision of a holder of a Firearm
23 Owner's Identification Card who is 21 years of age or
24 older while the person is on a firing or shooting range or
25 is a participant in a firearms safety and training course
26 recognized by a law enforcement agency or a national,

1 statewide shooting sports organization.

2 (c) The provisions of this Section regarding the
3 acquisition and possession of firearms, firearm ammunition,
4 prepackaged explosive components, stun guns, and tasers do not
5 apply to law enforcement officials of this or any other
6 jurisdiction, while engaged in the performance ~~operation~~ of
7 their official duties.

8 (c-5) The provisions of paragraphs (1) and (2) of
9 subsection (a) of this Section regarding the possession of
10 firearms and firearm ammunition do not apply to the holder of a
11 valid concealed carry license issued under the Firearm
12 Concealed Carry Act who is in physical possession of the
13 concealed carry license.

14 (c-10) The provisions of paragraph (1) of subsection (a)
15 of this Section regarding the acquisition and possession of
16 prepackaged explosive components do not apply to:

17 (1) Members of the Armed Services or Reserves
18 Forces of the United States or the Illinois National Guard
19 while in the performance of their official duty.

20 (2) Persons licensed under State and federal law
21 to manufacture, import, or sell prepackaged explosive
22 components, and actually engaged in that business, but
23 only with respect to activities which are within the
24 lawful scope of the business, including the manufacture,
25 transportation, or testing of prepackaged explosive
26 components.

1 (3) Contractors or subcontractors engaged in the
2 manufacture, transport, testing, delivery, transfer or
3 sale, and lawful experimental activities under a contract
4 or subcontract for the development and supply of the
5 product to the United States government or any branch of
6 the Armed Forces of the United States, when those
7 activities are necessary and incident to fulfilling the
8 terms of the contract. The exemption granted under this
9 paragraph (3) shall also apply to any authorized agent of
10 any contractor or subcontractor described in this
11 paragraph (3) who is operating within the scope of his or
12 her employment, when the activities involving the
13 prepackaged explosive components are necessary and
14 incident to fulfilling the terms of the contract.

15 (4) Sales clerks or retail merchants selling or
16 transferring prepackaged explosive components.

17 (d) Any person who becomes a resident of this State, who is
18 not otherwise prohibited from obtaining, possessing, or using
19 a firearm or firearm ammunition, shall not be required to have
20 a Firearm Owner's Identification Card to possess firearms or
21 firearms ammunition until 60 calendar days after he or she
22 obtains an Illinois driver's license or Illinois
23 Identification Card.

24 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23.)

25 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

1 (Text of Section before amendment by P.A. 102-237)

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, prepackaged explosive components, stun
5 gun, or taser to any person within this State unless the
6 transferee with whom he deals displays either: (1) a currently
7 valid Firearm Owner's Identification Card which has previously
8 been issued in his or her name by the Illinois State Police
9 under the provisions of this Act; or (2) a currently valid
10 license to carry a concealed firearm which has previously been
11 issued in his or her name by the Illinois State Police under
12 the Firearm Concealed Carry Act. In addition, all firearm,
13 stun gun, and taser transfers by federally licensed firearm
14 dealers are subject to Section 3.1.

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

21 (a-10) Notwithstanding item (2) of subsection (a) of this
22 Section, any person who is not a federally licensed firearm
23 dealer and who desires to transfer or sell a firearm or
24 firearms to any person who is not a federally licensed firearm
25 dealer shall, before selling or transferring the firearms,
26 contact a federal firearm license dealer under paragraph (1)

1 of subsection (a-15) of this Section to conduct the transfer
2 or the Illinois State Police with the transferee's or
3 purchaser's Firearm Owner's Identification Card number to
4 determine the validity of the transferee's or purchaser's
5 Firearm Owner's Identification Card under State and federal
6 law including the National Instant Criminal Background Check
7 System. This subsection shall not be effective until July 1,
8 2023. Until that date the transferor shall contact the
9 Illinois State Police with the transferee's or purchaser's
10 Firearm Owner's Identification Card number to determine the
11 validity of the card. The Illinois State Police may adopt
12 rules concerning the implementation of this subsection. The
13 Illinois State Police shall provide the seller or transferor
14 an approval number if the purchaser's Firearm Owner's
15 Identification Card is valid. Approvals issued by the Illinois
16 State Police for the purchase of a firearm pursuant to this
17 subsection are valid for 30 days from the date of issue.

