



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB0019

Introduced 1/9/2025, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

430 ILCS 65/Act title	
430 ILCS 65/1	from Ch. 38, par. 83-1
430 ILCS 65/1.1	
430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/3.1	from Ch. 38, par. 83-3.1
720 ILCS 5/24-3	from Ch. 38, par. 24-3

Amends the Firearm Owners Identification Card Act. Requires a person to have a currently valid Firearm Owner's Identification Card issued in his or her own name by the Illinois State Police in order to acquire or possess a flamethrower. Exempts certain military, law enforcement, and other specified persons. Defines flamethrower. Amends the Criminal Code of 2012. Provides that it is a Class 4 felony to deliver a flamethrower to a person, incidental to a sale, without withholding delivery of the flamethrower for at least 72 hours after application for its purchase has been made.

LRB104 03141 BDA 13162 b

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 the title of the Act and Sections 1, 1.1,
6 2, 3, and 3.1 as follows:

7 (430 ILCS 65/Act title)

8 An Act relating to the acquisition, possession and
9 transfer of firearms, firearm ammunition, stun guns, ~~and~~
10 tasers, and flamethrowers to provide a penalty for the
11 violation thereof and to make an appropriation in connection
12 therewith.

13 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

14 Sec. 1. It is hereby declared as a matter of legislative
15 determination that in order to promote and protect the health,
16 safety and welfare of the public, it is necessary and in the
17 public interest to provide a system of identifying persons who
18 are not qualified to acquire or possess firearms, firearm
19 ammunition, stun guns, ~~and~~ tasers, and flamethrowers within
20 the State of Illinois by the establishment of a system of
21 Firearm Owner's Identification Cards, thereby establishing a
22 practical and workable system by which law enforcement

1 authorities will be afforded an opportunity to identify those
2 persons who are prohibited by Section 24-3.1 of the Criminal
3 Code of 2012, from acquiring or possessing firearms and
4 firearm ammunition and who are prohibited by this Act from
5 acquiring stun guns, ~~and~~ tasers, and flamethrowers.

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

7 (430 ILCS 65/1.1)

8 Sec. 1.1. For purposes of this Act:

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

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

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

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

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

1 (1) presents a clear and present danger to himself,
2 herself, or to others;

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

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

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

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

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

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

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

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

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

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

26 (11) is subject to involuntary admission as an

1 outpatient as defined in Section 1-119.1 of the Mental
2 Health and Developmental Disabilities Code;

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

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

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

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

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

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

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

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

1 "Developmental disability" means a severe, chronic
2 disability of an individual that:

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

5 (2) is manifested before the individual attains age
6 22;

7 (3) is likely to continue indefinitely;

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

10 (A) Self-care.

11 (B) Receptive and expressive language.

12 (C) Learning.

13 (D) Mobility.

14 (E) Self-direction.

15 (F) Capacity for independent living.

16 (G) Economic self-sufficiency; and

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

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

25 "Firearm" means any device, by whatever name known, which
26 is designed to expel a projectile or projectiles by the action

1 of an explosion, expansion of gas or escape of gas; excluding,
2 however:

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

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

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

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

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

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

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

1 or the Interstate Commerce Commission; and

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

5 "Flamethrower" means any nonstationary and transportable
6 device designed or intended to emit or propel a burning stream
7 of combustible or flammable liquid a distance of at least 10
8 feet.

9 "Gun show" means an event or function:

10 (1) at which the sale and transfer of firearms is the
11 regular and normal course of business and where 50 or more
12 firearms are displayed, offered, or exhibited for sale,
13 transfer, or exchange; or

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

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

1 Unless otherwise expressly stated, "gun show" does not
2 include training or safety classes, competitive shooting
3 events, such as rifle, shotgun, or handgun matches, trap,
4 skeet, or sporting clays shoots, dinners, banquets, raffles,
5 or any other event where the sale or transfer of firearms is
6 not the primary course of business.

