



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5888

Introduced 11/12/2024, by Rep. Kevin John Olickal - Maura Hirschauer - Mary Beth Canty, Kam Buckner, Lilian Jiménez, et al.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Firearm Owners Identification Card Act. Provides that the Internet-based system for determining the validity of a Firearm Owner's Identification Card shall include a written notice, in both English and Spanish, of a firearm owner's obligation to report to local law enforcement any lost or stolen firearm within 48 hours after the owner first discovers the loss or theft. Provides that upon the issuance and each renewal of a Firearm Owner's Identification Card, the Illinois State Police shall advise the applicant or holder in writing, in both English and Spanish, of his or her obligation to report to local law enforcement any lost or stolen firearm within 48 hours after he or she first discovers the loss or theft. Provides that a person is deemed to have discovered that a firearm was lost or stolen only when the person has received evidence indicating that a loss or theft has occurred. Amends the Criminal Code of 2012. Provides that if a person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a firearm thereafter loses the firearm, or if the firearm is stolen from the person, the person must report the loss or theft of any such firearm to the local law enforcement agency within 48 (rather than 72) hours after obtaining knowledge of the loss or theft. Provides that for a second or subsequent offense of failure to report the loss or theft of a firearm to the local law enforcement agency within 48 hours of the discovery of such loss or theft shall result in revocation of the person's Firearm Owner's Identification Card. Changes the elements of the offenses of firearms trafficking, possession of a stolen firearm, and aggravated possession of a stolen firearm. Amends the Firearm Concealed Carry Act and the Firearm Dealer License Certification Act to make conforming changes. Contains a severability provision.

LRB103 42774 RLC 76016 b

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 Sections 3, 3.1, 8, and 8.1 and by adding
6 Section 7.10 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
12 either: (1) a currently valid Firearm Owner's Identification
13 Card which has previously been issued in his or her name by the
14 Illinois State Police under the provisions of this Act; or (2)
15 a currently valid license to carry a concealed firearm which
16 has previously been issued in his or her name by the Illinois
17 State Police under the Firearm Concealed Carry Act. In
18 addition, all firearm, stun gun, and taser transfers by
19 federally licensed firearm dealers are subject to Section 3.1
20 and beginning on the effective date of this amendatory Act of
21 the 103rd General Assembly, the federally licensed firearm
22 dealers shall check the Illinois State Police Internet-based
23 system upon which the serial numbers of firearms that have

1 been reported stolen are available for public access for
2 individuals to ensure any firearms are not reported stolen
3 prior to the sale or transfer of a firearm under subsection
4 (a-25) of this Section. New firearms shipped directly from the
5 manufacturer are exempt from this provision.

6 (a-5) 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, before selling or
9 transferring the firearm, request the Illinois State Police to
10 conduct a background check on the prospective recipient of the
11 firearm in accordance with Section 3.1 and beginning on the
12 effective date of this amendatory Act of the 103rd General
13 Assembly, the Illinois State Police shall check the Illinois
14 State Police Internet-based system upon which the serial
15 numbers of firearms that have been reported stolen are
16 available for public access for individuals to ensure any
17 firearms are not reported stolen prior to the sale or transfer
18 of a firearm under subsection {a-25} of this Section. New
19 firearms shipped directly from the manufacturer are exempt
20 from this provision.

21 (a-10) Notwithstanding item (2) of subsection (a) of this
22 Section, any person who is not a federally licensed firearm
23 dealer and who desires to transfer or sell a firearm or
24 firearms to any person who is not a federally licensed firearm
25 dealer shall, before selling or transferring the firearms,
26 contact a federal firearm license dealer under paragraph (1)

1 of subsection (a-15) of this Section to conduct the transfer
2 or the Illinois State Police with the transferee's or
3 purchaser's Firearm Owner's Identification Card number to
4 determine the validity of the transferee's or purchaser's
5 Firearm Owner's Identification Card under State and federal
6 law, including the National Instant Criminal Background Check
7 System. This subsection shall not be effective until July 1,
8 2023. Until that date the transferor shall contact the
9 Illinois State Police with the transferee's or purchaser's
10 Firearm Owner's Identification Card number to determine the
11 validity of the card. The Illinois State Police may adopt
12 rules concerning the implementation of this subsection. The
13 Illinois State Police shall provide the seller or transferor
14 an approval number if the purchaser's Firearm Owner's
15 Identification Card is valid. Approvals issued by the Illinois
16 State Police for the purchase of a firearm pursuant to this
17 subsection are valid for 30 days from the date of issue.