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

20 (1) transfers that occur at the place of business of a
21 federally licensed firearm dealer, if the federally
22 licensed firearm dealer conducts a background check on the
23 prospective recipient of the firearm in accordance with
24 Section 3.1 of this Act and follows all other applicable
25 federal, State, and local laws as if he or she were the
26 seller or transferor of the firearm, although the dealer

1 is not required to accept the firearm into his or her
2 inventory. The purchaser or transferee may be required by
3 the federally licensed firearm dealer to pay a fee not to
4 exceed \$25 per firearm, which the dealer may retain as
5 compensation for performing the functions required under
6 this paragraph, plus the applicable fees authorized by
7 Section 3.1;

8 (2) transfers as a bona fide gift to the transferor's
9 husband, wife, son, daughter, stepson, stepdaughter,
10 father, mother, stepfather, stepmother, brother, sister,
11 nephew, niece, uncle, aunt, grandfather, grandmother,
12 grandson, granddaughter, father-in-law, mother-in-law,
13 son-in-law, or daughter-in-law;

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

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

18 (5) the delivery of a firearm by its owner to a
19 gunsmith for service or repair, the return of the firearm
20 to its owner by the gunsmith, or the delivery of a firearm
21 by a gunsmith to a federally licensed firearms dealer for
22 service or repair and the return of the firearm to the
23 gunsmith;

24 (6) temporary transfers that occur while in the home
25 of the unlicensed transferee, if the unlicensed transferee
26 is not otherwise prohibited from possessing firearms and

1 the unlicensed transferee reasonably believes that
2 possession of the firearm is necessary to prevent imminent
3 death or great bodily harm to the unlicensed transferee;

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

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

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

13 (a-20) The Illinois State Police shall develop an
14 Internet-based system for individuals to determine the
15 validity of a Firearm Owner's Identification Card prior to the
16 sale or transfer of a firearm. The Illinois State Police shall
17 have the Internet-based system updated and available for use
18 by January 1, 2024. The Illinois State Police shall adopt
19 rules not inconsistent with this Section to implement this
20 system, but no rule shall allow the Illinois State Police to
21 retain records in contravention of State and federal law.

22 (a-25) On or before January 1, 2022, the Illinois State
23 Police shall develop an Internet-based system upon which the
24 serial numbers of firearms that have been reported stolen are
25 available for public access for individuals to ensure any
26 firearms are not reported stolen prior to the sale or transfer

1 of a firearm under this Section. The Illinois State Police
2 shall have the Internet-based system completed and available
3 for use by July 1, 2022. The Illinois State Police shall adopt
4 rules not inconsistent with this Section to implement this
5 system.

6 (b) Any person within this State who transfers or causes
7 to be transferred any firearm, prepackaged explosive
8 components, stun gun, or taser shall keep a record of the ~~such~~
9 transfer for a period of 10 years from the date of transfer.
10 Any person within this State who receives any firearm,
11 prepackaged explosive components, stun gun, or taser pursuant
12 to subsection (a-10) shall provide a record of the transfer
13 within 10 days of the transfer to a federally licensed firearm
14 dealer and shall not be required to maintain a transfer
15 record. The federally licensed firearm dealer shall maintain
16 the transfer record for 20 years from the date of receipt. A
17 federally licensed firearm dealer may charge a fee not to
18 exceed \$25 to retain the record. The record shall be provided
19 and maintained in either an electronic or paper format. The
20 federally licensed firearm dealer shall not be liable for the
21 accuracy of any information in the transfer record submitted
22 pursuant to this Section. Such records shall contain the date
23 of the transfer; the description, serial number or other
24 information identifying the firearm, prepackaged explosive
25 components, stun gun, or taser if no serial number is
26 available; and, if the transfer was completed within this