7 "Gun show promoter" means a person who organizes or
8 operates a gun show.

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

14 "Intellectual disability" means significantly subaverage
15 general intellectual functioning, existing concurrently with
16 deficits in adaptive behavior and manifested during the
17 developmental period, which is defined as before the age of
18 22, that adversely affects a child's educational performance.

19 "Involuntarily admitted" has the meaning as prescribed in
20 Sections 1-119 and 1-119.1 of the Mental Health and
21 Developmental Disabilities Code.

22 "Mental health facility" means any licensed private
23 hospital or hospital affiliate, institution, or facility, or
24 part thereof, and any facility, or part thereof, operated by
25 the State or a political subdivision thereof which provides
26 treatment of persons with mental illness and includes all

1 hospitals, institutions, clinics, evaluation facilities,
2 mental health centers, colleges, universities, long-term care
3 facilities, and nursing homes, or parts thereof, which provide
4 treatment of persons with mental illness whether or not the
5 primary purpose is to provide treatment of persons with mental
6 illness.

7 "National governing body" means a group of persons who
8 adopt rules and formulate policy on behalf of a national
9 firearm sporting organization.

10 "Noncitizen" means a person who is not a citizen of the
11 United States, but is a person who is a foreign-born person who
12 lives in the United States, has not been naturalized, and is
13 still a citizen of a foreign country.

14 "Patient" means:

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

22 (2) a person who voluntarily or involuntarily receives
23 mental health treatment as an out-patient or is otherwise
24 provided services by a public or private mental health
25 facility and who poses a clear and present danger to
26 himself, herself, or others.

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

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

11 "Qualified examiner" has the meaning provided in Section
12 1-122 of the Mental Health and Developmental Disabilities
13 Code.

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

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

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

23 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
24 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
25 1-1-23; 102-1030, eff. 5-27-22; 103-154, eff. 6-30-23;
26 103-407, eff. 7-28-23.)

1 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

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

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

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

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

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

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

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

24 (4) Members of bona fide veterans organizations which
25 receive firearms directly from the armed forces of the

1 United States, while using the firearms for ceremonial
2 purposes with blank ammunition;

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

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

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

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

20 (9) Nonresidents whose firearms are unloaded and
21 enclosed in a case;

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

24 (11) Unemancipated minors while in the custody and
25 immediate control of their parent or legal guardian or
26 other person in loco parentis to the minor if the parent or

1 legal guardian or other person in loco parentis to the
2 minor has a currently valid Firearm Owner's Identification
3 Card;

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

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

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

22 (15) A person who is otherwise eligible to obtain a
23 Firearm Owner's Identification Card under this Act and is
24 under the direct supervision of a holder of a Firearm
25 Owner's Identification Card who is 21 years of age or
26 older while the person is on a firing or shooting range or

1 is a participant in a firearms safety and training course
2 recognized by a law enforcement agency or a national,
3 statewide shooting sports organization.

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

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

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

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

23 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

24 Sec. 3. (a) Except as provided in Section 3a, no person may
25 knowingly transfer, or cause to be transferred, any firearm,

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

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

18 (a-10) Notwithstanding item (2) of subsection (a) of this
19 Section, any person who is not a federally licensed firearm
20 dealer and who desires to transfer or sell a firearm or
21 firearms to any person who is not a federally licensed firearm
22 dealer shall, before selling or transferring the firearms,
23 contact a federal firearm license dealer under paragraph (1)
24 of subsection (a-15) of this Section to conduct the transfer
25 or the Illinois State Police with the transferee's or
26 purchaser's Firearm Owner's Identification Card number to

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

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

17 (1) transfers that occur at the place of business of a
18 federally licensed firearm dealer, if the federally
19 licensed firearm dealer conducts a background check on the
20 prospective recipient of the firearm in accordance with
21 Section 3.1 of this Act and follows all other applicable
22 federal, State, and local laws as if he or she were the
23 seller or transferor of the firearm, although the dealer
24 is not required to accept the firearm into his or her
25 inventory. The purchaser or transferee may be required by
26 the federally licensed firearm dealer to pay a fee not to

1 exceed \$25 per firearm, which the dealer may retain as
2 compensation for performing the functions required under
3 this paragraph, plus the applicable fees authorized by
4 Section 3.1;

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

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

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

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

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

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

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

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

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

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

1 rules not inconsistent with this Section to implement this
2 system.

