



Sen. John J. Cullerton

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LRB094 04596 RLC 46347 a

1 AMENDMENT TO SENATE BILL 1333

2 AMENDMENT NO. _____. Amend Senate Bill 1333 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 3.1 and by adding Section 3.5 as
6 follows:

7 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

8 Sec. 3.1. Dial up system.

9 (a) The Department of State Police shall provide a dial up
10 telephone system which shall be used by any federally licensed
11 firearm dealer who is to transfer a firearm under the
12 provisions of this Act. The Department of State Police shall
13 utilize existing technology which allows the caller to be
14 charged a fee equivalent to the cost of providing this service
15 but not to exceed \$2. Fees collected by the Department of State
16 Police shall be deposited in the State Police Services Fund and
17 used to provide the service.

18 Upon receiving a request from a federally licensed firearm
19 dealer, the Department of State Police shall immediately
20 approve, or within the time period established by Section 24-3
21 of the Criminal Code of 1961 regarding the delivery of
22 firearms, notify the inquiring dealer of any objection that
23 would disqualify the transferee from acquiring or possessing a
24 firearm. In conducting the inquiry, the Department of State

1 Police shall initiate and complete an automated search of its
2 criminal history record information files and those of the
3 Federal Bureau of Investigation, including the National
4 Instant Criminal Background Check System, and of the files of
5 the Department of Human Services relating to mental health and
6 developmental disabilities to obtain any felony conviction or
7 patient hospitalization information which would disqualify a
8 person from obtaining or require revocation of a currently
9 valid Firearm Owner's Identification Card.

10 The Department of State Police must act as the Illinois
11 Point of Contact for the National Instant Criminal Background
12 Check System.

13 The Department of State Police shall promulgate rules to
14 implement this system.

15 (b) Upon receiving a request from a law enforcement agency
16 regarding records maintained within its Firearm Transfer
17 Inquiry Program, the Department of State Police shall require
18 in writing, at a minimum, the following information: (i) the
19 requesting agency name; (ii) the agency case or control number;
20 (iii) the reason for the request; (iv) the requestor's name and
21 identification number; (v) the contact information for the
22 requestor; (vi) the requestor's signature and the date of the
23 request; (vii) the name and identification number of the
24 supervisor approving the request; (viii) whether the request is
25 for information pertaining to a current Firearm Owner's
26 Identification Card or to all Firearm Owner's Identification
27 Cards that have been issued to an individual; (ix) a return fax
28 number; and (x) the Firearm Owner's Identification Card
29 information relating to the individual for whom an inquiry has
30 been made.

31 (Source: P.A. 91-399, eff. 7-30-99.)

32 (430 ILCS 65/3.5 new)

33 Sec. 3.5. Private transfers of firearms by persons

1 attending gun shows.

2 (a) To ensure that, prior to any sale or transfer of a
3 firearm at a gun show in the State of Illinois, a background
4 check is conducted on the transferor and the transferee of the
5 firearm, the Department of State Police shall establish a
6 system which shall be available for requests from individuals
7 selling or transferring firearms at a gun show, other than a
8 federally licensed firearms dealer, to conduct background
9 checks under this system.

10 The Department of State Police shall utilize technology
11 which allows the person to be charged a fee equivalent to the
12 cost of providing the service. The fee may not exceed \$2,
13 however. Fees collected by the Department of State Police shall
14 be deposited in the State Police Services Fund and used to
15 provide the service.

16 The Department of State Police shall establish a service of
17 conducting background checks for individuals selling or
18 transferring firearms at a gun show, other than a federally
19 licensed firearm dealer. Gun show promoters and other
20 interested parties shall access the background check system
21 through a process established by the Department of State
22 Police.

23 Upon receiving a request from an individual selling or
24 transferring firearms at a gun show, other than a federally
25 licensed firearm dealer, the Department of State Police shall
26 provide, during the initial transferor inquiry, an approval,
27 denial, or conditional denial of the transfer. The time period
28 for the Department to respond shall begin at the time the
29 inquiry is received. When the Department provides a conditional
30 denial, the transferor shall not transfer the firearm until an
31 approval is provided by the Department. However, if any
32 approval or denial is not provided in accordance with Section
33 24-3 of the Criminal Code of 1961, the transfer may proceed.
34 Failure of the Department to provide an approval or denial

1 within the prescribed length of times does not relieve the
2 transferor from compliance with any other statutory
3 restrictions on firearm transfers. Regardless of the
4 requirements of this Section, transactions must comply with all
5 State and federal firearm laws.