1 State, the transferee's Firearm Owner's Identification Card
2 number and any approval number or documentation provided by
3 the Illinois State Police under ~~pursuant to~~ subsection (a-10)
4 of this Section; if the transfer was not completed within this
5 State, the record shall contain the name and address of the
6 transferee. On or after January 1, 2006, the record shall
7 contain the date of application for transfer of the firearm.
8 On demand of a peace officer the ~~such~~ transferor shall produce
9 for inspection such record of transfer. For any transfer
10 pursuant to subsection (a-10) of this Section, on the demand
11 of a peace officer, the ~~such~~ transferee shall identify the
12 federally licensed firearm dealer maintaining the transfer
13 record. If the transfer or sale took place at a gun show, the
14 record shall include the unique identification number. Failure
15 to record the unique identification number or approval number
16 is a petty offense. For transfers of a firearm, prepackaged
17 explosive components, stun gun, or taser made on or after
18 January 18, 2019 (the effective date of Public Act 100-1178),
19 failure by the private seller to maintain the transfer records
20 in accordance with this Section, or failure by a transferee
21 pursuant to subsection a-10 of this Section to identify the
22 federally licensed firearm dealer maintaining the transfer
23 record, is a Class A misdemeanor for the first offense and a
24 Class 4 felony for a second or subsequent offense occurring
25 within 10 years of the first offense and the second offense was
26 committed after conviction of the first offense. Whenever any

1 person who has not previously been convicted of any violation
2 of subsection (a-5), the court may grant supervision pursuant
3 to and consistent with the limitations of Section 5-6-1 of the
4 Unified Code of Corrections. A transferee or transferor shall
5 not be criminally liable under this Section provided that he
6 or she provides the Illinois State Police with the transfer
7 records in accordance with procedures established by the
8 Illinois State Police. The Illinois State Police shall
9 establish, by rule, a standard form on its website.

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

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

24 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
25 102-1116, eff. 1-10-23.)

1 (Text of Section after amendment by P.A. 102-237)

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, prepackaged explosive components, stun
5 gun, or taser to any person within this State unless the
6 transferee with whom he deals displays either: (1) a currently
7 valid Firearm Owner's Identification Card which has previously
8 been issued in his or her name by the Illinois State Police
9 under the provisions of this Act; or (2) a currently valid
10 license to carry a concealed firearm which has previously been
11 issued in his or her name by the Illinois State Police under
12 the Firearm Concealed Carry Act. In addition, all firearm,
13 stun gun, and taser transfers by federally licensed firearm
14 dealers are subject to Section 3.1.

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

21 (a-10) Notwithstanding item (2) of subsection (a) of this
22 Section, any person who is not a federally licensed firearm
23 dealer and who desires to transfer or sell a firearm or
24 firearms to any person who is not a federally licensed firearm
25 dealer shall, before selling or transferring the firearms,
26 contact a federal firearm license dealer under paragraph (1)

1 of subsection (a-15) of this Section to conduct the transfer
2 or the Illinois State Police with the transferee's or
3 purchaser's Firearm Owner's Identification Card number to
4 determine the validity of the transferee's or purchaser's
5 Firearm Owner's Identification Card under State and federal
6 law, including the National Instant Criminal Background Check
7 System. This subsection shall not be effective until July 1,
8 2023. Until that date the transferor shall contact the
9 Illinois State Police with the transferee's or purchaser's
10 Firearm Owner's Identification Card number to determine the
11 validity of the card. The Illinois State Police may adopt
12 rules concerning the implementation of this subsection. The
13 Illinois State Police shall provide the seller or transferor
14 an approval number if the purchaser's Firearm Owner's
15 Identification Card is valid. Approvals issued by the Illinois
16 State Police for the purchase of a firearm pursuant to this
17 subsection are valid for 30 days from the date of issue.

