

HB3397



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3397

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3.1

from Ch. 38, par. 83-3.1

Amends the Firearm Owners Identification Card Act. Provides that except for records relating to disqualification of a transferee from acquiring or possessing a firearm, stun gun, or taser. or revocation of a person's Firearm Owner's Identification Card, all records created under the dial up system shall be destroyed 31 days after creation. Effective immediately.

LRB099 10439 RLC 30666 b

A BILL FOR

1 AN ACT concerning safety.

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 2012 regarding the delivery of firearms, stun guns, and
23 tasers notify the inquiring dealer, gun show promoter, or gun

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

13 (c) If receipt of a firearm would not violate Section 24-3
14 of the Criminal Code of 2012, federal law, or this Act the
15 Department of State Police shall:

16 (1) assign a unique identification number to the
17 transfer; and

18 (2) provide the licensee, gun show promoter, or gun
19 show vendor with the number.

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

23 (e) (1) The Department of State Police must act as the
24 Illinois Point of Contact for the National Instant Criminal
25 Background Check System.

26 (2) The Department of State Police and the Department of

1 Human Services shall, in accordance with State and federal law
2 regarding confidentiality, enter into a memorandum of
3 understanding with the Federal Bureau of Investigation for the
4 purpose of implementing the National Instant Criminal
5 Background Check System in the State. The Department of State
6 Police shall report the name, date of birth, and physical
7 description of any person prohibited from possessing a firearm
8 pursuant to the Firearm Owners Identification Card Act or 18
9 U.S.C. 922(g) and (n) to the National Instant Criminal
10 Background Check System Index, Denied Persons Files.

11 (3) The Department of State Police shall provide notice of
12 the disqualification of a person under subsection (b) of this
13 Section or the revocation of a person's Firearm Owner's
14 Identification Card under Section 8 of this Act, and the reason
15 for the disqualification or revocation, to all law enforcement
16 agencies with jurisdiction to assist with the seizure of the
17 person's Firearm Owner's Identification Card.

18 (f) The Department of State Police shall adopt rules not
19 inconsistent with this Section to implement this system.

20 (g) Except for records relating to disqualification under
21 subsection (b) of this Section or revocation of a person's
22 Firearm Owner's Identification Card under Section 8 of this
23 Act, all records created under this Section shall be destroyed
24 31 days after creation.

25 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.