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

1 shall contain the name and address of the transferee. On or
2 after January 1, 2006, the record shall contain the date of
3 application for transfer of the firearm. On demand of a peace
4 officer such transferor shall produce for inspection such
5 record of transfer. For any transfer pursuant to subsection
6 (a-10) of this Section, on the demand of a peace officer, such
7 transferee shall identify the federally licensed firearm
8 dealer maintaining the transfer record. If the transfer or
9 sale took place at a gun show, the record shall include the
10 unique identification number. Failure to record the unique
11 identification number or approval number is a petty offense.
12 For transfers of a firearm, stun gun, or taser made on or after
13 January 18, 2019 (the effective date of Public Act 100-1178),
14 or the transfer of a flamethrower made on or after the
15 effective date of this amendatory Act of the 104th General
16 Assembly, failure by the private seller to maintain the
17 transfer records in accordance with this Section, or failure
18 by a transferee pursuant to subsection a-10 of this Section to
19 identify the federally licensed firearm dealer maintaining the
20 transfer record, is a Class A misdemeanor for the first
21 offense and a Class 4 felony for a second or subsequent offense
22 occurring within 10 years of the first offense and the second
23 offense was committed after conviction of the first offense.
24 Whenever any person who has not previously been convicted of
25 any violation of subsection (a-5), the court may grant
26 supervision pursuant to and consistent with the limitations of

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

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

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

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

24 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

25 Sec. 3.1. Firearm Transfer Inquiry Program.

1 (a) The Illinois State Police shall provide a dial up
2 telephone system or utilize other existing technology which
3 shall be used by any federally licensed firearm dealer, gun
4 show promoter, or gun show vendor who is to transfer a firearm,
5 stun gun, ~~or~~ taser, or flamethrower under the provisions of
6 this Act. The Illinois State Police may utilize existing
7 technology which allows the caller to be charged a fee not to
8 exceed \$2. Fees collected by the Illinois State Police shall
9 be deposited in the State Police Firearm Services Fund and
10 used to provide the service.

11 (b) Upon receiving a request from a federally licensed
12 firearm dealer, gun show promoter, or gun show vendor, the
13 Illinois State Police shall immediately approve or, within the
14 time period established by Section 24-3 of the Criminal Code
15 of 2012 regarding the delivery of firearms, stun guns, ~~and~~
16 tasers, and flamethrowers notify the inquiring dealer, gun
17 show promoter, or gun show vendor of any objection that would
18 disqualify the transferee from acquiring or possessing a
19 firearm, stun gun, ~~or~~ taser, or flamethrower. In conducting
20 the inquiry, the Illinois State Police shall initiate and
21 complete an automated search of its criminal history record
22 information files and those of the Federal Bureau of
23 Investigation, including the National Instant Criminal
24 Background Check System, and of the files of the Department of
25 Human Services relating to mental health and developmental
26 disabilities to obtain any felony conviction or patient

1 hospitalization information which would disqualify a person
2 from obtaining or require revocation of a currently valid
3 Firearm Owner's Identification Card.

4 (b-5) By January 1, 2023, the Illinois State Police shall
5 by rule provide a process for the automatic renewal of the
6 Firearm Owner's Identification Card of a person at the time of
7 an inquiry in subsection (b). Persons eligible for this
8 process must have a set of fingerprints on file with their
9 applications under either subsection (a-25) of Section 4 or
10 the Firearm Concealed Carry Act.

