



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3737

Introduced 2/9/2024, by Sen. Ram Villivalam

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 within one year after the effective date of the amendatory Act, the Illinois State Police shall create an electronic portal into which law enforcement and prosecutors shall report individuals who have failed to report the loss or theft of a firearm. 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 the Illinois State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under the Act if a card holder fails to report a loss or theft of a firearm within 48 hours of the discovery of such loss or theft to local law enforcement. 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. Increases the penalty for failure to report a lost or stolen firearm to the local law enforcement agency from a petty offense to a Class A misdemeanor for a first offense and from a Class A misdemeanor to a Class 4 felony for a second or subsequent offense. 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.

LRB103 35672 RLC 68750 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 Sections 3, 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 (a-5) Any person who is not a federally licensed firearm
21 dealer and who desires to transfer or sell a firearm while that
22 person is on the grounds of a gun show must, before selling or
23 transferring the firearm, request the Illinois State Police to

1 conduct a background check on the prospective recipient of the
2 firearm in accordance with Section 3.1.

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

26 (a-15) The provisions of subsection (a-10) of this Section

1 do not apply to:

2 (1) transfers that occur at the place of business of a
3 federally licensed firearm dealer, if the federally
4 licensed firearm dealer conducts a background check on the
5 prospective recipient of the firearm in accordance with
6 Section 3.1 of this Act and follows all other applicable
7 federal, State, and local laws as if he or she were the
8 seller or transferor of the firearm, although the dealer
9 is not required to accept the firearm into his or her
10 inventory. The purchaser or transferee may be required by
11 the federally licensed firearm dealer to pay a fee not to
12 exceed \$25 per firearm, which the dealer may retain as
13 compensation for performing the functions required under
14 this paragraph, plus the applicable fees authorized by
15 Section 3.1;

16 (2) transfers as a bona fide gift to the transferor's
17 husband, wife, son, daughter, stepson, stepdaughter,
18 father, mother, stepfather, stepmother, brother, sister,
19 nephew, niece, uncle, aunt, grandfather, grandmother,
20 grandson, granddaughter, father-in-law, mother-in-law,
21 son-in-law, or daughter-in-law;

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

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

26 (5) the delivery of a firearm by its owner to a

1 gunsmith for service or repair, the return of the firearm
2 to its owner by the gunsmith, or the delivery of a firearm
3 by a gunsmith to a federally licensed firearms dealer for
4 service or repair and the return of the firearm to the
5 gunsmith;

6 (6) temporary transfers that occur while in the home
7 of the unlicensed transferee, if the unlicensed transferee
8 is not otherwise prohibited from possessing firearms and
9 the unlicensed transferee reasonably believes that
10 possession of the firearm is necessary to prevent imminent
11 death or great bodily harm to the unlicensed transferee;

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

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

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

21 (a-20) The Illinois State Police shall develop an
22 Internet-based system for individuals to determine the
23 validity of a Firearm Owner's Identification Card prior to the
24 sale or transfer of a firearm. The Illinois State Police shall
25 have the Internet-based system updated and available for use
26 by January 1, 2024. The Illinois State Police shall adopt

1 rules not inconsistent with this Section to implement this
2 system; but no rule shall allow the Illinois State Police to
3 retain records in contravention of State and federal law. The
4 Internet-based system shall include a written notice, in both
5 English and Spanish, of a firearm owner's obligation to report
6 to local law enforcement any lost or stolen firearm within 48
7 hours after the owner first discovers the loss or theft.

8 (a-25) On or before January 1, 2022, the Illinois State
9 Police shall develop an Internet-based system upon which the
10 serial numbers of firearms that have been reported stolen are
11 available for public access for individuals to ensure any
12 firearms are not reported stolen prior to the sale or transfer
13 of a firearm under this Section. The Illinois State Police
14 shall have the Internet-based system completed and available
15 for use by July 1, 2022. The Illinois State Police shall adopt
16 rules not inconsistent with this Section to implement this
17 system.