18 (a-15) The provisions of subsection (a-10) of this Section
19 do not apply to:

20 (1) transfers that occur at the place of business of a
21 federally licensed firearm dealer, if the federally
22 licensed firearm dealer conducts a background check on the
23 prospective recipient of the firearm in accordance with
24 Section 3.1 of this Act and follows all other applicable
25 federal, State, and local laws as if he or she were the
26 seller or transferor of the firearm, although the dealer

1 is not required to accept the firearm into his or her
2 inventory. The purchaser or transferee may be required by
3 the federally licensed firearm dealer to pay a fee not to
4 exceed \$25 per firearm, which the dealer may retain as
5 compensation for performing the functions required under
6 this paragraph, plus the applicable fees authorized by
7 Section 3.1;

8 (2) transfers as a bona fide gift to the transferor's
9 husband, wife, son, daughter, stepson, stepdaughter,
10 father, mother, stepfather, stepmother, brother, sister,
11 nephew, niece, uncle, aunt, grandfather, grandmother,
12 grandson, granddaughter, father-in-law, mother-in-law,
13 son-in-law, or daughter-in-law;

14 (3) transfers by persons acting pursuant to operation
15 of law or a court order;

16 (4) transfers on the grounds of a gun show under
17 subsection (a-5) of this Section;

18 (5) the delivery of a firearm by its owner to a
19 gunsmith for service or repair, the return of the firearm
20 to its owner by the gunsmith, or the delivery of a firearm
21 by a gunsmith to a federally licensed firearms dealer for
22 service or repair and the return of the firearm to the
23 gunsmith;

24 (6) temporary transfers that occur while in the home
25 of the unlicensed transferee, if the unlicensed transferee
26 is not otherwise prohibited from possessing firearms and

1 the unlicensed transferee reasonably believes that
2 possession of the firearm is necessary to prevent imminent
3 death or great bodily harm to the unlicensed transferee;

4 (7) transfers to a law enforcement or corrections
5 agency or a law enforcement or corrections officer acting
6 within the course and scope of his or her official duties;

7 (8) transfers of firearms that have been rendered
8 permanently inoperable to a nonprofit historical society,
9 museum, or institutional collection; and

10 (9) transfers to a person who is exempt from the
11 requirement of possessing a Firearm Owner's Identification
12 Card under Section 2 of this Act.

13 (a-20) The Illinois State Police shall develop an
14 Internet-based system for individuals to determine the
15 validity of a Firearm Owner's Identification Card prior to the
16 sale or transfer of a firearm. The Illinois State Police shall
17 have the Internet-based system updated and available for use
18 by January 1, 2024. The Illinois State Police shall adopt
19 rules not inconsistent with this Section to implement this
20 system; but no rule shall allow the Illinois State Police to
21 retain records in contravention of State and federal law. The
22 Internet-based system shall include a written notice, in both
23 English and Spanish, of a firearm owner's obligation to report
24 to local law enforcement any lost or stolen firearm within 48
25 hours after the owner first discovers the loss or theft.

26 (a-25) On or before January 1, 2022, the Illinois State

1 Police shall develop an Internet-based system upon which the
2 serial numbers of firearms that have been reported stolen are
3 available for public access for individuals to ensure any
4 firearms are not reported stolen prior to the sale or transfer
5 of a firearm under this Section. The Illinois State Police
6 shall have the Internet-based system completed and available
7 for use by July 1, 2022. The Illinois State Police shall adopt
8 rules not inconsistent with this Section to implement this
9 system. On the effective date of this amendatory Act of the
10 103rd General Assembly, the Illinois State Police shall make
11 the Internet-based system created under this subsection
12 accessible to federally licensed firearms dealers to verify
13 that the make, model, and serial numbers of firearms that are
14 being bought, sold, or transferred by the dealers have not
15 been reported stolen and shall also provide a receipt or
16 approval number to a transferor or federally licensed firearms
17 dealer as verification that the firearm being transferred did
18 not appear on the stolen firearm database.

19 (a-30) The Illinois State Police shall establish an
20 electronic mechanism by which law enforcement shall report
21 individuals who have failed to report the loss or theft of a
22 firearm pursuant to Section 24-4.1 of the Criminal Code of
23 2012.

24 (b) Any person within this State who transfers or causes
25 to be transferred any firearm, stun gun, or taser shall keep a
26 record of such transfer for a period of 10 years from the date

1 of transfer. Any person within this State who receives any
2 firearm, stun gun, or taser pursuant to subsection (a-10)
3 shall provide a record of the transfer within 10 days of the
4 transfer to a federally licensed firearm dealer and shall not
5 be required to maintain a transfer record. The federally
6 licensed firearm dealer shall maintain the transfer record for
7 20 years from the date of receipt. A federally licensed
8 firearm dealer may charge a fee not to exceed \$25 to retain the
9 record. The record shall be provided and maintained in either
10 an electronic or paper format. The federally licensed firearm
11 dealer shall not be liable for the accuracy of any information
12 in the transfer record submitted pursuant to this Section.
13 Such records shall contain the date of the transfer; the
14 description, serial number or other information identifying
15 the firearm, stun gun, or taser if no serial number is
16 available; and, if the transfer was completed within this
17 State, the transferee's Firearm Owner's Identification Card
18 number and any approval number or documentation provided by
19 the Illinois State Police pursuant to subsection (a-10) of
20 this Section; if the transfer was not completed within this
21 State, the record shall contain the name and address of the
22 transferee. On or after January 1, 2006, the record shall
23 contain the date of application for transfer of the firearm.
24 On demand of a peace officer such transferor shall produce for
25 inspection such record of transfer. For any transfer pursuant
26 to subsection (a-10) of this Section, on the demand of a peace