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

20 (1) transfers that occur at the place of business of a
21 federally licensed firearm dealer, if the federally
22 licensed firearm dealer conducts a background check on the
23 prospective recipient of the firearm in accordance with
24 Section 3.1 of this Act and follows all other applicable
25 federal, State, and local laws as if he or she were the
26 seller or transferor of the firearm, although the dealer

1 is not required to accept the firearm into his or her
2 inventory. The purchaser or transferee may be required by
3 the federally licensed firearm dealer to pay a fee not to
4 exceed \$25 per firearm, which the dealer may retain as
5 compensation for performing the functions required under
6 this paragraph, plus the applicable fees authorized by
7 Section 3.1;

8 (2) transfers as a bona fide gift to the transferor's
9 husband, wife, son, daughter, stepson, stepdaughter,
10 father, mother, stepfather, stepmother, brother, sister,
11 nephew, niece, uncle, aunt, grandfather, grandmother,
12 grandson, granddaughter, father-in-law, mother-in-law,
13 son-in-law, or daughter-in-law;

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

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

18 (5) the delivery of a firearm by its owner to a
19 gunsmith for service or repair, the return of the firearm
20 to its owner by the gunsmith, or the delivery of a firearm
21 by a gunsmith to a federally licensed firearms dealer for
22 service or repair and the return of the firearm to the
23 gunsmith;

24 (6) temporary transfers that occur while in the home
25 of the unlicensed transferee, if the unlicensed transferee
26 is not otherwise prohibited from possessing firearms and

1 the unlicensed transferee reasonably believes that
2 possession of the firearm is necessary to prevent imminent
3 death or great bodily harm to the unlicensed transferee;

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

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

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

13 (a-20) The Illinois State Police shall develop an
14 Internet-based system for individuals to determine the
15 validity of a Firearm Owner's Identification Card prior to the
16 sale or transfer of a firearm. The Illinois State Police shall
17 have the Internet-based system updated and available for use
18 by January 1, 2024. The Illinois State Police shall adopt
19 rules not inconsistent with this Section to implement this
20 system; but no rule shall allow the Illinois State Police to
21 retain records in contravention of State and federal law.

22 (a-25) On or before January 1, 2022, the Illinois State
23 Police shall develop an Internet-based system upon which the
24 serial numbers of firearms that have been reported stolen are
25 available for public access for individuals to ensure any
26 firearms are not reported stolen prior to the sale or transfer

1 of a firearm under this Section. The Illinois State Police
2 shall have the Internet-based system completed and available
3 for use by July 1, 2022. The Illinois State Police shall adopt
4 rules not inconsistent with this Section to implement this
5 system.

6 (b) Any person within this State who transfers or causes
7 to be transferred any firearm, prepackaged explosive
8 components, stun gun, or taser shall keep a record of such
9 transfer for a period of 10 years from the date of transfer.
10 Any person within this State who receives any firearm,
11 prepackaged explosive components, stun gun, or taser pursuant
12 to subsection (a-10) shall provide a record of the transfer
13 within 10 days of the transfer to a federally licensed firearm
14 dealer and shall not be required to maintain a transfer
15 record. The federally licensed firearm dealer shall maintain
16 the transfer record for 20 years from the date of receipt. A
17 federally licensed firearm dealer may charge a fee not to
18 exceed \$25 to retain the record. The record shall be provided
19 and maintained in either an electronic or paper format. The
20 federally licensed firearm dealer shall not be liable for the
21 accuracy of any information in the transfer record submitted
22 pursuant to this Section. Such records shall contain the date
23 of the transfer; the description, serial number or other
24 information identifying the firearm, prepackaged explosive
25 components, stun gun, or taser if no serial number is
26 available; and, if the transfer was completed within this

