

1 AN ACT in relation to firearms.

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

4 Section 1. Short title. This Act may be cited as the  
5 Firearms Dealer Licensing Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of State Police.

8 "Firearms dealer" means any person who is: (i) engaged in  
9 the business of selling firearms at wholesale or retail, (ii)  
10 engaged in the business of repairing firearms or of making or  
11 fitting special barrels, stocks, or trigger mechanisms to  
12 firearms, or (iii) a pawnbroker whose business or occupation  
13 includes the taking or receiving, by way of pledge or pawn,  
14 of any firearm as security for the payment or repayment of  
15 money.

16 "Licensed dealer" means any firearms dealer who is  
17 licensed under both this Act and Section 923 of the federal  
18 Gun Control Act of 1968 (18 U.S.C. 923).

19 "Person" means an individual, firm, association, society,  
20 partnership, limited liability company, corporation, or other  
21 entity.

22 "Crime punishable by imprisonment for a term exceeding  
23 one year" does not include:

24 (i) any federal or state offenses pertaining to  
25 antitrust violations, unfair trade practices, restraints  
26 of trade, or other similar offenses relating to the  
27 regulation of business practices, or

28 (ii) any state offense classified by the laws of the  
29 state as a misdemeanor and punishable by a term of  
30 imprisonment of 2 years or less.

31 What constitutes a conviction of a crime punishable by

1 imprisonment for a term exceeding one year is determined in  
2 accordance with the law of the jurisdiction in which the  
3 proceedings were held. Any conviction that has been  
4 expunged, set aside, or for which a person has been pardoned  
5 or has had civil rights restored may not be considered a  
6 conviction for purposes of this Act unless the pardon,  
7 expungement, or restoration of civil rights expressly  
8 provides that the person may not possess or receive firearms.

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

16 "Transfer" means the actual or attempted transfer of a  
17 firearm or firearm ammunition, with or without consideration,  
18 but does not include the lease of a firearm, or the provision  
19 of ammunition specifically for that firearm, if the firearm  
20 and the ammunition are to be used on the lessor's premises,  
21 and does not include any transfer of possession when the  
22 transferor maintains supervision and control over the firearm  
23 or ammunition.

24 "With the principal objective of livelihood and profit"  
25 means that the intent underlying the sale or disposition of  
26 firearms is predominantly one of obtaining livelihood and  
27 pecuniary gain, as opposed to other intents, such as  
28 improving or liquidating a personal firearms collection;  
29 however, proof of profit shall not be required as to a person  
30 who engages in the regular and repetitive purchase and  
31 disposition of firearms for criminal purposes or terrorism.

32 "Terrorism" means activity directed against United States  
33 residents that:

34 (i) is committed by an individual who is not a

1 national or permanent resident alien of the United  
2 States;

3 (ii) involves violent acts or acts dangerous to  
4 human life that would be a criminal violation if  
5 committed within the jurisdiction of the United States;  
6 and

7 (iii) is intended:

8 (A) to intimidate or coerce a civilian  
9 population;

10 (B) to influence the policy of a government by  
11 intimidation or coercion; or

12 (C) to affect the conduct of a government by  
13 assassination or kidnapping.

14 "Indictment" includes an indictment or information in any  
15 court under which a crime punishable by imprisonment for a  
16 term exceeding one year may be prosecuted.

17 "Fugitive from justice" means a person who has fled from  
18 any state to avoid prosecution for a crime or to avoid giving  
19 testimony in any criminal proceeding.

20 "Firearm" has the meaning ascribed to it in Section 1.1  
21 of the Firearm Owners Identification Card Act.

22 "Adjudicated as a disabled person" means adjudicated as a  
23 disabled person under the Probate Act of 1975 or the laws of  
24 another state.

25 "Cannabis" has the meaning ascribed to it in the Cannabis  
26 Control Act.

27 "Controlled substance" has the meaning ascribed to it in  
28 the Illinois Controlled Substances Act.

29 Section 10. Unlicensed firearms dealer; prohibition. No  
30 person may sell or otherwise transfer, or expose for sale or  
31 transfer, or have in his or her possession with intent to  
32 sell or transfer any firearm without being licensed under  
33 this Act. This prohibition does not apply to a person who

1 makes occasional sales, exchanges, or purchases of firearms  
2 for the enhancement of a personal collection or as a hobby or  
3 who sells all or part of his or her personal collection of  
4 firearms.