1 officer, such transferee shall identify the federally licensed
2 firearm dealer maintaining the transfer record. If the
3 transfer or sale took place at a gun show, the record shall
4 include the unique identification number. Failure to record
5 the unique identification number or approval number is a petty
6 offense. For transfers of a firearm, stun gun, or taser made on
7 or after January 18, 2019 (the effective date of Public Act
8 100-1178), failure by the private seller to maintain the
9 transfer records in accordance with this Section, or failure
10 by a transferee pursuant to subsection a-10 of this Section to
11 identify the federally licensed firearm dealer maintaining the
12 transfer record, is a Class A misdemeanor for the first
13 offense and a Class 4 felony for a second or subsequent offense
14 occurring within 10 years of the first offense and the second
15 offense was committed after conviction of the first offense.
16 Whenever any person who has not previously been convicted of
17 any violation of subsection (a-5), the court may grant
18 supervision pursuant to and consistent with the limitations of
19 Section 5-6-1 of the Unified Code of Corrections. A transferee
20 or transferor shall not be criminally liable under this
21 Section provided that he or she provides the Illinois State
22 Police with the transfer records in accordance with procedures
23 established by the Illinois State Police. The Illinois State
24 Police shall establish, by rule, a standard form on its
25 website.

26 (b-5) Any resident may purchase ammunition from a person

1 within or outside of Illinois if shipment is by United States
2 mail or by a private express carrier authorized by federal law
3 to ship ammunition. Any resident purchasing ammunition within
4 or outside the State of Illinois must provide the seller with a
5 copy of his or her valid Firearm Owner's Identification Card
6 or valid concealed carry license and either his or her
7 Illinois driver's license or Illinois State Identification
8 Card prior to the shipment of the ammunition. The ammunition
9 may be shipped only to an address on either of those 2
10 documents.

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

14 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
15 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

16 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

17 Sec. 3.1. Firearm Transfer Inquiry Program.

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

1 the State Police Firearm Services Fund and used to provide the
2 service. Beginning on the effective date of this amendatory
3 Act of the 103rd General Assembly, a federally licensed
4 firearm dealer, gun show promoter, and gun show vendor shall
5 additionally check the Illinois State Police Internet-based
6 system upon which the serial numbers of firearms that have
7 been reported stolen are available for public access to ensure
8 any firearms are not reported stolen prior to the sale or
9 transfer of a firearm under subsection (a-25) of Section 3 of
10 this Act. New firearms shipped directly from the manufacturer
11 are exempt from this provision.

12 (b) Upon receiving a request from a federally licensed
13 firearm dealer, gun show promoter, or gun show vendor, the
14 Illinois State Police shall immediately approve or, within the
15 time period established by Section 24-3 of the Criminal Code
16 of 2012 regarding the delivery of firearms, stun guns, and
17 tasers, notify the inquiring dealer, gun show promoter, or gun
18 show vendor of any objection that would disqualify the
19 transferee from acquiring or possessing a firearm, stun gun,
20 or taser. In conducting the inquiry, the Illinois State Police
21 shall initiate and complete an automated search of its
22 criminal history record information files and those of the
23 Federal Bureau of Investigation, including the National
24 Instant Criminal Background Check System, and of the files of
25 the Department of Human Services relating to mental health and
26 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 (b-5) By January 1, 2023, the Illinois State Police shall
5 by rule provide a process for the automatic renewal of the
6 Firearm Owner's Identification Card of a person at the time of
7 an inquiry in subsection (b). Persons eligible for this
8 process must have a set of fingerprints on file with their
9 applications under either subsection (a-25) of Section 4 or
10 the Firearm Concealed Carry Act.

11 (c) If receipt of a firearm would not violate Section 24-3
12 of the Criminal Code of 2012, federal law, or this Act, the
13 Illinois 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 Illinois State Police for the
19 purchase of a firearm are valid for 30 days from the date of
20 issue.

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

24 (2) The Illinois State Police and the Department of Human
25 Services shall, in accordance with State and federal law
26 regarding confidentiality, enter into a memorandum of

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

9 (3) The Illinois State Police shall provide notice of the
10 disqualification of a person under subsection (b) of this
11 Section or the revocation of a person's Firearm Owner's
12 Identification Card under Section 8 or Section 8.2 of this
13 Act, and the reason for the disqualification or revocation, to
14 all law enforcement agencies with jurisdiction to assist with
15 the seizure of the person's Firearm Owner's Identification
16 Card.

17 (f) The Illinois State Police shall adopt rules not
18 inconsistent with this Section to implement this system.

19 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
20 102-813, eff. 5-13-22.)

