

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 5. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 3 and 14 as follows:

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

7 Sec. 3. (a) Except as provided in Section 3a, no person  
8 may knowingly transfer, or cause to be transferred, any  
9 firearm or any firearm ammunition to any person within this  
10 State unless the transferee with whom he deals displays a  
11 currently valid Firearm Owner's Identification Card which has  
12 previously been issued in his name by the Department of State  
13 Police under the provisions of this Act. In addition, all  
14 firearm transfers by federally licensed firearm dealers must  
15 be in accordance with ~~are subject to~~ Section 3.1. The person  
16 transferring the firearm or firearm ammunition must, at the  
17 time of the transfer, personally inspect the Firearm Owner's  
18 Identification Card to verify the identity of the person to  
19 whom the firearm or firearm ammunition is being transferred.  
20 A person may not be convicted of failing to inspect a Firearm  
21 Owner's Identification Card prior to the transfer of a  
22 firearm or firearm ammunition to another person if the person  
23 proves that the person to whom the firearm or firearm  
24 ammunition was transferred possessed a valid Firearm Owner's  
25 Identification Card at the time of the transfer.

26 (b) Any person within this State who transfers or causes  
27 to be transferred any firearm must, in a manner and form the  
28 Department of State Police may by rule prescribe, shall keep  
29 a record of such transfer for a period of 10 years from the  
30 date of transfer. Such record shall contain the date of the  
31 transfer; the description, serial number or other information

1 identifying the firearm if no serial number is available; the  
2 name and address of the person to whom the firearm is being  
3 transferred; and, if the transfer was completed within this  
4 State, the transferee's Firearm Owner's Identification Card  
5 number. On demand of a peace officer such transferor shall  
6 produce for inspection such record of transfer. If the  
7 transfer is completed to a resident of Iowa, Missouri,  
8 Indiana, Wisconsin, or Kentucky under subsection (b) of  
9 Section 3a of this Act, the transferor must keep a record of  
10 the transferee's state driver's license number or state  
11 identification card number. The record of transfer must be  
12 made at the time of transfer. On demand of a peace officer  
13 such transferor shall produce for inspection such record of  
14 transfer and if the person is a dealer, allow the peace  
15 officer to inspect all stock on hand. If the transferor does  
16 not have each record available for inspection at the time of  
17 the peace officer's demand for inspection, the transferor  
18 must be given 72 hours to produce the records for inspection  
19 at a location and time the peace officer designates in  
20 writing. A person who negligently fails to keep or produce  
21 records as required by this subsection (b) is guilty of a  
22 Class B misdemeanor. A person who wilfully refuses to keep  
23 records or produce them as required by this subsection (b)  
24 must be sentenced as set forth in paragraph (3) of subsection  
25 (d).

26 (b-5) For the purpose of subsection (b), it may be  
27 inferred that a person wilfully refused to keep or produce  
28 records if:

29 (1) the person states that he or she did not  
30 transfer the firearm because the firearm was lost or  
31 stolen, but failed to report the firearm lost or stolen  
32 under subsection (c-5) of this Section;

33 (2) the person states that the records were lost,  
34 stolen, or destroyed, but failed to report the loss,

1 theft, or destruction as required by subsection (c-5) of  
2 this Section;

3 (3) the information contained in the records was  
4 false; or

5 (4) in the absence of evidence to the contrary, the  
6 person's failure to produce or keep records of the  
7 transfer of a firearm traced to his or her possession is  
8 unexplained.

9 (b-10) A person may not be convicted of willful failure  
10 to keep or produce records if the person proves that the  
11 records the person produced, although incomplete, were  
12 sufficiently complete so as to enable law enforcement  
13 officers to clearly identify the person to whom the firearm  
14 was transferred.

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

18 (c-5)(1) The owner of a firearm must report the loss or  
19 theft of a firearm to the law enforcement agency of the  
20 municipality or unincorporated area in which he or she  
21 resides within 72 hours of his or her discovery of the loss  
22 or theft and keep a record of the time and date of the report  
23 and of the name of the person and law enforcement agency to  
24 which the report was made.

25 (2) Any person required to keep records under  
26 subsection (b) must report the loss, theft, or  
27 destruction of those records within 72 hours of his or  
28 her discovery of the loss, theft, or destruction to the  
29 law enforcement agency of the municipality or  
30 unincorporated area in which he or she resides and keep a  
31 record of the time and date of the report of the person  
32 and the law enforcement agency to which the report was  
33 made.

34 (3) The information supplied by a person under this

1 subsection (c-5) is not admissible in any prosecution of  
2 the person making the report under any municipal or  
3 county ordinance.

4 (4) A person who fails to report the theft, loss,  
5 or destruction of a firearm or of records required to be  
6 kept is guilty of a petty offense and may be fined not  
7 more than \$50.

8 (5) A person who knowingly makes a false report of  
9 the loss, theft, or destruction of a firearm or of  
10 firearm records to any employee acting on behalf of a law  
11 enforcement agency is guilty of a Class 4 felony.