11 (c) If receipt of a firearm would not violate Section 24-3
12 of the Criminal Code of 2012, federal law, or this Act, the
13 Illinois State Police shall:

14 (1) assign a unique identification number to the
15 transfer; and

16 (2) provide the licensee, gun show promoter, or gun
17 show vendor with the number.

18 (d) Approvals issued by the Illinois State Police for the
19 purchase of a firearm are valid for 30 days from the date of
20 issue.

21 (e) (1) The Illinois State Police must act as the Illinois
22 Point of Contact for the National Instant Criminal Background
23 Check System.

24 (2) The Illinois State Police and the Department of Human
25 Services shall, in accordance with State and federal law
26 regarding confidentiality, enter into a memorandum of

1 understanding with the Federal Bureau of Investigation for the
2 purpose of implementing the National Instant Criminal
3 Background Check System in the State. The Illinois State
4 Police shall report the name, date of birth, and physical
5 description of any person prohibited from possessing a firearm
6 pursuant to the Firearm Owners Identification Card Act or 18
7 U.S.C. 922(g) and (n) to the National Instant Criminal
8 Background Check System Index, Denied Persons Files.

9 (3) The Illinois State Police shall provide notice of the
10 disqualification of a person under subsection (b) of this
11 Section or the revocation of a person's Firearm Owner's
12 Identification Card under Section 8 or Section 8.2 of this
13 Act, and the reason for the disqualification or revocation, to
14 all law enforcement agencies with jurisdiction to assist with
15 the seizure of the person's Firearm Owner's Identification
16 Card.

17 (f) The Illinois State Police shall adopt rules not
18 inconsistent with this Section to implement this system.

19 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
20 102-813, eff. 5-13-22.)

21 Section 10. The Criminal Code of 2012 is amended by
22 changing Section 24-3 as follows:

23 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

24 Sec. 24-3. Unlawful sale or delivery of firearms.

1 (A) A person commits the offense of unlawful sale or
2 delivery of firearms when he or she knowingly does any of the
3 following:

4 (a) Sells or gives any firearm of a size which may be
5 concealed upon the person to any person under 18 years of
6 age.

7 (b) Sells or gives any firearm to a person under 21
8 years of age who has been convicted of a misdemeanor other
9 than a traffic offense or adjudged delinquent.

10 (c) Sells or gives any firearm to any narcotic addict.

11 (d) Sells or gives any firearm to any person who has
12 been convicted of a felony under the laws of this or any
13 other jurisdiction.

14 (e) Sells or gives any firearm to any person who has
15 been a patient in a mental institution within the past 5
16 years. In this subsection (e):

17 "Mental institution" means any hospital,
18 institution, clinic, evaluation facility, mental
19 health center, or part thereof, which is used
20 primarily for the care or treatment of persons with
21 mental illness.

22 "Patient in a mental institution" means the person
23 was admitted, either voluntarily or involuntarily, to
24 a mental institution for mental health treatment,
25 unless the treatment was voluntary and solely for an
26 alcohol abuse disorder and no other secondary

1 substance abuse disorder or mental illness.

2 (f) Sells or gives any firearms to any person who is a
3 person with an intellectual disability.

4 (g) Delivers any firearm or flamethrower, incidental
5 to a sale, without withholding delivery of the firearm or
6 flamethrower for at least 72 hours after application for
7 its purchase has been made, or delivers a stun gun or
8 taser, incidental to a sale, without withholding delivery
9 of the stun gun or taser for at least 24 hours after
10 application for its purchase has been made. However, this
11 paragraph (g) does not apply to: (1) the sale of a firearm
12 or flamethrower to a law enforcement officer if the seller
13 of the firearm or flamethrower knows that the person to
14 whom he or she is selling the firearm or flamethrower is a
15 law enforcement officer or the sale of a firearm or
16 flamethrower to a person who desires to purchase a firearm
17 or flamethrower for use in promoting the public interest
18 incident to his or her employment as a bank guard, armed
19 truck guard, or other similar employment; (2) a mail order
20 sale of a firearm or flamethrower from a federally
21 licensed firearms dealer to a nonresident of Illinois
22 under which the firearm or flamethrower is mailed to a
23 federally licensed firearms dealer outside the boundaries
24 of Illinois; (3) (blank); (4) the sale of a firearm or
25 flamethrower to a dealer licensed as a federal firearms
26 dealer under Section 923 of the federal Gun Control Act of