6 (b) Any person who is not a federally licensed firearm
7 dealer and who desires to transfer or sell a firearm while that
8 person is on the grounds of a gun show must, prior to the sale
9 or transfer of the firearm:

10 (1) Request the Department of State Police to conduct a
11 background check on the transferor and the prospective
12 transferee of a firearm and shall provide the following
13 information to the Department:

14 (A) A valid Firearm Owner's Identification Card
15 number of the transferor and transferee.

16 (B) The telephone number of the transferor and
17 transferee.

18 (C) The type of firearm (long gun or short gun).

19 (2) Receive an approval from the Department of State
20 Police that, after a background check was conducted,
21 nothing in the records accessed by the Department shall
22 prohibit, based on State or federal law, the purchaser from
23 purchasing or possessing a firearm.

24 (c) From the background check under this Section, the
25 Department of State Police shall:

26 (1) Determine from records and other information
27 available to it whether the recipient is disqualified under
28 State or federal laws from completing the transfer or is
29 otherwise prohibited by State or federal law from
30 purchasing or possessing a firearm; and

31 (2) Notify the transferor when a recipient is
32 disqualified from completing the transfer or provide the
33 transferor with a unique approval number indicating that
34 the recipient is qualified to complete the transfer. The

1 unique approval number is a permit valid for 30 days for
2 the requested transfer. If the firearm is not transferred
3 from the transfer to the recipient within 30 days after
4 receipt of the unique approval number, a new request must
5 be made by the transferor.

6 (d) The Department of State Police shall provide, during
7 the initial transferor inquiry, an approval, denial, or
8 conditional denial of the transfer. The time period for the
9 Department to respond shall begin at the time the inquiry is
10 received. When the Department provides a conditional denial,
11 the transferor shall not transfer the firearm until an approval
12 is provided by the Department. However, if any approval or
13 denial is not provided in accordance with Section 24-3 of the
14 Criminal Code of 1961, the transfer may proceed. Failure of the
15 Department to provide an approval or denial within the
16 prescribed length of times does not relieve the transferor from
17 compliance with any other statutory restrictions on firearm
18 transfers. Regardless of the requirements of this Section,
19 transactions must comply with all State and federal firearm
20 laws.

21 (e) A public employee or public agency incurs no criminal
22 or civil liability for performing the background checks
23 required by this Section, provided the employee or agency acts
24 in good faith without malice.

25 (f) A transferor other than a gun dealer may not transfer a
26 firearm at a gun show unless the transferor:

27 (1) Requests a background check under this Section
28 prior to completing the transfer;

29 (2) Receives notification that the recipient is
30 qualified to complete the transfer;

31 (3) Has complied with Section 24-3 of the Criminal Code
32 of 1961; and

33 (4) Has the recipient complete the form described in
34 this Section.

1 (g) The transferor shall retain the completed form referred
2 to in subsection (h) of this Section for at least 10 years and
3 shall make the completed form available to law enforcement
4 agencies for the purpose of criminal investigations. A gun show
5 promoter shall post in a prominent place at the gun show a
6 notice explaining the requirements of this Section. The gun
7 show promoter shall provide the form required by subsection (h)
8 of this Section to any person transferring a firearm at the gun
9 show.

10 (h) The Department of State Police shall develop a form to
11 be completed by a person seeking to obtain a firearm at a gun
12 show from a transferor other than a gun show dealer. The
13 Department shall consider including in the form all of the
14 requirements for disclosure of information that are required by
15 federal law for over-the-counter firearms transactions.

16 (i) Failure to comply with the requirement of this Section
17 is a Class A misdemeanor. Failure to comply with the
18 requirements of this Section is a Class 2 felony if the person
19 has 2 or more previous convictions under this Section.

20 (j) In this Section:

21 "Gun show" means an event or function at which the sale and
22 transfer of firearms is the regular and normal course of
23 business where:

24 (1) 50 or more firearms are displayed, offered, or
25 exhibited for sale, transfer, or exchange; or

26 (2) not less than 5 gun show vendors display, offer, or
27 exhibit for sale, sell, transfer, or exchange firearms.

28 "Gun show" includes the entire premises provided for an
29 event or function, including parking areas for the event or
30 function, that is sponsored to facilitate the purchase, sale,
31 transfer, or exchange of firearms as described in this Section.

32 "Gun show" does not include training or safety classes,
33 competitive shooting events, such as rifle, shotgun, or handgun
34 matches, trap, skeet, or sporting clays shoots, dinners,

1 banquets, raffles, or any other event where the sale or
2 transfer of firearms is not the primary course of business.

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

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

10 (k) The Department of State Police shall adopt rules to
11 carry out the provisions of this Section."