18 (a-30) Within one year after the effective date of this
19 amendatory Act of the 103rd General Assembly, the Illinois
20 State Police shall create an electronic portal into which law
21 enforcement and prosecutors shall report individuals who have
22 failed to report the loss or theft of a firearm pursuant to
23 Section 24-4.1 of the Criminal Code of 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 65/7.10 new)

17 Sec. 7.10. Notice of obligation to report lost or stolen
18 firearm. Upon the issuance and each renewal of a Firearm
19 Owner's Identification Card, the Illinois State Police shall
20 advise the applicant or holder in writing, in both English and
21 Spanish, of his or her obligation to report to local law
22 enforcement any lost or stolen firearm within 48 hours after
23 he or she first discovers the loss or theft.

24 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

7 (a) A person under 21 years of age who has been
8 convicted of a misdemeanor other than a traffic offense or
9 adjudged delinquent;

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

18 (b-5) This subsection (b-5) applies on and after the
19 181st day following July 12, 2019 (the effective date of
20 Public Act 101-80). A person under 21 years of age who is
21 not an active duty member of the United States Armed
22 Forces or the Illinois National Guard and does not have
23 the written consent of his or her parent or guardian to
24 acquire and possess firearms and firearm ammunition, or
25 whose parent or guardian has revoked such written consent,
26 or where such parent or guardian does not qualify to have a

1 Firearm Owner's Identification Card;

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

4 (d) A person addicted to narcotics;

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

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

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

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

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

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

10 (1) admitted to the United States for lawful
11 hunting or sporting purposes;

12 (2) an official representative of a foreign
13 government who is:

14 (A) accredited to the United States Government
15 or the Government's mission to an international
16 organization having its headquarters in the United
17 States; or

18 (B) en route to or from another country to
19 which that noncitizen is accredited;

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

23 (4) a foreign law enforcement officer of a
24 friendly foreign government entering the United States
25 on official business; or

26 (5) one who has received a waiver from the

1 Attorney General of the United States pursuant to 18
2 U.S.C. 922(y) (3);

3 (j) (Blank);

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

9 (l) A person who has been convicted of domestic
10 battery, aggravated domestic battery, or a substantially
11 similar offense in another jurisdiction committed before,
12 on or after January 1, 2012 (the effective date of Public
13 Act 97-158). If the applicant or person who has been
14 previously issued a Firearm Owner's Identification Card
15 under this Act knowingly and intelligently waives the
16 right to have an offense described in this paragraph (l)
17 tried by a jury, and by guilty plea or otherwise, results
18 in a conviction for an offense in which a domestic
19 relationship is not a required element of the offense but
20 in which a determination of the applicability of 18 U.S.C.
21 922(g) (9) is made under Section 112A-11.1 of the Code of
22 Criminal Procedure of 1963, an entry by the court of a
23 judgment of conviction for that offense shall be grounds
24 for denying an application for and for revoking and
25 seizing a Firearm Owner's Identification Card previously
26 issued to the person under this Act;

1 (m) (Blank);

2 (n) A person who is prohibited from acquiring or
3 possessing firearms or firearm ammunition by any Illinois
4 State statute or by federal law;

5 (o) A minor subject to a petition filed under Section
6 5-520 of the Juvenile Court Act of 1987 alleging that the
7 minor is a delinquent minor for the commission of an
8 offense that if committed by an adult would be a felony;

9 (p) An adult who had been adjudicated a delinquent
10 minor under the Juvenile Court Act of 1987 for the
11 commission of an offense that if committed by an adult
12 would be a felony;

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

16 (r) A person who has been adjudicated as a person with
17 a mental disability;

18 (s) A person who has been found to have a
19 developmental disability;

20 (t) A person involuntarily admitted into a mental
21 health facility; ~~or~~

22 (u) A person who has had his or her Firearm Owner's
23 Identification Card revoked or denied under subsection (e)
24 of this Section or item (iv) of paragraph (2) of
25 subsection (a) of Section 4 of this Act because he or she
26 was a patient in a mental health facility as provided in