21 (430 ILCS 65/7.10 new)

22 Sec. 7.10. Notice of obligation to report lost or stolen
23 firearm. Upon the issuance and each renewal of a Firearm
24 Owner's Identification Card, the Illinois State Police shall
25 advise the applicant or holder in writing, in both English and

1 Spanish, of his or her obligation to report to local law
2 enforcement any lost or stolen firearm within 48 hours after
3 he or she first discovers the loss or theft. A person is deemed
4 to have discovered that a firearm was lost or stolen only when
5 the person has received evidence indicating that a loss or
6 theft has occurred.

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

8 Sec. 8. Grounds for denial and revocation. The Illinois
9 State Police has authority to deny an application for or to
10 revoke and seize a Firearm Owner's Identification Card
11 previously issued under this Act only if the Illinois State
12 Police finds that the applicant or the person to whom such card
13 was issued is or was at the time of issuance:

14 (a) A person under 21 years of age who has been
15 convicted of a misdemeanor other than a traffic offense or
16 adjudged delinquent;

17 (b) This subsection (b) applies through the 180th day
18 following July 12, 2019 (the effective date of Public Act
19 101-80). A person under 21 years of age who does not have
20 the written consent of his parent or guardian to acquire
21 and possess firearms and firearm ammunition, or whose
22 parent or guardian has revoked such written consent, or
23 where such parent or guardian does not qualify to have a
24 Firearm Owner's Identification Card;

25 (b-5) This subsection (b-5) applies on and after the

1 181st day following July 12, 2019 (the effective date of
2 Public Act 101-80). A person under 21 years of age who is
3 not an active duty member of the United States Armed
4 Forces or the Illinois National Guard and does not have
5 the written consent of his or her parent or guardian to
6 acquire and possess firearms and firearm ammunition, or
7 whose parent or guardian has revoked such written consent,
8 or where such parent or guardian does not qualify to have a
9 Firearm Owner's Identification Card;

10 (c) A person convicted of a felony under the laws of
11 this or any other jurisdiction;

12 (d) A person addicted to narcotics;

13 (e) A person who has been a patient of a mental health
14 facility within the past 5 years or a person who has been a
15 patient in a mental health facility more than 5 years ago
16 who has not received the certification required under
17 subsection (u) of this Section. An active law enforcement
18 officer employed by a unit of government or a Department
19 of Corrections employee authorized to possess firearms who
20 is denied, revoked, or has his or her Firearm Owner's
21 Identification Card seized under this subsection (e) may
22 obtain relief as described in subsection (c-5) of Section
23 10 of this Act if the officer or employee did not act in a
24 manner threatening to the officer or employee, another
25 person, or the public as determined by the treating
26 clinical psychologist or physician, and the officer or

1 employee seeks mental health treatment;

2 (f) A person whose mental condition is of such a
3 nature that it poses a clear and present danger to the
4 applicant, any other person or persons, or the community;

5 (g) A person who has an intellectual disability;

6 (h) A person who intentionally makes a false statement
7 in the Firearm Owner's Identification Card application or
8 endorsement affidavit;

9 (i) A noncitizen who is unlawfully present in the
10 United States under the laws of the United States;

11 (i-5) A noncitizen who has been admitted to the United
12 States under a non-immigrant visa (as that term is defined
13 in Section 101(a)(26) of the Immigration and Nationality
14 Act (8 U.S.C. 1101(a)(26))), except that this subsection
15 (i-5) does not apply to any noncitizen who has been
16 lawfully admitted to the United States under a
17 non-immigrant visa if that noncitizen is:

18 (1) admitted to the United States for lawful
19 hunting or sporting purposes;

20 (2) an official representative of a foreign
21 government who is:

22 (A) accredited to the United States Government
23 or the Government's mission to an international
24 organization having its headquarters in the United
25 States; or

26 (B) en route to or from another country to

1 which that noncitizen is accredited;

2 (3) an official of a foreign government or
3 distinguished foreign visitor who has been so
4 designated by the Department of State;

5 (4) a foreign law enforcement officer of a
6 friendly foreign government entering the United States
7 on official business; or

8 (5) one who has received a waiver from the
9 Attorney General of the United States pursuant to 18
10 U.S.C. 922(y) (3);

11 (j) (Blank);

12 (k) A person who has been convicted within the past 5
13 years of battery, assault, aggravated assault, violation
14 of an order of protection, or a substantially similar
15 offense in another jurisdiction, in which a firearm was
16 used or possessed;

17 (l) A person who has been convicted of domestic
18 battery, aggravated domestic battery, or a substantially
19 similar offense in another jurisdiction committed before,
20 on or after January 1, 2012 (the effective date of Public
21 Act 97-158). If the applicant or person who has been
22 previously issued a Firearm Owner's Identification Card
23 under this Act knowingly and intelligently waives the
24 right to have an offense described in this paragraph (l)
25 tried by a jury, and by guilty plea or otherwise, results
26 in a conviction for an offense in which a domestic

