



Sen. John J. Cullerton

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1 AMENDMENT TO SENATE BILL 1333

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

5 "Section 5. The Firearm Owners Identification Card Act is
6 amended by changing Sections 1.1, 3, 3.1, 3a, and 5 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

9 "Counterfeit" means to copy or imitate, without legal
10 authority, with intent to deceive.

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

14 "Firearm" means any device, by whatever name known, which
15 is designed to expel a projectile or projectiles by the action
16 of an explosion, expansion of gas or escape of gas; excluding,
17 however:

18 (1) any pneumatic gun, spring gun, paint ball gun or
19 B-B gun which either expels a single globular projectile
20 not exceeding .18 inch in diameter and which has a maximum
21 muzzle velocity of less than 700 feet per second or
22 breakable paint balls containing washable marking colors;

23 (2) any device used exclusively for signalling or
24 safety and required or recommended by the United States

1 Coast Guard or the Interstate Commerce Commission;

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

5 (4) an antique firearm (other than a machine-gun)
6 which, although designed as a weapon, the Department of
7 State Police finds by reason of the date of its
8 manufacture, value, design, and other characteristics is
9 primarily a collector's item and is not likely to be used
10 as a weapon.

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

14 (1) any ammunition exclusively designed for use with a
15 device used exclusively for signalling or safety and
16 required or recommended by the United States Coast Guard or
17 the Interstate Commerce Commission; and

18 (2) any ammunition designed exclusively for use with a
19 stud or rivet driver or other similar industrial
20 ammunition.

21 "Gun show" means an event or function:

22 (1) at which the sale and transfer of firearms is the
23 regular and normal course of business and where 50 or more
24 firearms are displayed, offered, or exhibited for sale,
25 transfer, or exchange; or

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

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

33 "Gun show" does not include training or safety classes,
34 competitive shooting events, such as rifle, shotgun, or handgun

1 matches, trap, skeet, or sporting clays shoots, dinners,
2 banquets, raffles, or any other event where the sale or
3 transfer of firearms is not the primary course of business.

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

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

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

15 (Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

16 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

17 Sec. 3. (a) Except as provided in Section 3a, no person may
18 knowingly transfer, or cause to be transferred, any firearm or
19 any firearm ammunition to any person within this State unless
20 the transferee with whom he deals displays a currently valid
21 Firearm Owner's Identification Card which has previously been
22 issued in his name by the Department of State Police under the
23 provisions of this Act. In addition, all firearm transfers by
24 federally licensed firearm dealers are subject to Section 3.1.

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

31 (b) Any person within this State who transfers or causes to
32 be transferred any firearm shall keep a record of such transfer
33 for a period of 10 years from the date of transfer. Such record

1 shall contain the date of the transfer; the description, serial
2 number or other information identifying the firearm if no
3 serial number is available; and, if the transfer was completed
4 within this State, the transferee's Firearm Owner's
5 Identification Card number. On demand of a peace officer such
6 transferor shall produce for inspection such record of
7 transfer. If the transfer or sale took place at a gun show, the
8 record shall include the unique identification number. Failure
9 to record the unique identification number is a petty offense.

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

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

14 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

15 Sec. 3.1. Dial up system.

16 (a) The Department of State Police shall provide a dial up
17 telephone system or utilize other existing technology which
18 shall be used by any federally licensed firearm dealer, gun
19 show promoter, or gun show vendor who is to transfer a firearm
20 under the provisions of this Act. The Department of State
21 Police may ~~shall~~ utilize existing technology which allows the
22 caller to be charged a fee ~~equivalent to the cost of providing~~
23 ~~this service but~~ not to exceed \$2. Fees collected by the
24 Department of State Police shall be deposited in the State
25 Police Services Fund and used to provide the service.

26 (b) Upon receiving a request from a federally licensed
27 firearm dealer, gun show promoter, or gun show vendor, the
28 Department of State Police shall immediately approve, or within
29 the time period established by Section 24-3 of the Criminal
30 Code of 1961 regarding the delivery of firearms, notify the
31 inquiring dealer, gun show promoter, or gun show vendor of any
32 objection that would disqualify the transferee from acquiring
33 or possessing a firearm. In conducting the inquiry, the

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

11 (c) If receipt of a firearm would not violate Section 24-3
12 of the Criminal Code of 1961, federal law, or this Act the
13 Department of 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 Department of State Police for
19 the purchase of a firearm are valid for 30 days from the date
20 of issue.

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

24 (f) The Department of State Police shall promulgate rules
25 not inconsistent with this Section to implement this system.

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

27 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

28 Sec. 3a. (a) Any resident of Illinois who has obtained a
29 firearm owner's identification card pursuant to this Act and
30 who is not otherwise prohibited from obtaining, possessing or
31 using a firearm may purchase or obtain a rifle or shotgun or
32 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,
33 Wisconsin or Kentucky.

1 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or
2 Kentucky or a non-resident with a valid non-resident hunting
3 license, who is 18 years of age or older and who is not
4 prohibited by the laws of Illinois, the state of his domicile,
5 or the United States from obtaining, possessing or using a
6 firearm, may purchase or obtain a rifle, shotgun or ammunition
7 for a rifle or shotgun in Illinois.

8 (b-5) Any non-resident who is participating in a sanctioned
9 competitive shooting event, who is 18 years of age or older and
10 who is not prohibited by the laws of Illinois, the state of his
11 or her domicile, or the United States from obtaining,
12 possessing, or using a firearm, may purchase or obtain a
13 shotgun or shotgun ammunition in Illinois for the purpose of
14 participating in that event. A person may purchase or obtain a
15 shotgun or shotgun ammunition under this subsection only at the
16 site where the sanctioned competitive shooting event is being
17 held.

18 ~~For purposes of this subsection, "sanctioned competitive~~
19 ~~shooting event" means a shooting contest officially recognized~~
20 ~~by a national or state shooting sport association, and includes~~
21 ~~any sight-in or practice conducted in conjunction with the~~
22 ~~event.~~

23 (c) Any transaction under this Section is subject to the
24 provisions of the Gun Control Act of 1968 (18 U.S.C. 922

25 (b) (3)).

26 (Source: P.A. 92-528, eff. 2-8-02.)

27 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

28 Sec. 5. The Department of State Police shall either approve
29 or deny all applications within 30 days from the date they are
30 received, and every applicant found qualified pursuant to
31 Section 8 of this Act by the Department shall be entitled to a
32 Firearm Owner's Identification Card upon the payment of a \$5
33 fee. \$3 of each fee derived from the issuance of Firearm

1 Owner's Identification Cards, or renewals thereof, shall be
2 deposited in the Wildlife and Fish Fund in the State Treasury;
3 \$1 of such fee shall be deposited in the State Police Services
4 Fund ~~General Revenue Fund in the State Treasury~~ and \$1 of such
5 fee shall be deposited in the Firearm Owner's Notification
6 Fund. Monies in the Firearm Owner's Notification Fund shall be
7 used exclusively to pay for the cost of sending notices of
8 expiration of Firearm Owner's Identification Cards under
9 Section 13.2 of this Act. Excess monies in the Firearm Owner's
10 Notification Fund shall be used to ensure the prompt and
11 efficient processing of applications received under Section 4
12 of this Act.

13 (Source: P.A. 84-1426.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."