1 1968 (18 U.S.C. 923); or (5) the transfer or sale of any
2 rifle, shotgun, or other long gun to a resident registered
3 competitor or attendee or non-resident registered
4 competitor or attendee by any dealer licensed as a federal
5 firearms dealer under Section 923 of the federal Gun
6 Control Act of 1968 at competitive shooting events held at
7 the World Shooting Complex sanctioned by a national
8 governing body. For purposes of transfers or sales under
9 subparagraph (5) of this paragraph (g), the Department of
10 Natural Resources shall give notice to the Illinois State
11 Police at least 30 calendar days prior to any competitive
12 shooting events at the World Shooting Complex sanctioned
13 by a national governing body. The notification shall be
14 made on a form prescribed by the Illinois State Police.
15 The sanctioning body shall provide a list of all
16 registered competitors and attendees at least 24 hours
17 before the events to the Illinois State Police. Any
18 changes to the list of registered competitors and
19 attendees shall be forwarded to the Illinois State Police
20 as soon as practicable. The Illinois State Police must
21 destroy the list of registered competitors and attendees
22 no later than 30 days after the date of the event. Nothing
23 in this paragraph (g) relieves a federally licensed
24 firearm dealer from the requirements of conducting a NICS
25 background check through the Illinois Point of Contact
26 under 18 U.S.C. 922(t). For purposes of this paragraph

1 (g) :

2 "Application" ~~,"application"~~ means when the buyer
3 and seller reach an agreement to purchase a firearm.
4 ~~For purposes of this paragraph (g), "national~~

5 "Flamethrower" has the meaning ascribed to it in
6 Section 1.1 of the Firearm Owners Identification Card
7 Act.

8 "National governing body" means a group of persons
9 who adopt rules and formulate policy on behalf of a
10 national firearm sporting organization.

11 (h) While holding any license as a dealer, importer,
12 manufacturer or pawnbroker under the federal Gun Control
13 Act of 1968, manufactures, sells or delivers to any
14 unlicensed person a handgun having a barrel, slide, frame
15 or receiver which is a die casting of zinc alloy or any
16 other nonhomogeneous metal which will melt or deform at a
17 temperature of less than 800 degrees Fahrenheit. For
18 purposes of this paragraph, (1) "firearm" is defined as in
19 the Firearm Owners Identification Card Act; and (2)
20 "handgun" is defined as a firearm designed to be held and
21 fired by the use of a single hand, and includes a
22 combination of parts from which such a firearm can be
23 assembled.

24 (i) Sells or gives a firearm of any size to any person
25 under 18 years of age who does not possess a valid Firearm
26 Owner's Identification Card.

1 (j) Sells or gives a firearm while engaged in the
2 business of selling firearms at wholesale or retail
3 without being licensed as a federal firearms dealer under
4 Section 923 of the federal Gun Control Act of 1968 (18
5 U.S.C. 923). In this paragraph (j):

6 A person "engaged in the business" means a person who
7 devotes time, attention, and labor to engaging in the
8 activity as a regular course of trade or business with the
9 principal objective of livelihood and profit, but does not
10 include a person who makes occasional repairs of firearms
11 or who occasionally fits special barrels, stocks, or
12 trigger mechanisms to firearms.

13 "With the principal objective of livelihood and
14 profit" means that the intent underlying the sale or
15 disposition of firearms is predominantly one of obtaining
16 livelihood and pecuniary gain, as opposed to other
17 intents, such as improving or liquidating a personal
18 firearms collection; however, proof of profit shall not be
19 required as to a person who engages in the regular and
20 repetitive purchase and disposition of firearms for
21 criminal purposes or terrorism.