1 subsection (e) of this Section, shall not be permitted to
2 obtain a Firearm Owner's Identification Card, after the
3 5-year period has lapsed, unless he or she has received a
4 mental health evaluation by a physician, clinical
5 psychologist, or qualified examiner as those terms are
6 defined in the Mental Health and Developmental
7 Disabilities Code, and has received a certification that
8 he or she is not a clear and present danger to himself,
9 herself, or others. The physician, clinical psychologist,
10 or qualified examiner making the certification and his or
11 her employer shall not be held criminally, civilly, or
12 professionally liable for making or not making the
13 certification required under this subsection, except for
14 willful or wanton misconduct. This subsection does not
15 apply to a person whose firearm possession rights have
16 been restored through administrative or judicial action
17 under Section 10 or 11 of this Act; or

18 (v) A person who fails to report a loss or theft of a
19 firearm within 48 hours of the discovery of such loss or
20 theft to local law enforcement as required under
21 subsection (a) of Section 24-4.1 of the Criminal Code of
22 2012.

23 Upon revocation of a person's Firearm Owner's
24 Identification Card, the Illinois State Police shall provide
25 notice to the person and the person shall comply with Section
26 9.5 of this Act.

1 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
2 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
3 5-27-22; 102-1116, eff. 1-10-23.)

4 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

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

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

11 (b) Upon adjudication of any individual as a person with a
12 mental disability as defined in Section 1.1 of this Act or a
13 finding that a person has been involuntarily admitted, the
14 court shall direct the circuit court clerk to immediately
15 notify the Illinois State Police, Firearm Owner's
16 Identification (FOID) department, and shall forward a copy of
17 the court order to the Department.

18 (b-1) Beginning July 1, 2016, and each July 1 and December
19 30 of every year thereafter, the circuit court clerk shall, in
20 the form and manner prescribed by the Illinois State Police,
21 notify the Illinois State Police, Firearm Owner's
22 Identification (FOID) department if the court has not directed
23 the circuit court clerk to notify the Illinois State Police,
24 Firearm Owner's Identification (FOID) department under
25 subsection (b) of this Section, within the preceding 6 months,

1 because no person has been adjudicated as a person with a
2 mental disability by the court as defined in Section 1.1 of
3 this Act or if no person has been involuntarily admitted. The
4 Supreme Court may adopt any orders or rules necessary to
5 identify the persons who shall be reported to the Illinois
6 State Police under subsection (b), or any other orders or
7 rules necessary to implement the requirements of this Act.

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

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

19 (1) by a physician, clinical psychologist, or
20 qualified examiner, or is determined to have a
21 developmental disability by a physician, clinical
22 psychologist, or qualified examiner, whether employed by
23 the State or privately, then the physician, clinical
24 psychologist, or qualified examiner shall, within 24 hours
25 of making the determination, notify the Department of
26 Human Services that the person poses a clear and present

1 danger or has a developmental disability; or

2 (2) by a law enforcement official or school
3 administrator, then the law enforcement official or school
4 administrator shall, within 24 hours of making the
5 determination, notify the Illinois State Police that the
6 person poses a clear and present danger.

7 The Department of Human Services shall immediately update
8 its records and information relating to mental health and
9 developmental disabilities, and if appropriate, shall notify
10 the Illinois State Police in a form and manner prescribed by
11 the Illinois State Police. The Illinois State Police shall
12 determine whether to revoke the person's Firearm Owner's
13 Identification Card under Section 8 of this Act. Any
14 information disclosed under this subsection shall remain
15 privileged and confidential, and shall not be redisclosed,
16 except as required under subsection (e) of Section 3.1 of this
17 Act, nor used for any other purpose. The method of providing
18 this information shall guarantee that the information is not
19 released beyond what is necessary for the purpose of this
20 Section and shall be provided by rule by the Department of
21 Human Services. The identity of the person reporting under
22 this Section shall not be disclosed to the subject of the
23 report. The physician, clinical psychologist, qualified
24 examiner, law enforcement official, or school administrator
25 making the determination and his or her employer shall not be
26 held criminally, civilly, or professionally liable for making

1 or not making the notification required under this subsection,
2 except for willful or wanton misconduct.

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

17 (e) The Illinois State Police shall adopt rules to
18 implement this Section.

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

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

22 (430 ILCS 66/56 new)

23 Sec. 56. Notice of obligation to report lost or stolen
24 firearm. Upon the issuance and each renewal of a concealed

1 carry license, the Illinois State Police shall advise the
2 applicant or licensee in writing, in both English and Spanish,
3 of his or her obligation to report to local law enforcement any
4 lost or stolen firearm within 48 hours after he or she first
5 discovers the theft or loss.

