



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2459

Introduced 1/18/2006, by Sen. Todd Sieben

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3.1

from Ch. 38, par. 83-3.1

Amends the Firearm Owners Identification Card Act. Provides that if the receipt of a firearm does not violate federal or State law, the Department of State Police shall destroy all records of the dial up telephone system with respect to the call to the Department of State Police concerning whether a transferee of a firearm is eligible to acquire or possess a firearm, other than the identifying number and the date the number was assigned, and all records of the system relating to the person or the transfer within 24 hours. Provides that if the transfer of a firearm is denied by the Department of State Police, the Department of State Police may keep the records of a denial until the denial is appealed and overturned, or as long as necessary for a criminal prosecution. Provides that the Department of State Police may not retain, copy, or distribute any information previously collected under the dial up system. Effective immediately.

LRB094 18560 RLC 53892 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning 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 Section 3.1 as follows:

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

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

18 (b) Upon receiving a request from a federally licensed
19 firearm dealer, gun show promoter, or gun show vendor, the
20 Department of State Police shall immediately approve, or within
21 the time period established by Section 24-3 of the Criminal
22 Code of 1961 regarding the delivery of firearms, stun guns, and
23 tasers notify the inquiring dealer, gun show promoter, or gun
24 show vendor of any objection that would disqualify the
25 transferee from acquiring or possessing a firearm, stun gun, or
26 taser. In conducting the inquiry, the Department of State
27 Police shall initiate and complete an automated search of its
28 criminal history record information files and those of the
29 Federal Bureau of Investigation, including the National
30 Instant Criminal Background Check System, and of the files of
31 the Department of Human Services relating to mental health and
32 developmental disabilities to obtain any felony conviction or

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

4 (c) If receipt of a firearm would not violate Section 24-3
5 of the Criminal Code of 1961, federal law, or this Act the
6 Department of State Police shall:

7 (1) assign a unique identification number to the
8 transfer; ~~and~~

9 (2) provide the licensee, gun show promoter, or gun
10 show vendor with the number; and -

11 (3) destroy all records of the system with respect to
12 the call, other than the identifying number and the date
13 the number was assigned, and all records of the system
14 relating to the person or the transfer within 24 hours.

15 (c-5) If the transfer of a firearm is denied by the
16 Department of State Police, the Department of State Police may
17 keep the records of a denial until the denial is appealed and
18 overturned, or as long as necessary for a criminal prosecution.

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

22 (d-5) The Department of State Police may not retain, copy,
23 or distribute any information previously collected under this
24 Section. Any records generated by this Section shall comply
25 with subsection (c).

26 (e) The Department of State Police must act as the Illinois
27 Point of Contact for the National Instant Criminal Background
28 Check System.

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

31 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
32 8-19-05.)

33 Section 99. Effective date. This Act takes effect upon
34 becoming law.