103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1730

Introduced 2/9/2023, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

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

Amends the Firearm Owners Identification Card Act. Eliminates a provision that no person may acquire or possess firearm ammunition within the State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Illinois State Police under the provisions of the Act. Eliminates a provision that no person may knowingly transfer, or cause to be transferred, any firearm ammunition to any person within the State unless the transferee with whom the person deals displays either: (1) a currently valid Firearm Owner's Identification Card which has previously been issued in his or her name by the Illinois State Police under the provisions of the Act; or (2) a currently valid license to carry a concealed firearm which has previously been issued in his or her name by the Illinois State Police under the Firearm Concealed Carry Act. Effective immediately.

LRB103 25212 RLC 51554 b

1 AN ACT concerning safety.

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

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

6 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

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

9 (a) (1) No person may acquire or possess any firearm, stun 10 gun, or taser within this State without having in his or her 11 possession a Firearm Owner's Identification Card previously 12 issued in his or her name by the Illinois State Police under 13 the provisions of this Act.

14 (2) <u>(Blank).</u> No person may acquire or possess firearm 15 ammunition within this State without having in his or her 16 possession a Firearm Owner's Identification Card previously 17 issued in his or her name by the Illinois State Police under 18 the provisions of this Act.

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

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

SB1730

4

5

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

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

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

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

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

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

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

SB1730

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

3

4

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

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

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

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

(14) Resident hunters who are properly authorized to
 hunt and, while accompanied by a person who possesses a
 valid Firearm Owner's Identification Card, hunt in an area

1

2

within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled; and

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

11 (c) The provisions of this Section regarding the 12 acquisition and possession of firearms, firearm ammunition, 13 stun guns, and tasers do not apply to law enforcement 14 officials of this or any other jurisdiction, while engaged in 15 the operation of their official duties.

16 (c-5)The provisions of paragraphs (1) and (2)of 17 subsection (a) of this Section regarding the possession of firearms and firearm ammunition do not apply to the holder of a 18 valid concealed carry license issued under the Firearm 19 20 Concealed Carry Act who is in physical possession of the 21 concealed carry license.

(d) Any person who becomes a resident of this State, who is not otherwise prohibited from obtaining, possessing, or using a firearm or firearm ammunition, shall not be required to have a Firearm Owner's Identification Card to possess firearms or firearms ammunition until 60 calendar days after he or she

LRB103 25212 RLC 51554 b SB1730 - 5 -Illinois driver's 1 obtains an license or Illinois 2 Identification Card. (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23.) 3 4 (430 ILCS 65/3) (from Ch. 38, par. 83-3) 5 (Text of Section before amendment by P.A. 102-237) 6 Sec. 3. (a) Except as provided in Section 3a, no person may 7 knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun qun, or taser to any person within 8 9 this State unless the transferee with whom he deals displays 10 either: (1) a currently valid Firearm Owner's Identification 11 Card which has previously been issued in his or her name by the 12 Illinois State Police under the provisions of this Act; or (2) a currently valid license to carry a concealed firearm which 13 14 has previously been issued in his or her name by the Illinois 15 State Police under the Firearm Concealed Carry Act. In 16 addition, all firearm, stun gun, and taser transfers by federally licensed firearm dealers are subject to Section 3.1. 17 18 (a-5) Any person who is not a federally licensed firearm

dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Illinois State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

24 (a-10) Notwithstanding item (2) of subsection (a) of this
 25 Section, any person who is not a federally licensed firearm

dealer and who desires to transfer or sell a firearm or 1 firearms to any person who is not a federally licensed firearm 2 dealer shall, before selling or transferring the firearms, 3 contact a federal firearm license dealer under paragraph (1) 4 5 of subsection (a-15) of this Section to conduct the transfer the Illinois State Police with the transferee's or 6 or 7 purchaser's Firearm Owner's Identification Card number to 8 determine the validity of the transferee's or purchaser's 9 Firearm Owner's Identification Card under State and federal 10 law including the National Instant Criminal Background Check 11 System. This subsection shall not be effective until July 1, 12 2023. Until that date the transferor shall contact the 13 Illinois State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the 14 15 validity of the card. The Illinois State Police may adopt 16 rules concerning the implementation of this subsection. The 17 Illinois State Police shall provide the seller or transferor approval number if the purchaser's Firearm Owner's 18 an 19 Identification Card is valid. Approvals issued by the Illinois State Police for the purchase of a firearm pursuant to this 20 21 subsection are valid for 30 days from the date of issue.