5 Section 15. License application; requirements; penalty.

6 (a) The Department may grant a firearms dealer license to  
7 an applicant who submits evidence that:

8 (1) he or she is at least 21 years of age;

9 (2) he or she, including in the case of a  
10 corporation, partnership, or association, an individual  
11 possessing, directly or indirectly, the power to direct  
12 or cause the direction of the management and policies of  
13 the corporation, partnership, or association:

14 (i) has not been convicted of and is not under  
15 indictment for a crime punishable by imprisonment  
16 for a term exceeding one year;

17 (ii) is not a fugitive from justice;

18 (iii) is not and has not been an unlawful user  
19 of or addicted to a controlled substance or  
20 cannabis;

21 (iv) has not been adjudicated as a disabled  
22 person or committed to a mental institution;

23 (v) is not an alien, illegally or unlawfully,  
24 in the United States;

25 (vi) has not been discharged from the Armed  
26 Forces under dishonorable conditions; or

27 (vii) is not a former citizen of the United  
28 States who has renounced his or her citizenship; and

29 (3) he or she does not have a mental condition that  
30 poses a clear and present danger to the applicant,  
31 another person, or to the community. For purposes of  
32 this subdivision (3), "mental condition" means a state of  
33 mind manifested by violent, suicidal, threatening, or

1           assaultive behavior.

2           (b) An application for a firearms dealer license must be  
3 made on forms furnished by the Department. The application  
4 must be verified by the applicant under oath and must be  
5 accompanied by the required fee.

6           (c) The applicant must submit to the Department a license  
7 fee of \$300, payable at the time of application, and an  
8 additional \$300 payable every 3 years thereafter for so long  
9 as the license is in effect.

10          (d) The applicant must submit to fingerprinting in  
11 accordance with rules adopted by the Department and must pay  
12 a fingerprint processing fee in the amount set by the  
13 Department by rule.

14          (e) A person who knowingly makes a false statement or  
15 knowingly conceals a material fact or uses false information  
16 or identification in any application for a license under this  
17 Act commits a Class A misdemeanor.

18          (f) A license granted under this Act remains in effect  
19 until it is revoked, suspended, or otherwise withdrawn by the  
20 Department or until it is surrendered by the licensee.

21          (g) The provisions of subdivision (a)(2)(ii) do not  
22 apply to a person who has been granted relief from  
23 disabilities under subsection (c) of Section 925 of Title 18  
24 of the United States Code or to a licensed dealer who is  
25 indicted for a crime who is operating under an existing  
26 license if, before the expiration of the term of the existing  
27 license, timely application is made for a new license during  
28 the term of the indictment and until any conviction under the  
29 indictment becomes final.

30          Section 20. License retention; requirements. A license  
31 granted under this Act is subject to all of the following  
32 requirements:

33          (1) A licensed dealer may only transact business under

1 this Act at an address that has a zoning classification that  
2 permits the operation of a retail establishment.

3 (2) A licensed dealer may not transact business in any  
4 place other than the premises specified in his or her  
5 license, except that a licensed dealer may display, sell, or  
6 transfer firearms at a gun show open to the general public or  
7 at any regular meeting of an incorporated collectors club in  
8 accordance with this Act and federal law.

9 (3) A licensed dealer may not violate any provision of  
10 any federal or state law pertaining to the possession, use,  
11 sale, or delivery of firearms.

12 (4) The licensed dealer must strictly adhere to the  
13 provisions of all applicable federal and state laws and local  
14 ordinances and local business license requirements.

15 (5) A separate license must be obtained for each separate  
16 place of business. Before a licensed dealer moves his or her  
17 place of business, he or she must promptly apply to the  
18 Department for an amended license.

19 (6) The license, or a copy of the license certified by  
20 the Department, must be displayed on the premises at a  
21 location where it can easily be read.

22 (7) No firearm may be displayed in any outer window of  
23 the premises or in any other place where it can readily be  
24 seen from the outside.

25 (8) Every firearm must be unloaded when delivered.

