

1 AN ACT concerning firearms.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 1.1, 3.1 and adding Section 3.5  
6 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

9 "Counterfeit" means to copy or imitate, without legal  
10 authority, with intent to deceive.

11 "Firearm" means any device, by whatever name known, which  
12 is designed to expel a projectile or projectiles by the  
13 action of an explosion, expansion of gas or escape of gas;  
14 excluding, however:

15 (1) any pneumatic gun, spring gun, paint ball gun  
16 or B-B gun which either expels a single globular  
17 projectile not exceeding .18 inch in diameter and which  
18 has a maximum muzzle velocity of less than 700 feet per  
19 second or breakable paint balls containing washable  
20 marking colors;

21 (2) any device used exclusively for signalling or  
22 safety and required or recommended by the United States  
23 Coast Guard or the Interstate Commerce Commission;

24 (3) any device used exclusively for the firing of  
25 stud cartridges, explosive rivets or similar industrial  
26 ammunition; and

27 (4) an antique firearm (other than a machine-gun)  
28 which, although designed as a weapon, the Department of  
29 State Police finds by reason of the date of its  
30 manufacture, value, design, and other characteristics is  
31 primarily a collector's item and is not likely to be used

1 as a weapon.

2 "Firearm ammunition" means any self-contained cartridge  
3 or shotgun shell, by whatever name known, which is designed  
4 to be used or adaptable to use in a firearm; excluding,  
5 however:

6 (1) any ammunition exclusively designed for use  
7 with a device used exclusively for signalling or safety  
8 and required or recommended by the United States Coast  
9 Guard or the Interstate Commerce Commission; and

10 (2) any ammunition designed exclusively for use  
11 with a stud or rivet driver or other similar industrial  
12 ammunition.

13 "Gun show" means any event at which firearms are  
14 exhibited or offered for sale, transferred, or exchanged by 2  
15 or more persons, regardless of whether other items are also  
16 offered for sale, transfer, or exchange.

17 "Gun show promoter/organizer" means one or more persons  
18 who perform one or more of the following activities:  
19 scheduling, organizing, overseeing, arranging, promoting, or  
20 supervising a gun show as defined in this Section.

21 "Gun show vendor" means a person, other than a federally  
22 licensed firearms dealer, who exhibits any firearm at a gun  
23 show, or who offers to sell, transfer, or exchange any  
24 firearm at a gun show, or who sells, transfers, or exchanges  
25 any firearm at a gun show.

26 "Grounds of a gun show" means the geographical area in  
27 which the gun show is located, including any areas used for  
28 parking for the gun show.

29 (Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

30 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

31 Sec. 3.1. Firearm transfer inquiry system Dial-up-system.  
32 The Department of State Police shall provide a firearm  
33 transfer inquiry dial-up-telephone system utilizing available

1 technology which shall be used, in the form and manner  
2 prescribed by the Director of State Police, by any federally  
3 licensed firearm dealer who is to transfer a firearm under  
4 the provisions of this Act. The Department of State Police  
5 shall utilize existing technology which allows the caller to  
6 be charged a fee equivalent to the cost of providing this  
7 service but not to exceed \$2. Fees collected by the  
8 Department of State Police shall be deposited in the State  
9 Police Services Fund and used to provide the service.

10 Upon receiving a request for a background inquiry from a  
11 federally licensed firearm dealer, the Department of State  
12 Police shall immediately approve, or within the time period  
13 established by Section 24-3 of the Criminal Code of 1961  
14 regarding the delivery of firearms, notify the inquiring  
15 dealer of any objection that would disqualify the transferee  
16 from acquiring or possessing a firearm. In conducting the  
17 inquiry, the Department of State Police shall initiate and  
18 complete an automated search of its criminal history record  
19 information files and those of the Federal Bureau of  
20 Investigation, including the National Instant Criminal  
21 Background Check System, and of the files of the Department  
22 of Human Services relating to mental health and developmental  
23 disabilities to obtain any felony conviction or patient  
24 hospitalization information which would disqualify a person  
25 from obtaining or require revocation of a currently valid  
26 Firearm Owner's Identification Card.

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

30 The Department of State Police shall promulgate rules to  
31 implement this system.

32 (Source: P.A. 91-399, eff. 7-30-99.)