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

8 (430 ILCS 68/5-20)

9 Sec. 5-20. Additional licensee requirements.

10 (a) A certified licensee shall make a photo copy of a
11 buyer's or transferee's valid photo identification card
12 whenever a firearm sale transaction takes place. The photo
13 copy shall be attached to the documentation detailing the
14 record of sale.

15 (b) A certified licensee shall post in a conspicuous
16 position on the premises where the licensee conducts business
17 a sign that contains the following warning in block letters
18 not less than one inch in height:

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

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

23 (B) sell or transfer your firearm to someone else
24 without receiving approval for the transfer from the

1 Illinois State Police, or

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

4 This sign shall be created by the Illinois State Police and
5 made available for printing or downloading from the Illinois
6 State Police's website.

7 (c) No retail location established after the effective
8 date of this Act shall be located within 500 feet of any
9 school, pre-school, or day care facility in existence at its
10 location before the retail location is established as measured
11 from the nearest corner of the building holding the retail
12 location to the corner of the school, pre-school, or day care
13 facility building nearest the retail location at the time the
14 retail location seeks licensure.

15 (d) A certified dealer who sells or transfers a firearm
16 shall notify the purchaser or the recipient, orally and in
17 writing, in both English and Spanish, at the time of the sale
18 or transfer, that the owner of a firearm is required to report
19 a lost or stolen firearm to local law enforcement within 48
20 hours after the owner first discovers the loss or theft. The
21 Illinois State Police shall create a written notice, in both
22 English and Spanish, that certified dealers shall provide
23 firearm purchasers or transferees in accordance with this
24 provision and make such notice available for printing or
25 downloading from the Illinois State Police website.

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

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

4 (720 ILCS 5/24-3.8)

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

6 (a) A person commits possession of a stolen firearm when
7 he or she, not being entitled to the possession of a firearm,
8 possesses the firearm while he or she knows or reasonably
9 should know the firearm, ~~knowing it~~ to have been stolen or
10 converted. The trier of fact may infer that a person who
11 possesses a firearm with knowledge that its serial number has
12 been removed or altered has knowledge or reasonably should
13 know that the firearm is stolen or converted. The trier of fact
14 may, but is not required to, infer that a person who possesses
15 a firearm with a serial number reported as stolen on the
16 Illinois State Police publicly accessible stolen firearm
17 database under subsection (a-25) of Section 3 of the Firearm
18 Owners Identification Card Act knows or reasonably should know
19 that the firearm is stolen or converted.

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

21 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.
22 1-1-12; 97-1109, eff. 1-1-13.)

23 (720 ILCS 5/24-3.9)

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

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

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

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

14 (3) Not being entitled to the possession of not less
15 than 11 and not more than 20 firearms, possesses those
16 firearms at the same time or within a 3-year period, knows
17 or reasonably should know ~~knowing~~ the firearms to have
18 been stolen or converted.

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

24 (5) Not being entitled to the possession of more than
25 30 firearms, possesses those firearms at the same time or
26 within a 5-year period, knows or reasonably should know

1 ~~knowing~~ the firearms to have been stolen or converted.

2 (b) The trier of fact may infer that a person who possesses
3 a firearm with knowledge that its serial number has been
4 removed or altered has knowledge or reasonably should know
5 that the firearm is stolen or converted. The trier of fact may,
6 but is not required to, infer that a person who possesses a
7 firearm with a serial number reported as stolen on the
8 Illinois State Police publicly accessible stolen firearm
9 database under subsection (a-25) of Section 3 of the Firearm
10 Owners Identification Card Act knows or reasonably should know
11 that the firearm is stolen or converted.

12 (c) Sentence.

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

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

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

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

1 (5) A person who violates paragraph (5) 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 60 years.

5 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.
6 1-1-12; 97-1109, eff. 1-1-13.)