1 relationship is not a required element of the offense but
2 in which a determination of the applicability of 18 U.S.C.
3 922(g)(9) is made under Section 112A-11.1 of the Code of
4 Criminal Procedure of 1963, an entry by the court of a
5 judgment of conviction for that offense shall be grounds
6 for denying an application for and for revoking and
7 seizing a Firearm Owner's Identification Card previously
8 issued to the person under this Act;

9 (m) (Blank);

10 (n) A person who is prohibited from acquiring or
11 possessing firearms or firearm ammunition by any Illinois
12 State statute or by federal law;

13 (o) A minor subject to a petition filed under Section
14 5-520 of the Juvenile Court Act of 1987 alleging that the
15 minor is a delinquent minor for the commission of an
16 offense that if committed by an adult would be a felony;

17 (p) An adult who had been adjudicated a delinquent
18 minor under the Juvenile Court Act of 1987 for the
19 commission of an offense that if committed by an adult
20 would be a felony;

21 (q) A person who is not a resident of the State of
22 Illinois, except as provided in subsection (a-10) of
23 Section 4;

24 (r) A person who has been adjudicated as a person with
25 a mental disability;

26 (s) A person who has been found to have a

1 developmental disability;

2 (t) A person involuntarily admitted into a mental
3 health facility; ~~or~~

4 (u) A person who has had his or her Firearm Owner's
5 Identification Card revoked or denied under subsection (e)
6 of this Section or item (iv) of paragraph (2) of
7 subsection (a) of Section 4 of this Act because he or she
8 was a patient in a mental health facility as provided in
9 subsection (e) of this Section, shall not be permitted to
10 obtain a Firearm Owner's Identification Card, after the
11 5-year period has lapsed, unless he or she has received a
12 mental health evaluation by a physician, clinical
13 psychologist, or qualified examiner as those terms are
14 defined in the Mental Health and Developmental
15 Disabilities Code, and has received a certification that
16 he or she is not a clear and present danger to himself,
17 herself, or others. The physician, clinical psychologist,
18 or qualified examiner making the certification and his or
19 her employer shall not be held criminally, civilly, or
20 professionally liable for making or not making the
21 certification required under this subsection, except for
22 willful or wanton misconduct. This subsection does not
23 apply to a person whose firearm possession rights have
24 been restored through administrative or judicial action
25 under Section 10 or 11 of this Act; or

26 (v) A person who fails to report a loss or theft of a

1 firearm within 48 hours of the discovery of such loss or
2 theft to local law enforcement as required under
3 subsection (a) of Section 24-4.1 of the Criminal Code of
4 2012.

5 Upon revocation of a person's Firearm Owner's
6 Identification Card, the Illinois State Police shall provide
7 notice to the person and the person shall comply with Section
8 9.5 of this Act.

9 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
10 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
11 5-27-22; 102-1116, eff. 1-10-23.)

12 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

13 Sec. 8.1. Notifications to the Illinois State Police.

14 (a) The Circuit Clerk shall, in the form and manner
15 required by the Supreme Court, notify the Illinois State
16 Police of all final dispositions of cases for which the
17 Department has received information reported to it under
18 Sections 2.1 and 2.2 of the Criminal Identification Act.

19 (b) Upon adjudication of any individual as a person with a
20 mental disability as defined in Section 1.1 of this Act or a
21 finding that a person has been involuntarily admitted, the
22 court shall direct the circuit court clerk to immediately
23 notify the Illinois State Police, Firearm Owner's
24 Identification (FOID) department, and shall forward a copy of
25 the court order to the Department.

1 (b-1) Beginning July 1, 2016, and each July 1 and December
2 30 of every year thereafter, the circuit court clerk shall, in
3 the form and manner prescribed by the Illinois State Police,
4 notify the Illinois State Police, Firearm Owner's
5 Identification (FOID) department if the court has not directed
6 the circuit court clerk to notify the Illinois State Police,
7 Firearm Owner's Identification (FOID) department under
8 subsection (b) of this Section, within the preceding 6 months,
9 because no person has been adjudicated as a person with a
10 mental disability by the court as defined in Section 1.1 of
11 this Act or if no person has been involuntarily admitted. The
12 Supreme Court may adopt any orders or rules necessary to
13 identify the persons who shall be reported to the Illinois
14 State Police under subsection (b), or any other orders or
15 rules necessary to implement the requirements of this Act.

16 (c) The Department of Human Services shall, in the form
17 and manner prescribed by the Illinois State Police, report all
18 information collected under subsection (b) of Section 12 of
19 the Mental Health and Developmental Disabilities
20 Confidentiality Act for the purpose of determining whether a
21 person who may be or may have been a patient in a mental health
22 facility is disqualified under State or federal law from
23 receiving or retaining a Firearm Owner's Identification Card,
24 or purchasing a weapon.