1       Sec. 3.5. Private transfers of firearms by gun show  
2 vendors at gun shows.

3       (a) Gun show vendors who desire to transfer a firearm to  
4 any person while that person is on the grounds of a gun show  
5 must do so only through a federally licensed firearm dealer.  
6 The dealer must follow the procedure set forth in Section 3.1  
7 of this Act as if the dealer were the seller of the firearm.

8       (b) Any gun show promoter/organizer shall be responsible  
9 for notifying gun show vendors of the requirements of this  
10 Section.

11       (430 ILCS 65/4) (from Ch. 38, par. 83-4)

12       Sec. 4. (a) Each applicant for a Firearm Owner's  
13 Identification Card must:

14           (1) Make application in the form and manner  
15 prescribed by the Director ~~on-blank--forms--prepared--and~~  
16 ~~furnished-at-convenient-locations-throughout-the-State-by~~  
17 ~~the--Department--of-State-Police,--or-by-electronic-means,~~  
18 ~~if-and-when-made-available-by--the--Department~~ of State  
19 Police; and

20           (2) Submit evidence to the Department of State  
21 Police that:

22           (i) He or she is 21 years of age or over, or  
23 if he or she is under 21 years of age that he or she  
24 has the written consent of his or her parent or  
25 legal guardian to possess and acquire firearms and  
26 firearm ammunition and that he or she has never been  
27 convicted of a misdemeanor other than a traffic  
28 offense or adjudged delinquent, provided, however,  
29 that such parent or legal guardian is not an  
30 individual prohibited from having a Firearm Owner's  
31 Identification Card and files an affidavit with the  
32 Department as prescribed by the Department stating  
33 that he or she is not an individual prohibited from

1           having a Card;

2           (ii) He or she has not been convicted of a  
3           felony under the laws of this or any other  
4           jurisdiction;

5           (iii) He or she is not addicted to narcotics;

6           (iv) He or she has not been a patient in a  
7           mental institution within the past 5 years;

8           (v) He or she is not mentally retarded;

9           (vi) He or she is not an alien who is  
10          unlawfully present in the United States under the  
11          laws of the United States;

12          (vii) He or she is not subject to an existing  
13          order of protection prohibiting him or her from  
14          possessing a firearm;

15          (viii) He or she has not been convicted within  
16          the past 5 years of battery, assault, aggravated  
17          assault, violation of an order of protection, or a  
18          substantially similar offense in another  
19          jurisdiction, in which a firearm was used or  
20          possessed;

21          (ix) He or she has not been convicted of  
22          domestic battery or a substantially similar offense  
23          in another jurisdiction committed on or after the  
24          effective date of this amendatory Act of 1997; and

25          (x) He or she has not been convicted within  
26          the past 5 years of domestic battery or a  
27          substantially similar offense in another  
28          jurisdiction committed before the effective date of  
29          this amendatory Act of 1997; and

30          (3) Upon request by the Department of State Police,  
31          sign a release on a form prescribed by the Department of  
32          State Police waiving any right to confidentiality and  
33          requesting the disclosure to the Department of State  
34          Police of limited mental health institution admission

1 information from another state, the District of Columbia,  
2 any other territory of the United States, or a foreign  
3 nation concerning the applicant for the sole purpose of  
4 determining whether the applicant is or was a patient in  
5 a mental health institution and disqualified because of  
6 that status from receiving a Firearm Owner's  
7 Identification Card. No mental health care or treatment  
8 records may be requested. The information received shall  
9 be destroyed within one year of receipt.

10 (a-5) Each applicant for a Firearm Owner's  
11 Identification Card who is over the age of 18 shall furnish  
12 to the Department of State Police either his or her driver's  
13 license number or Illinois Identification Card number.

14 (b) Each application form shall include the following  
15 statement printed in bold type: "Warning: Entering false  
16 information on an application for a Firearm Owner's  
17 Identification Card is punishable as a Class 2 felony in  
18 accordance with subsection (d-5) of Section 14 of the Firearm  
19 Owners Identification Card Act."

20 (c) Upon such written consent, pursuant to Section 4,  
21 paragraph (a) (2) (i), the parent or legal guardian giving  
22 the consent shall be liable for any damages resulting from  
23 the applicant's use of firearms or firearm ammunition.

24 (Source: P.A. 91-514, eff. 1-1-00; 91-694, eff. 4-13-00;  
25 92-442, eff. 8-17-01.)