7 (720 ILCS 5/24-3B)

8 Sec. 24-3B. Firearms trafficking.

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

12 (1) brings, or causes to be brought, into this State,
13 a firearm or firearm ammunition for the purpose of sale,
14 delivery, or transfer to any other person or with the
15 intent to sell, deliver, or transfer the firearm or
16 firearm ammunition to any other person; ~~or~~

17 (2) brings, or causes to be brought, into this State,
18 a firearm and firearm ammunition for the purpose of sale,
19 delivery, or transfer to any other person or with the
20 intent to sell, deliver, or transfer the firearm and
21 firearm ammunition to any other person; or

22 (3) transports in a vehicle any stolen firearm or a
23 firearm the possessor reasonably should know was stolen on
24 an expressway in this State.

25 (a-1) The trier of fact may, but is not required to, infer

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

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

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

10 (1) a person exempt under Section 2 of the Firearm
11 Owners Identification Card Act from the requirement of
12 having possession of a Firearm Owner's Identification Card
13 previously issued in his or her name by the Illinois State
14 Police in order to acquire or possess a firearm or firearm
15 ammunition;

16 (2) a common carrier under subsection (i) of Section
17 24-2 of this Code; or

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

20 (b) Sentence.

21 (1) Firearms trafficking is a Class 1 felony for which
22 the person, if sentenced to a term of imprisonment, shall
23 be sentenced to not less than 4 years and not more than 20
24 years.

25 (2) Firearms trafficking by a person who has been
26 previously convicted of firearms trafficking, gunrunning,

1 or a felony offense for the unlawful sale, delivery, or
2 transfer of a firearm or firearm ammunition in this State
3 or another jurisdiction is a Class X felony.

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

5 (720 ILCS 5/24-4.1)

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

7 (a) If a person who possesses a valid Firearm Owner's
8 Identification Card and who possesses or acquires a firearm
9 thereafter loses the firearm, or if the firearm is stolen from
10 the person, the person must report the loss or theft of any
11 such firearm to the local law enforcement agency within 48 72
12 hours after obtaining knowledge of the loss or theft. The
13 report shall include:

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

15 (2) the exact location where the firearm was lost or
16 stolen or, if the exact location is not known, the last
17 known location of the firearm;

18 (3) the caliber, make, model, and serial number of the
19 firearm; and

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

22 (b) A law enforcement agency having jurisdiction shall
23 take a written report and shall, as soon as practical, and in
24 no event later than 48 hours after receiving the report, enter
25 the information and the firearm's serial number as stolen into

1 the Law Enforcement Agencies Data System (LEADS).

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

3 (1) the failure to report is due to an act of God, act
4 of war, or inability of a law enforcement agency to
5 receive the report;

6 (2) the person is hospitalized, in a coma, or is
7 otherwise seriously physically or mentally impaired as to
8 prevent the person from reporting; or

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

11 (d) Sentence. A person who violates this Section is guilty
12 of a Class A misdemeanor ~~petty offense~~ for a first violation. A
13 second or subsequent violation of this Section is a Class 4
14 felony ~~A misdemeanor~~.

15 (e) The failure to report a loss or theft of a firearm
16 within 48 hours of the discovery of such loss or theft as
17 required under subsection (a) shall result in revocation of
18 the person's Firearm Owner's Identification Card. Pursuant to
19 subsection (a) of Section 10 of the Firearm Owners
20 Identification Card Act, a person whose card is revoked under
21 this Section may file a record challenge with the Director of
22 the Illinois State Police as provided in subsection (a-10) of
23 Section 10 of that Act or appeal to the Firearm Owner's
24 Identification Card Review Board for relief as provided in
25 subsection (c) of Section 10 of that Act.

26 (f) A prosecution for an offense under this Section may be

1 commenced within 3 years after the discovery by law
2 enforcement or prosecution of the failure to report the theft
3 or loss of a firearm as required under subsection (a).

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

1 INDEX

2 Statutes amended in order of appearance

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

4 430 ILCS 65/7.10 new

5 430 ILCS 65/8 from Ch. 38, par. 83-8

6 430 ILCS 65/8.1 from Ch. 38, par. 83-8.1

7 430 ILCS 66/56 new

8 430 ILCS 68/5-20

9 720 ILCS 5/24-3.8

10 720 ILCS 5/24-3.9

11 720 ILCS 5/24-3B

12 720 ILCS 5/24-4.1