22 (k) Sells or transfers ownership of a firearm to a
23 person who does not display to the seller or transferor of
24 the firearm either: (1) a currently valid Firearm Owner's
25 Identification Card that has previously been issued in the
26 transferee's name by the Illinois State Police under the

1 provisions of the Firearm Owners Identification Card Act;
2 or (2) a currently valid license to carry a concealed
3 firearm that has previously been issued in the
4 transferee's name by the Illinois State Police under the
5 Firearm Concealed Carry Act. This paragraph (k) does not
6 apply to the transfer of a firearm to a person who is
7 exempt from the requirement of possessing a Firearm
8 Owner's Identification Card under Section 2 of the Firearm
9 Owners Identification Card Act. For the purposes of this
10 Section, a currently valid Firearm Owner's Identification
11 Card or license to carry a concealed firearm means receipt
12 of an approval number issued in accordance with subsection
13 (a-10) of Section 3 or Section 3.1 of the Firearm Owners
14 Identification Card Act.

15 (1) In addition to the other requirements of this
16 paragraph (k), all persons who are not federally
17 licensed firearms dealers must also have complied with
18 subsection (a-10) of Section 3 of the Firearm Owners
19 Identification Card Act by determining the validity of
20 a purchaser's Firearm Owner's Identification Card.

21 (2) All sellers or transferors who have complied
22 with the requirements of subparagraph (1) of this
23 paragraph (k) shall not be liable for damages in any
24 civil action arising from the use or misuse by the
25 transferee of the firearm transferred, except for
26 willful or wanton misconduct on the part of the seller

1 or transferor.

2 (1) Not being entitled to the possession of a firearm,
3 delivers the firearm, knowing it to have been stolen or
4 converted. It may be inferred that a person who possesses
5 a firearm with knowledge that its serial number has been
6 removed or altered has knowledge that the firearm is
7 stolen or converted.

8 (B) Paragraph (h) of subsection (A) does not include
9 firearms sold within 6 months after enactment of Public Act
10 78-355 (approved August 21, 1973, effective October 1, 1973),
11 nor is any firearm legally owned or possessed by any citizen or
12 purchased by any citizen within 6 months after the enactment
13 of Public Act 78-355 subject to confiscation or seizure under
14 the provisions of that Public Act. Nothing in Public Act
15 78-355 shall be construed to prohibit the gift or trade of any
16 firearm if that firearm was legally held or acquired within 6
17 months after the enactment of that Public Act.

18 (C) Sentence.

19 (1) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (c), (e), (f), (g),
21 or (h) of subsection (A) commits a Class 4 felony.

22 (2) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (b) or (i) of
24 subsection (A) commits a Class 3 felony.

25 (3) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (a) of subsection

1 (A) commits a Class 2 felony.

2 (4) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (a), (b), or (i) of
4 subsection (A) in any school, on the real property
5 comprising a school, within 1,000 feet of the real
6 property comprising a school, at a school related
7 activity, or on or within 1,000 feet of any conveyance
8 owned, leased, or contracted by a school or school
9 district to transport students to or from school or a
10 school related activity, regardless of the time of day or
11 time of year at which the offense was committed, commits a
12 Class 1 felony. Any person convicted of a second or
13 subsequent violation of unlawful sale or delivery of
14 firearms in violation of paragraph (a), (b), or (i) of
15 subsection (A) in any school, on the real property
16 comprising a school, within 1,000 feet of the real
17 property comprising a school, at a school related
18 activity, or on or within 1,000 feet of any conveyance
19 owned, leased, or contracted by a school or school
20 district to transport students to or from school or a
21 school related activity, regardless of the time of day or
22 time of year at which the offense was committed, commits a
23 Class 1 felony for which the sentence shall be a term of
24 imprisonment of no less than 5 years and no more than 15
25 years.