26 (9) The licensee must obtain a certificate of  
27 registration issued under the Retailers' Occupation Tax Act.

28 (10) The licensee must take reasonable precautions to  
29 ensure that the firearms the licensee sells will not be used  
30 illegally. These precautions include, but are not limited  
31 to: (i) the refusal to sell a firearm to a person the  
32 licensee knows or has reason to know is purchasing the  
33 firearm on behalf of another person who could not legally  
34 purchase the firearm; (ii) the refusal to sell a firearm to a

1 person who has provided a home address in a municipality or  
2 county in which possession of that type of firearm is illegal  
3 unless the transferee presents reasonably satisfactory  
4 evidence that the firearm will not be used or possessed  
5 unlawfully in that municipality or county; and (iii) the  
6 refusal to sell a firearm to a person who has provided a home  
7 address in a municipality or county that requires  
8 registration of the firearm, unless the purchaser presents  
9 satisfactory evidence of compliance with the registration  
10 requirement.

11 (11) The licensee must make available the licensee's  
12 records to any officer or employee of the Department or of  
13 any unit of local government in this State whenever the  
14 officer or employee is authorized to enforce laws or  
15 ordinances pertaining to firearms.

16 Section 25. Enforcement; revocation; notice. This Act  
17 must be enforced by the Department, and may be enforced, for  
18 the purpose of determining compliance with this Act, by any  
19 municipality in which the licensee is located or, if the  
20 licensee is not located in a municipality, by the county in  
21 which the licensee is located. The Department, after due  
22 notice to the licensee and reasonable opportunity for the  
23 licensee to be heard, may revoke a license or may suspend a  
24 license for a period of time that the Department may deem  
25 proper upon satisfactory proof that the licensee has violated  
26 or permitted a violation of any requirement of this Act or is  
27 no longer eligible to obtain a license under Section 15. A  
28 person whose license has been revoked by the Department is  
29 disqualified to receive a license for 10 years after the  
30 revocation. Any person who has substantially participated in  
31 the operation or management of a licensee that has had its  
32 license revoked may not be employed by or participate in the  
33 business of any other licensee for 10 years after the

1 revocation. Proceedings for revocation or suspension under  
2 this Section may be initiated by the Department or by a  
3 municipality or county.

4 Section 30. Submission to Department. A licensed dealer  
5 must, within 24 hours after making a sale or transfer of a  
6 firearm to a person who is not licensed as a dealer, report  
7 that sale to the Department of State Police. The report must  
8 contain the following information: the date of the sale or  
9 transfer; the identity and address of the dealer; the name,  
10 address, age, and occupation of the transferee; the price of  
11 the firearm; and the kind, description and number of the  
12 firearm. All records of the reports must be maintained by  
13 the Department on a computer database capable of allowing the  
14 retrieval of information for each dealer and each transferee.  
15 The computer database must also contain a listing of each  
16 county or municipality that prohibits one or more types of  
17 firearm, and the type or types of firearms that are  
18 prohibited in that county or municipality. Information in  
19 the database must be made available to any law enforcement  
20 agency responsible for the enforcement of any federal, State  
21 or local law or ordinance relating to firearms, and to any  
22 licensed dealer who requests information relating to a person  
23 who is seeking to purchase one or more firearms from that  
24 dealer. Except as specifically provided in this Section,  
25 information in the database are confidential records of the  
26 Department and are not subject to disclosure under any other  
27 law.

28 In addition to any other requirements of this Section,  
29 any licensee who was required by Section 3 of the Firearm  
30 Owners Identification Card Act to keep a record of a transfer  
31 of a firearm occurring within the 24 month period immediately  
32 preceding the effective date of this Act must, no later than  
33 30 days after that effective date, report those transfers to

1 the Department of State Police. The report must contain the  
2 information required to be maintained as records under  
3 subsection (b) of Section 3 of the Firearm Owners  
4 Identification Card Act. The Department must include the  
5 records of those reports in the computer database required to  
6 be maintained under this Section.

7 Section 35. Penalty. Any firearms dealer who sells, or  
8 who possesses with intent to sell, trade, or transfer, any  
9 firearm without being licensed under this Act is guilty of a  
10 Class 4 felony.