22 (a-15) The provisions of subsection (a-10) of this Section 23 do not apply to:

(1) transfers that occur at the place of business of a
 federally licensed firearm dealer, if the federally
 licensed firearm dealer conducts a background check on the

- 7 - LRB103 25212 RLC 51554 b

prospective recipient of the firearm in accordance with 1 2 Section 3.1 of this Act and follows all other applicable 3 federal, State, and local laws as if he or she were the seller or transferor of the firearm, although the dealer 4 5 is not required to accept the firearm into his or her 6 inventory. The purchaser or transferee may be required by 7 the federally licensed firearm dealer to pay a fee not to exceed \$25 per firearm, which the dealer may retain as 8 9 compensation for performing the functions required under 10 this paragraph, plus the applicable fees authorized by 11 Section 3.1;

SB1730

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

18 (3) transfers by persons acting pursuant to operation19 of law or a court order;

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

(5) the delivery of a firearm by its owner to a gunsmith for service or repair, the return of the firearm to its owner by the gunsmith, or the delivery of a firearm by a gunsmith to a federally licensed firearms dealer for service or repair and the return of the firearm to the

gunsmith;

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

8 (7) transfers to a law enforcement or corrections 9 agency or a law enforcement or corrections officer acting 10 within the course and scope of his or her official duties;

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

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

17 The Illinois State Police shall develop an (a-20) Internet-based system for individuals to determine the 18 validity of a Firearm Owner's Identification Card prior to the 19 sale or transfer of a firearm. The Illinois State Police shall 20 21 have the Internet-based system updated and available for use 22 by January 1, 2024. The Illinois State Police shall adopt 23 rules not inconsistent with this Section to implement this system, but no rule shall allow the Illinois State Police to 24 25 retain records in contravention of State and federal law.

26 (a-25) On or before January 1, 2022, the Illinois State

1

2

3

4

5

6

7

Police shall develop an Internet-based system upon which the 1 2 serial numbers of firearms that have been reported stolen are 3 available for public access for individuals to ensure any firearms are not reported stolen prior to the sale or transfer 4 5 of a firearm under this Section. The Illinois State Police shall have the Internet-based system completed and available 6 7 for use by July 1, 2022. The Illinois State Police shall adopt 8 rules not inconsistent with this Section to implement this 9 system.

10 (b) Any person within this State who transfers or causes 11 to be transferred any firearm, stun gun, or taser shall keep a 12 record of such transfer for a period of 10 years from the date of transfer. Any person within this State who receives any 13 14 firearm, stun gun, or taser pursuant to subsection (a-10) 15 shall provide a record of the transfer within 10 days of the 16 transfer to a federally licensed firearm dealer and shall not 17 be required to maintain a transfer record. The federally licensed firearm dealer shall maintain the transfer record for 18 19 20 years from the date of receipt. A federally licensed 20 firearm dealer may charge a fee not to exceed \$25 to retain the record. The record shall be provided and maintained in either 21 22 an electronic or paper format. The federally licensed firearm 23 dealer shall not be liable for the accuracy of any information in the transfer record submitted pursuant to this Section. 24 25 Such records shall contain the date of the transfer; the 26 description, serial number or other information identifying

the firearm, stun qun, or taser if no serial number is 1 2 available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card 3 number and any approval number or documentation provided by 4 5 the Illinois State Police pursuant to subsection (a-10) of this Section; if the transfer was not completed within this 6 7 State, the record shall contain the name and address of the 8 transferee. On or after January 1, 2006, the record shall 9 contain the date of application for transfer of the firearm. 10 On demand of a peace officer such transferor shall produce for 11 inspection such record of transfer. For any transfer pursuant 12 to subsection (a-10) of this Section, on the demand of a peace officer, such transferee shall identify the federally licensed 13 14 firearm dealer maintaining the transfer record. If the 15 transfer or sale took place at a gun show, the record shall 16 include the unique identification number. Failure to record 17 the unique identification number or approval number is a petty offense. For transfers of a firearm, stun gun, or taser made on 18 or after January 18, 2019 (the effective date of Public Act 19 100-1178), failure by the private seller to maintain the 20 transfer records in accordance with this Section, or failure 21 22 by a transferee pursuant to subsection a-10 of this Section to 23 identify the federally licensed firearm dealer maintaining the 24 transfer record, is a Class A misdemeanor for the first 25 offense and a Class 4 felony for a second or subsequent offense 26 occurring within 10 years of the first offense and the second

offense was committed after conviction of the first offense. 1 2 Whenever any person who has not previously been convicted of 3 any violation of subsection (a-5), the court may grant supervision pursuant to and consistent with the limitations of 4 5 Section 5-6-1 of the Unified Code of Corrections. A transferee or transferor shall not be criminally liable under this 6 7 Section provided that he or she provides the Illinois State 8 Police with the transfer records in accordance with procedures 9 established by the Illinois State Police. The Illinois State 10 Police shall establish, by rule, a standard form on its 11 website.

12 (b-5) (Blank). Any resident may purchase ammunition from a person within or outside of Illinois if shipment is by United 13 14 States mail or by a private express carrier authorized by 15 federal law to ship ammunition. Any resident purchasing 16 ammunition within or outside the State of Illinois must provide the seller with a copy of his or her valid Firearm 17 Owner's Identification Card or valid concealed carry license 18 and either his or her Illinois driver's license or Illinois 19 20 State Identification Card prior to the shipment of the 21 ammunition. The ammunition may be shipped only to an address on either of those 2 documents. 22

(c) (Blank). The provisions of this Section regarding the
transfer of firearm ammunition shall not apply to those
persons specified in paragraph (b) of Section 2 of this Act.
(Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;

- 12 - LRB103 25212 RLC 51554 b

SB1730

1 102-1116, eff. 1-10-23.)