12 (c-10) For purposes of this Section, the word "transfer"  
13 means the selling, giving away, loaning, pawning (with or  
14 without consideration), of a firearm or of firearm  
15 ammunition. "Transfer" does not include the temporary  
16 delivery of a firearm or of firearm ammunition by a person  
17 who has a currently valid Firearm Owner's Identification Card  
18 to a person of the age of 18 years or over for inspection of  
19 the firearm or firearm ammunition in the immediate presence  
20 of the transferor where the transfer of the firearm or  
21 firearm ammunition by the transferor and possession of the  
22 firearm or firearm ammunition by the transferee occur on the  
23 transferor's own land or in the transferor's place of abode.

24 (c-15) It may be inferred that a person transferred a  
25 firearm or firearm ammunition when, in the absence of a  
26 reasonable explanation to the contrary, the firearm or  
27 firearm ammunition has been traced to the possession of that  
28 person and the person no longer has possession of the firearm  
29 or firearm ammunition.

30 (d) Sentence. (1) A person who violates subsection (a)  
31 by transferring or causing to be transferred in this State  
32 any firearm to a person he or she knows or has reasonable  
33 cause to believe does not possess a valid Firearm Owner's  
34 Identification Card or by failing to inspect the Card before

1 transfer of a firearm is guilty of a Class 4 felony. A person  
2 who commits more than one violation of subsection (a) as  
3 described in this Section:

4 (A) is guilty of a Class 3 felony for transfer of  
5 not less than 2 firearms and not more than 5 firearms at  
6 the same time or within a one-year period;

7 (B) is guilty of a Class 2 felony for transfer of  
8 not less than 6 firearms and not more than 10 firearms at  
9 the same time or within a 2-year period;

10 (C) is guilty of a Class 1 felony for transfer of  
11 not less than 11 firearms and not more than 20 firearms  
12 at the same time or within a 3-year period;

13 (D) is guilty of a Class X felony for transfer of  
14 more than 20 firearms at the same time or within a 4-year  
15 period.

16 (2) A person who violates subsection (a) by transferring  
17 or causing to be transferred in this State any firearm  
18 ammunition to a person he or she knows or has reasonable  
19 cause to believe does not possess a currently valid Firearm  
20 Owner's Identification Card is guilty of a Class A  
21 misdemeanor for a first conviction, a Class 4 felony for a  
22 second conviction, and a Class 3 felony for a third or  
23 subsequent conviction.

24 (3) A person who violates subsection (b) by willfully  
25 failing to keep records of the transfer of a firearm is  
26 guilty of a Class 4 felony. A person who willfully fails to  
27 keep records relating to the transfer of more than one  
28 firearm:

29 (A) is guilty of a Class 3 felony for transfer of  
30 not less than 2 firearms and not more than 5 firearms at  
31 the same time or within a one-year period;

32 (B) is guilty of a Class 2 felony for transfer of  
33 not less than 6 firearms and not more than 10 firearms at  
34 the same time or within a 2-year period;

1           (C) is guilty of a Class 1 felony for transfer of  
2           not less than 11 firearms and not more than 20 firearms  
3           at the same time or within a 3-year period;

4           (D) is guilty of a Class X felony for transfer of  
5           not more than 20 firearms at the same time or within a  
6           4-year period.

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

10          (Source: P.A. 92-442, eff. 8-17-01.)

11          (430 ILCS 65/14) (from Ch. 38, par. 83-14)  
12          Sec. 14. Sentence.

13          (a) A violation of paragraph (1) of subsection (a) of  
14          Section 2, when the person's Firearm Owner's Identification  
15          Card is expired but the person is not otherwise disqualified  
16          from renewing the card, is a Class A misdemeanor.

17          (b) Except as provided in subsection (a) with respect to  
18          an expired card, a violation of paragraph (1) of subsection  
19          (a) of Section 2 is a Class A misdemeanor when the person  
20          does not possess a currently valid Firearm Owner's  
21          Identification Card, but is otherwise eligible under this  
22          Act. A second or subsequent violation is a Class 4 felony.

23          (c) A violation of paragraph (1) of subsection (a) of  
24          Section 2 is a Class 3 felony when:

25                 (1) the person's Firearm Owner's Identification  
26                 Card is revoked or subject to revocation under Section 8;  
27                 or

28                 (2) the person's Firearm Owner's Identification  
29                 Card is expired and not otherwise eligible for renewal  
30                 under this Act; or

31                 (3) the person does not possess a currently valid  
32                 Firearm Owner's Identification Card, and the person is  
33                 not otherwise eligible under this Act.

1           (d) A violation of Section 3 is punishable as provided  
2 in that Section. ~~A violation of subsection (a) of Section 3~~  
3 ~~is a Class 4 felony. A third or subsequent conviction is a~~  
4 ~~Class 1 felony.~~

5           (d-5) Any person who knowingly enters false information  
6 on an application for a Firearm Owner's Identification Card,  
7 who knowingly gives a false answer to any question on the  
8 application, or who knowingly submits false evidence in  
9 connection with an application is guilty of a Class 2 felony.

10           (e) Except as provided by Section 6.1 of this Act, any  
11 other violation of this Act is a Class A misdemeanor.

12           (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;  
13 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)