



Rep. Harry Osterman

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09500HB0758ham002

LRB095 04536 RLC 48710 a

1 AMENDMENT TO HOUSE BILL 758

2 AMENDMENT NO. _____. Amend House Bill 758, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Firearm Owners Identification Card Act is
6 amended by changing Section 3 as follows:

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

8 Sec. 3. (a) Except as provided in Section 3a, no person may
9 knowingly transfer, or cause to be transferred, any firearm,
10 firearm ammunition, stun gun, or taser to any person within
11 this State unless the transferee with whom he deals displays a
12 currently valid Firearm Owner's Identification Card which has
13 previously been issued in his name by the Department of State
14 Police under the provisions of this Act. In addition, all
15 firearm, stun gun, and taser transfers by federally licensed
16 firearm dealers are subject to Section 3.1.

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

7 (a-10) Any person who is not a federally licensed importer,
8 manufacturer, or dealer and who desires to sell or transfer a
9 firearm of a size that may be concealed upon the person to
10 another person, who is not a federally licensed importer,
11 manufacturer, or dealer, shall do so only at the place of
12 business of a federally licensed firearm dealer. The federally
13 licensed firearm dealer shall conduct a background check on the
14 prospective recipient of the firearm in accordance with Section
15 3.1 of this Act and follow all other applicable federal, State,
16 and local laws as if he were the seller of the firearm. The
17 purchaser or transferee may be required by the federally
18 licensed firearm dealer to pay a fee not to exceed \$10 per
19 firearm, plus the applicable fees authorized by Section 3.1.

20 The provisions of this subsection (a-10) do not apply to:

21 (1) transfers to the transferor's husband, wife, son,
22 daughter, stepson, stepdaughter, father, mother,
23 stepfather, stepmother, brother, sister, nephew, niece,
24 uncle, aunt, grandfather, grandmother, grandson,
25 granddaughter, father-in-law, mother-in-law, son-in-law or
26 daughter-in-law;

1 (2) transfers by persons acting pursuant to operation
2 of law or a court order; or

3 (3) transfers on the grounds of a gun show.

4 (b) Any person within this State who transfers or causes to
5 be transferred any firearm, stun gun, or taser shall keep a
6 record of such transfer for a period of 10 years from the date
7 of transfer. Such record shall contain the date of the
8 transfer; the description, serial number or other information
9 identifying the firearm, stun gun, or taser if no serial number
10 is available; and, if the transfer was completed within this
11 State, the transferee's Firearm Owner's Identification Card
12 number. On or after January 1, 2006, the record shall contain
13 the date of application for transfer of the firearm. On demand
14 of a peace officer such transferor shall produce for inspection
15 such record of transfer. If the transfer or sale took place at
16 a gun show, the record shall include the unique identification
17 number. Failure to record the unique identification number is a
18 petty offense.

19 (b-5) Any resident may purchase ammunition from a person
20 outside of Illinois. Any resident purchasing ammunition
21 outside the State of Illinois must provide the seller with a
22 copy of his or her valid Firearm Owner's Identification Card
23 and either his or her Illinois driver's license or Illinois
24 State Identification Card prior to the shipment of the
25 ammunition. The ammunition may be shipped only to an address on
26 either of those 2 documents.

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

4 Notwithstanding any other rulemaking authority that may
5 exist, neither the Governor nor any agency or agency head under
6 the jurisdiction of the Governor has any authority to make or
7 promulgate rules to implement or enforce the provisions of this
8 amendatory Act of the 95th General Assembly. If, however, the
9 Governor believes that rules are necessary to implement or
10 enforce the provisions of this amendatory Act of the 95th
11 General Assembly, the Governor may suggest rules to the General
12 Assembly by filing them with the Clerk of the House and the
13 Secretary of the Senate and by requesting that the General
14 Assembly authorize such rulemaking by law, enact those
15 suggested rules into law, or take any other appropriate action
16 in the General Assembly's discretion. Nothing contained in this
17 amendatory Act of the 95th General Assembly shall be
18 interpreted to grant rulemaking authority under any other
19 Illinois statute where such authority is not otherwise
20 explicitly given. For the purposes of this Section, "rules" is
21 given the meaning contained in Section 1-70 of the Illinois
22 Administrative Procedure Act, and "agency" and "agency head"
23 are given the meanings contained in Sections 1-20 and 1-25 of
24 the Illinois Administrative Procedure Act to the extent that
25 such definitions apply to agencies or agency heads under the
26 jurisdiction of the Governor.

1 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,
2 eff. 7-29-05; 94-571, eff. 8-12-05; 95-331, eff. 8-21-07.)".