2

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

3 Sec. 3. (a) Except as provided in Section 3a, no person may 4 knowingly transfer, or cause to be transferred, any firearm, 5 firearm ammunition, stun qun, or taser to any person within 6 this State unless the transferee with whom he deals displays either: (1) a currently valid Firearm Owner's Identification 7 Card which has previously been issued in his or her name by the 8 9 Illinois State Police under the provisions of this Act; or (2) 10 a currently valid license to carry a concealed firearm which 11 has previously been issued in his or her name by the Illinois 12 State Police under the Firearm Concealed Carry Act. In addition, all firearm, stun gun, and taser transfers by 13 14 federally licensed firearm dealers are subject to Section 3.1.

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

(a-10) Notwithstanding item (2) of subsection (a) of this Section, any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm or firearms to any person who is not a federally licensed firearm dealer shall, before selling or transferring the firearms,

contact a federal firearm license dealer under paragraph (1) 1 2 of subsection (a-15) of this Section to conduct the transfer Illinois State Police with the transferee's or 3 the or purchaser's Firearm Owner's Identification Card number to 4 5 determine the validity of the transferee's or purchaser's Firearm Owner's Identification Card under State and federal 6 law, including the National Instant Criminal Background Check 7 8 System. This subsection shall not be effective until July 1, 9 2023. Until that date the transferor shall contact the 10 Illinois State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the 11 12 validity of the card. The Illinois State Police may adopt rules concerning the implementation of this subsection. The 13 14 Illinois State Police shall provide the seller or transferor 15 an approval number if the purchaser's Firearm Owner's 16 Identification Card is valid. Approvals issued by the Illinois 17 State Police for the purchase of a firearm pursuant to this subsection are valid for 30 days from the date of issue. 18

19 (a-15) The provisions of subsection (a-10) of this Section 20 do not apply to:

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

seller or transferor of the firearm, although the dealer 1 is not required to accept the firearm into his or her 2 3 inventory. The purchaser or transferee may be required by the federally licensed firearm dealer to pay a fee not to 4 5 exceed \$25 per firearm, which the dealer may retain as 6 compensation for performing the functions required under 7 this paragraph, plus the applicable fees authorized by Section 3.1; 8

9 (2) transfers as a bona fide gift to the transferor's 10 husband, wife, son, daughter, stepson, stepdaughter, 11 father, mother, stepfather, stepmother, brother, sister, 12 nephew, niece, uncle, aunt, grandfather, grandmother, 13 grandson, granddaughter, father-in-law, mother-in-law, 14 son-in-law, or daughter-in-law;

15 (3) transfers by persons acting pursuant to operation16 of law or a court order;

17 (4) transfers on the grounds of a gun show under18 subsection (a-5) of this Section;

19 (5) the delivery of a firearm by its owner to a 20 gunsmith for service or repair, the return of the firearm 21 to its owner by the gunsmith, or the delivery of a firearm 22 by a gunsmith to a federally licensed firearms dealer for 23 service or repair and the return of the firearm to the 24 gunsmith;

(6) temporary transfers that occur while in the home
 of the unlicensed transferee, if the unlicensed transferee

SB1730

is not otherwise prohibited from possessing firearms and the unlicensed transferee reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee;

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

8 (8) transfers of firearms that have been rendered 9 permanently inoperable to a nonprofit historical society, 10 museum, or institutional collection; and

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

The Illinois State Police shall 14 (a - 20)develop an 15 Internet-based system for individuals to determine the 16 validity of a Firearm Owner's Identification Card prior to the 17 sale or transfer of a firearm. The Illinois State Police shall have the Internet-based system updated and available for use 18 19 by January 1, 2024. The Illinois State Police shall adopt 20 rules not inconsistent with this Section to implement this system; but no rule shall allow the Illinois State Police to 21 22 retain records in contravention of State and federal law.

(a-25) On or before January 1, 2022, the Illinois State Police shall develop an Internet-based system upon which the serial numbers of firearms that have been reported stolen are available for public access for individuals to ensure any firearms are not reported stolen prior to the sale or transfer of a firearm under this Section. The Illinois State Police shall have the Internet-based system completed and available for use by July 1, 2022. The Illinois State Police shall adopt rules not inconsistent with this Section to implement this system.

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

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

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

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

(c) (Blank). The provisions of this Section regarding the
transfer of firearm ammunition shall not apply to those
persons specified in paragraph (b) of Section 2 of this Act.
(Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

Section 95. No acceleration or delay. Where this Act makes

SB1730

25

SB1730 - 19 - LRB103 25212 RLC 51554 b

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

7 Section 99. Effective date. This Act takes effect upon8 becoming law.