25 (d) If a person is determined to pose a clear and present
26 danger to himself, herself, or to others:

1 (1) by a physician, clinical psychologist, or
2 qualified examiner, or is determined to have a
3 developmental disability by a physician, clinical
4 psychologist, or qualified examiner, whether employed by
5 the State or privately, then the physician, clinical
6 psychologist, or qualified examiner shall, within 24 hours
7 of making the determination, notify the Department of
8 Human Services that the person poses a clear and present
9 danger or has a developmental disability; or

10 (2) by a law enforcement official or school
11 administrator, then the law enforcement official or school
12 administrator shall, within 24 hours of making the
13 determination, notify the Illinois State Police that the
14 person poses a clear and present danger.

15 The Department of Human Services shall immediately update
16 its records and information relating to mental health and
17 developmental disabilities, and if appropriate, shall notify
18 the Illinois State Police in a form and manner prescribed by
19 the Illinois State Police. The Illinois State Police shall
20 determine whether to revoke the person's Firearm Owner's
21 Identification Card under Section 8 of this Act. Any
22 information disclosed under this subsection shall remain
23 privileged and confidential, and shall not be redisclosed,
24 except as required under subsection (e) of Section 3.1 of this
25 Act, nor used for any other purpose. The method of providing
26 this information shall guarantee that the information is not

1 released beyond what is necessary for the purpose of this
2 Section and shall be provided by rule by the Department of
3 Human Services. The identity of the person reporting under
4 this Section shall not be disclosed to the subject of the
5 report. The physician, clinical psychologist, qualified
6 examiner, law enforcement official, or school administrator
7 making the determination and his or her employer shall not be
8 held criminally, civilly, or professionally liable for making
9 or not making the notification required under this subsection,
10 except for willful or wanton misconduct.

11 (d-5) If a law enforcement official determines that a
12 person has failed to report a lost or stolen firearm as
13 required by Section 24-4.1 of the Criminal Code of 2012, then
14 the law enforcement official shall, within 24 hours of making
15 that determination, notify the Illinois State Police that the
16 person has failed to report a lost or stolen firearm. The law
17 enforcement official shall notify the Illinois State Police in
18 a form and manner prescribed by the Illinois State Police. The
19 Illinois State Police shall determine whether to revoke the
20 person's Firearm Owner's Identification Card under Section 8
21 of this Act. Any information disclosed under this subsection
22 shall remain privileged and confidential, and shall not be
23 redisclosed, except as required under subsection (e) of
24 Section 3.1 of this Act, nor used for any other purpose.

25 (e) The Illinois State Police shall adopt rules to
26 implement this Section.

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 Section 10. The Firearm Concealed Carry Act is amended by
3 adding Section 56 as follows:

4 (430 ILCS 66/56 new)

5 Sec. 56. Notice of obligation to report lost or stolen
6 firearm. Upon the issuance and each renewal of a concealed
7 carry license, the Illinois State Police shall advise the
8 applicant or licensee in writing, in both English and Spanish,
9 of his or her obligation to report to local law enforcement any
10 lost or stolen firearm within 48 hours after he or she first
11 discovers the theft or loss.

12 Section 15. The Firearm Dealer License Certification Act
13 is amended by changing Section 5-20 as follows:

14 (430 ILCS 68/5-20)

15 Sec. 5-20. Additional licensee requirements.

16 (a) A certified licensee shall make a photo copy of a
17 buyer's or transferee's valid photo identification card
18 whenever a firearm sale transaction takes place. The photo
19 copy shall be attached to the documentation detailing the
20 record of sale.

21 (b) A certified licensee shall post in a conspicuous
22 position on the premises where the licensee conducts business

1 a sign that contains the following warning in block letters
2 not less than one inch in height:

3 "With few exceptions enumerated in the Firearm Owners
4 Identification Card Act, it is unlawful for you to:

5 (A) store or leave an unsecured firearm in a place
6 where a child can obtain access to it;

7 (B) sell or transfer your firearm to someone else
8 without receiving approval for the transfer from the
9 Illinois State Police, or

10 (C) fail to report the loss or theft of your
11 firearm to local law enforcement within 72 hours."

12 This sign shall be created by the Illinois State Police and
13 made available for printing or downloading from the Illinois
14 State Police's website.

15 (c) No retail location established after the effective
16 date of this Act shall be located within 500 feet of any
17 school, pre-school, or day care facility in existence at its
18 location before the retail location is established as measured
19 from the nearest corner of the building holding the retail
20 location to the corner of the school, pre-school, or day care
21 facility building nearest the retail location at the time the
22 retail location seeks licensure.