26 (5) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (a) or (i) of
2 subsection (A) in residential property owned, operated, or
3 managed by a public housing agency or leased by a public
4 housing agency as part of a scattered site or mixed-income
5 development, in a public park, in a courthouse, on
6 residential property owned, operated, or managed by a
7 public housing agency or leased by a public housing agency
8 as part of a scattered site or mixed-income development,
9 on the real property comprising any public park, on the
10 real property comprising any courthouse, or on any public
11 way within 1,000 feet of the real property comprising any
12 public park, courthouse, or residential property owned,
13 operated, or managed by a public housing agency or leased
14 by a public housing agency as part of a scattered site or
15 mixed-income development commits a Class 2 felony.

16 (6) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (j) of subsection
18 (A) commits a Class A misdemeanor. A second or subsequent
19 violation is a Class 4 felony.

20 (7) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (k) of subsection
22 (A) commits a Class 4 felony, except that a violation of
23 subparagraph (1) of paragraph (k) of subsection (A) shall
24 not be punishable as a crime or petty offense. A third or
25 subsequent conviction for a violation of paragraph (k) of
26 subsection (A) is a Class 1 felony.

1 (8) A person 18 years of age or older convicted of
2 unlawful sale or delivery of firearms in violation of
3 paragraph (a) or (i) of subsection (A), when the firearm
4 that was sold or given to another person under 18 years of
5 age was used in the commission of or attempt to commit a
6 forcible felony, shall be fined or imprisoned, or both,
7 not to exceed the maximum provided for the most serious
8 forcible felony so committed or attempted by the person
9 under 18 years of age who was sold or given the firearm.

10 (9) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (d) of subsection
12 (A) commits a Class 3 felony.

13 (10) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (l) of subsection
15 (A) commits a Class 2 felony if the delivery is of one
16 firearm. Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (l) of subsection
18 (A) commits a Class 1 felony if the delivery is of not less
19 than 2 and not more than 5 firearms at the same time or
20 within a one-year period. Any person convicted of unlawful
21 sale or delivery of firearms in violation of paragraph (l)
22 of subsection (A) commits a Class X felony for which he or
23 she shall be sentenced to a term of imprisonment of not
24 less than 6 years and not more than 30 years if the
25 delivery is of not less than 6 and not more than 10
26 firearms at the same time or within a 2-year period. Any

1 person convicted of unlawful sale or delivery of firearms
2 in violation of paragraph (1) of subsection (A) commits a
3 Class X felony for which he or she shall be sentenced to a
4 term of imprisonment of not less than 6 years and not more
5 than 40 years if the delivery is of not less than 11 and
6 not more than 20 firearms at the same time or within a
7 3-year period. Any person convicted of unlawful sale or
8 delivery of firearms in violation of paragraph (1) of
9 subsection (A) commits a Class X felony for which he or she
10 shall be sentenced to a term of imprisonment of not less
11 than 6 years and not more than 50 years if the delivery is
12 of not less than 21 and not more than 30 firearms at the
13 same time or within a 4-year period. Any person convicted
14 of unlawful sale or delivery of firearms in violation of
15 paragraph (1) of subsection (A) commits a Class X felony
16 for which he or she shall be sentenced to a term of
17 imprisonment of not less than 6 years and not more than 60
18 years if the delivery is of 31 or more firearms at the same
19 time or within a 5-year period.

20 (D) For purposes of this Section:

21 "School" means a public or private elementary or secondary
22 school, community college, college, or university.

23 "School related activity" means any sporting, social,
24 academic, or other activity for which students' attendance or
25 participation is sponsored, organized, or funded in whole or
26 in part by a school or school district.

1 (E) A prosecution for a violation of paragraph (k) of
2 subsection (A) of this Section may be commenced within 6 years
3 after the commission of the offense. A prosecution for a
4 violation of this Section other than paragraph (g) of
5 subsection (A) of this Section may be commenced within 5 years
6 after the commission of the offense defined in the particular
7 paragraph.

8 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
9 102-813, eff. 5-13-22.)