1 State, the transferee's Firearm Owner's Identification Card
2 number and any approval number or documentation provided by
3 the Illinois State Police pursuant to subsection (a-10) of
4 this Section; if the transfer was not completed within this
5 State, the record shall contain the name and address of the
6 transferee. On or after January 1, 2006, the record shall
7 contain the date of application for transfer of the firearm.
8 On demand of a peace officer the ~~such~~ transferor shall produce
9 for inspection the ~~such~~ record of transfer. For any transfer
10 pursuant to subsection (a-10) of this Section, on the demand
11 of a peace officer, the ~~such~~ transferee shall identify the
12 federally licensed firearm dealer maintaining the transfer
13 record. If the transfer or sale took place at a gun show, the
14 record shall include the unique identification number. Failure
15 to record the unique identification number or approval number
16 is a petty offense. For transfers of a firearm, stun gun, or
17 taser made on or after January 18, 2019 (the effective date of
18 Public Act 100-1178), failure by the private seller to
19 maintain the transfer records in accordance with this Section,
20 or failure by a transferee pursuant to subsection a-10 of this
21 Section to identify the federally licensed firearm dealer
22 maintaining the transfer record, is a Class A misdemeanor for
23 the first offense and a Class 4 felony for a second or
24 subsequent offense occurring within 10 years of the first
25 offense and the second offense was committed after conviction
26 of the first offense. Whenever any person who has not

1 previously been convicted of any violation of subsection
2 (a-5), the court may grant supervision pursuant to and
3 consistent with the limitations of Section 5-6-1 of the
4 Unified Code of Corrections. A transferee or transferor shall
5 not be criminally liable under this Section provided that he
6 or she provides the Illinois State Police with the transfer
7 records in accordance with procedures established by the
8 Illinois State Police. The Illinois State Police shall
9 establish, by rule, a standard form on its website.

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

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

24 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
25 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

1 Section 10. The Criminal Code of 2012 is amended by adding
2 Section 24-4.3 as follows:

3 (720 ILCS 5/24-4.3 new)

4 Sec. 24-4.3. Unlawful sale or delivery of prepackaged
5 explosive components.

6 (a) A person commits unlawful sale or delivery of
7 prepackaged explosive components when he or she knowingly does
8 any of the following:

9 (1) Sells or gives prepackaged explosive components to
10 a person who is disqualified under the Firearm Owners
11 Identification Card Act.

12 (2) Sells or transfers prepackaged explosive
13 components to a person who does not display to the seller
14 or transferor of the prepackaged explosive components a
15 currently valid Firearm Owner's Identification Card that
16 has previously been issued in the transferee's name by the
17 Department of State Police under the Firearm Owners
18 Identification Card Act. This paragraph (2) does not apply
19 to the transfer of prepackaged explosive components to a
20 person who is exempt from the requirement of possessing a
21 Firearm Owner's Identification Card under Section 2 of the
22 Firearm Owners Identification Card Act. For the purposes
23 of this Section, a currently valid Firearm Owner's
24 Identification Card means a Firearm Owner's Identification
25 Card that has not expired.

1 (3) Sells or gives prepackaged explosive components
2 while engaged in the business of selling prepackaged
3 explosive components at wholesale or retail without being
4 licensed as a federal firearms dealer under Section 923 of
5 the federal Gun Control Act of 1968 (18 U.S.C. 923). In
6 this paragraph (3), a person "engaged in the business"
7 means a person who devotes time, attention, and labor to
8 engaging in the activity as a regular course of trade or
9 business with the principal objective of livelihood and
10 profit.

11 (b) For the purposes of this Section, "prepackaged
12 explosive components" means a prepackaged product containing 2
13 or more unmixed, commercially manufactured chemical substances
14 that are not independently classified as explosives but which,
15 when mixed or combined, results in an explosive material
16 subject to regulation by the federal Bureau of Alcohol,
17 Tobacco, Firearms, and Explosives under Title 27 CFR Part 555.

18 (c) All sellers or transferors who have complied with the
19 requirements of this Section shall not be liable for damages
20 in any civil action arising from the use or misuse by the
21 transferee of the prepackaged explosive components
22 transferred, except for willful or wanton misconduct on the
23 part of the seller or transferor.

24 (d) Sentence. Any person who is convicted of unlawful sale
25 or delivery of prepackaged explosive components commits a
26 Class 4 felony.

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 99. Effective date. This Act takes effect July 1,
9 2023."