23 (d) A certified dealer who sells or transfers a firearm
24 shall notify the purchaser or the recipient, orally and in
25 writing, in both English and Spanish, at the time of the sale
26 or transfer, that the owner of a firearm is required to report

1 a lost or stolen firearm to local law enforcement within 48
2 hours after the owner first discovers the loss or theft. The
3 Illinois State Police shall create a written notice, in both
4 English and Spanish, that certified dealers shall provide
5 firearm purchasers or transferees in accordance with this
6 provision and make such notice available for printing or
7 downloading from the Illinois State Police website.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 Section 20. The Criminal Code of 2012 is amended by
10 changing Sections 24-3.8, 24-3.9, 24-3B, and 24-4.1 as
11 follows:

12 (720 ILCS 5/24-3.8)

13 Sec. 24-3.8. Possession of a stolen firearm.

14 (a) A person commits possession of a stolen firearm when
15 he or she, not being entitled to the possession of a firearm,
16 possesses the firearm while he or she knows or reasonably
17 should know the firearm, ~~knowing it~~ to have been stolen or
18 converted. The trier of fact may infer that a person who
19 possesses a firearm with knowledge that its serial number has
20 been removed or altered has knowledge or reasonably should
21 know that the firearm is stolen or converted. The trier of fact
22 may, but is not required to, infer that a person who possesses
23 a firearm purchased on or after the effective date of this
24 amendatory Act of the 103rd General Assembly, with a make,

1 model, and serial number reported as stolen on the Illinois
2 State Police publicly accessible stolen firearm database under
3 subsection (a-25) of Section 3 of the Firearm Owners
4 Identification Card Act knows or reasonably should know that
5 the firearm is stolen or converted.

6 (b) Possession of a stolen firearm is a Class 2 felony.

7 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.
8 1-1-12; 97-1109, eff. 1-1-13.)

9 (720 ILCS 5/24-3.9)

10 Sec. 24-3.9. Aggravated possession of a stolen firearm.

11 (a) A person commits aggravated possession of a stolen
12 firearm when he or she:

13 (1) Not being entitled to the possession of not less
14 than 2 and not more than 5 firearms, possesses those
15 firearms at the same time or within a one-year period,
16 knows or reasonably should know ~~knowing~~ the firearms to
17 have been stolen or converted.

18 (2) Not being entitled to the possession of not less
19 than 6 and not more than 10 firearms, possesses those
20 firearms at the same time or within a 2-year period, knows
21 or reasonably should know ~~knowing~~ the firearms to have
22 been stolen or converted.

23 (3) Not being entitled to the possession of not less
24 than 11 and not more than 20 firearms, possesses those
25 firearms at the same time or within a 3-year period, knows

1 or reasonably should know ~~knowing~~ the firearms to have
2 been stolen or converted.

3 (4) Not being entitled to the possession of not less
4 than 21 and not more than 30 firearms, possesses those
5 firearms at the same time or within a 4-year period, knows
6 or reasonably should know ~~knowing~~ the firearms to have
7 been stolen or converted.

8 (5) Not being entitled to the possession of more than
9 30 firearms, possesses those firearms at the same time or
10 within a 5-year period, knows or reasonably should know
11 ~~knowing~~ the firearms to have been stolen or converted.

12 (b) The trier of fact may infer that a person who possesses
13 a firearm with knowledge that its serial number has been
14 removed or altered has knowledge or reasonably should know
15 that the firearm is stolen or converted. The trier of fact may,
16 but is not required to, infer that a person who possesses a
17 firearm purchased on or after the effective date of this
18 amendatory Act of the 103rd General Assembly, with a make,
19 model, and serial number reported as stolen on the Illinois
20 State Police publicly accessible stolen firearm database under
21 subsection (a-25) of Section 3 of the Firearm Owners
22 Identification Card Act knows or reasonably should know that
23 the firearm is stolen or converted.

24 (c) Sentence.

25 (1) A person who violates paragraph (1) of subsection
26 (a) of this Section commits a Class 1 felony.

1 (2) A person who violates paragraph (2) of subsection
2 (a) of this Section commits a Class X felony for which he
3 or she shall be sentenced to a term of imprisonment of not
4 less than 6 years and not more than 30 years.

5 (3) A person who violates paragraph (3) of subsection
6 (a) of this Section commits a Class X felony for which he
7 or she shall be sentenced to a term of imprisonment of not
8 less than 6 years and not more than 40 years.

9 (4) A person who violates paragraph (4) of subsection
10 (a) of this Section commits a Class X felony for which he
11 or she shall be sentenced to a term of imprisonment of not
12 less than 6 years and not more than 50 years.

13 (5) A person who violates paragraph (5) of subsection
14 (a) of this Section commits a Class X felony for which he
15 or she shall be sentenced to a term of imprisonment of not
16 less than 6 years and not more than 60 years.

17 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.
18 1-1-12; 97-1109, eff. 1-1-13.)

19 (720 ILCS 5/24-3B)

20 Sec. 24-3B. Firearms trafficking.

21 (a) A person commits firearms trafficking when he or she
22 has not been issued a currently valid Firearm Owner's
23 Identification Card and knowingly:

24 (1) brings, or causes to be brought, into this State,
25 a firearm or firearm ammunition for the purpose of sale,

1 delivery, or transfer to any other person or with the
2 intent to sell, deliver, or transfer the firearm or
3 firearm ammunition to any other person; ~~or~~

4 (2) brings, or causes to be brought, into this State,
5 a firearm and firearm ammunition for the purpose of sale,
6 delivery, or transfer to any other person or with the
7 intent to sell, deliver, or transfer the firearm and
8 firearm ammunition to any other person; or

9 (3) transports on an expressway in this State a
10 vehicle any stolen firearm or a firearm the possessor
11 reasonably should know was stolen.

12 (a-1) The trier of fact may, but is not required to, infer
13 that a person who possesses a firearm purchased on or after the
14 effective date of this amendatory Act of the 103rd General
15 Assembly, with a make, model, and serial number reported as
16 stolen on the Illinois State Police publicly accessible stolen
17 firearm database under subsection (a-25) of Section 3 of the
18 Firearm Owners Identification Card Act knows or reasonably
19 should know that the firearm is stolen or converted.

20 (a-2) In this Section, "expressway" has the meaning
21 provided in Section 1-119.3 of the Illinois Vehicle Code.

22 (a-5) This Section does not apply to:

23 (1) a person exempt under Section 2 of the Firearm
24 Owners Identification Card Act from the requirement of
25 having possession of a Firearm Owner's Identification Card
26 previously issued in his or her name by the Illinois State

1 Police in order to acquire or possess a firearm or firearm
2 ammunition;

3 (2) a common carrier under subsection (i) of Section
4 24-2 of this Code; or

5 (3) a non-resident who may lawfully possess a firearm
6 in his or her resident state.

7 (b) Sentence.

8 (1) Firearms trafficking is a Class 1 felony for which
9 the person, if sentenced to a term of imprisonment, shall
10 be sentenced to not less than 4 years and not more than 20
11 years.

12 (2) Firearms trafficking by a person who has been
13 previously convicted of firearms trafficking, gunrunning,
14 or a felony offense for the unlawful sale, delivery, or
15 transfer of a firearm or firearm ammunition in this State
16 or another jurisdiction is a Class X felony.

17 (Source: P.A. 102-538, eff. 8-20-21.)

18 (720 ILCS 5/24-4.1)

19 Sec. 24-4.1. Report of lost or stolen firearms.

20 (a) If a person who possesses a valid Firearm Owner's
21 Identification Card and who possesses or acquires a firearm
22 thereafter loses the firearm, or if the firearm is stolen from
23 the person, the person must report the loss or theft of any
24 such firearm to the local law enforcement agency within 48 ~~72~~
25 hours after obtaining knowledge of the loss or theft. The

1 report shall include:

2 (1) the date the firearm was lost or stolen;

3 (2) the exact location where the firearm was lost or
4 stolen or, if the exact location is not known, the last
5 known location of the firearm;

6 (3) the caliber, make, model, and serial number of the
7 firearm; and

8 (4) a description of the circumstances under which the
9 firearm was lost or stolen.

10 (b) A law enforcement agency having jurisdiction shall
11 take a written report and shall, as soon as practical, and in
12 no event later than 48 hours after receiving the report, enter
13 the information and the firearm's serial number as stolen into
14 the Law Enforcement Agencies Data System (LEADS).

15 (c) A person shall not be in violation of this Section if:

16 (1) the failure to report is due to an act of God, act
17 of war, or inability of a law enforcement agency to
18 receive the report;

19 (2) the person is hospitalized, in a coma, or is
20 otherwise seriously physically or mentally impaired as to
21 prevent the person from reporting; or

22 (3) the person's designee makes a report if the person
23 is unable to make the report.

24 (d) Sentence. A person who violates this Section is guilty
25 of a petty offense for a first violation. A second or
26 subsequent violation of this Section is a Class A misdemeanor.

1 For a second or subsequent offense, the failure to report a
2 loss or theft of a firearm within 48 hours of the discovery of
3 such loss or theft as required under subsection (a) shall
4 result in revocation of the person's Firearm Owner's
5 Identification Card. Pursuant to subsection (a) of Section 10
6 of the Firearm Owners Identification Card Act, a person whose
7 card is revoked under this Section may file a record challenge
8 with the Director of the Illinois State Police as provided in
9 subsection (a-10) of Section 10 of that Act or appeal to the
10 Firearm Owner's Identification Card Review Board for relief as
11 provided in subsection (c) of Section 10 of that Act.

12 (e) A prosecution for an offense under this Section may be
13 commenced within 3 years after the discovery by law
14 enforcement or prosecution of the failure to report the theft
15 or loss of a firearm as required under subsection (a).

16 (Source: P.A. 98-508, eff. 8-19-13.)

17 Section 97. Severability. The provisions of this Act are
18 severable under Section 1.31 of the Statute on Statutes.

1 INDEX

2 Statutes amended in order of appearance

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

4 430 ILCS 65/3.1 from Ch. 38, par. 83-3.1

5 430 ILCS 65/7.10 new

6 430 ILCS 65/8 from Ch. 38, par. 83-8

7 430 ILCS 65/8.1 from Ch. 38, par. 83-8.1

8 430 ILCS 66/56 new

9 430 ILCS 68/5-20

10 720 ILCS 5/24-3.8

11 720 ILCS 5/24-3.9

12 720 ILCS 5/24-3B

13 720 ILCS 5/24-4.1