

1 AN ACT in relation to firearms dealers and gun show
2 promoter licensing.

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

5 Section 1. Short title. This Act may be cited as the
6 Firearms Dealer and Gun Show Promoter Licensing Act.

7 Section 5. Definitions. As used in this Act:

8 "Department" means the Department of State Police.

9 "Firearms dealer" means any person who is: (i) engaged in
10 the business of selling firearms at wholesale or retail, (ii)
11 engaged in the business of repairing firearms or of making or
12 fitting special barrels, stocks, or trigger mechanisms to
13 firearms, (iii) a pawnbroker whose business or occupation
14 includes the taking or receiving, by way of pledge or pawn,
15 of any firearm as security for the payment or repayment of
16 money, or (iv) any person participating as a vendor at a gun
17 show.

18 "Gun Show" means an event where firearms are offered for
19 sale or transfer and any grounds, including a flea market,
20 used in connection with the event. "Gun show promoter" means
21 any person, firm, partnership, corporation or company that
22 organizes, produces, sponsors or operates a gun show whether
23 for profit or not.

24 "Licensed dealer" means any firearms dealer who is
25 licensed under this Act or Section 923 of the federal Gun
26 Control Act of 1968 (18 U.S.C. 923).

27 "Licensed gun show promoter" means any gun show promoter
28 who is licensed under the Act.

29 "Person" means an individual, firm, association, society,
30 partnership, limited liability company, corporation, or other
31 entity.

1 "Engaged in the business" means a person who devotes
2 time, attention, and labor to engaging in the activity of
3 dealing in firearms as a regular course of trade or business
4 with the principal objective of livelihood and profit, but
5 does not include a person who makes occasional repairs of
6 firearms, or who occasionally fits special barrels, stocks,
7 or trigger mechanisms to firearms unless the person conducts
8 the occasional sale, exchange, or purchase at a gun show.

9 "With the principal objective of livelihood and profit"
10 means that the intent underlying the sale or disposition of
11 firearms is predominantly one of obtaining livelihood and
12 pecuniary gain; however, proof of profit shall not be
13 required as to a person who engages in the regular and
14 repetitive purchase and disposition of firearms for criminal
15 purposes. Any person participating as a vendor at a gun show,
16 flea market, or other establishment existing for the purpose
17 of offering for sale to the public any firearm, shall be
18 deemed engaged in business with the principal objective of
19 livelihood and profit.

20 "Firearm" has the meaning ascribed to it in Section 1.1
21 of the Firearm Owners Identification Card Act.

22 Section 10. Unlicensed Gun Show Promoter.

23 (a) No person shall produce, promote, sponsor, operate,
24 or otherwise organize a gun show unless that person possesses
25 a license from the Department. Unless the Department's
26 records indicate that the applicant is a person prohibited
27 from possessing firearms, or is otherwise unqualified, a
28 license shall be issued by the Department to an applicant
29 provided the applicant does all of the following:

30 (1) Certifies that he or she is familiar with the
31 provisions of this Section.

32 (2) Ensures that liability insurance is in effect
33 for the duration of an event or show in an amount of not

1 less than \$1,000,000.

2 (b) If during that year the information required by this
3 Section (a) changes, or additional gun shows or events will
4 be promoted, produced, sponsored, operated, or otherwise
5 organized by the applicant, the promoter shall notify the
6 Department no later than 30 days prior to the gun show or
7 event.

8 (c) As used in this Section, a "licensed gun show
9 promoter" means a person who has been issued a license by the
10 Department pursuant to subsection (a).

11 (d) The Department shall adopt rules to administer the
12 license program under this Section and shall recover the full
13 costs of administering the program by fees assessed on
14 applicants who apply for a license. A licensed gun show
15 promoter shall be assessed a fee of \$250 by the Department.

16 (d) Except as otherwise provided in this Act, a gun show
17 promoter's license issued under the provisions of this Act
18 shall be valid for the promoter to whom it is issued for a
19 period of one year from the date of issuance.

20 (e)(1) A willful failure by a gun show promoter to comply
21 with any of the requirements of this Section, except for the
22 posting of required signs as required in subsections (l) and
23 (m) of this Section, shall be a business offense punishable
24 by a fine not to exceed \$5,000 and shall render the promoter
25 ineligible for a gun show license for one year from the date
26 of the conviction.

27 (2) The willful failure of a gun show promoter to post
28 signs as required in subsections (l) and (m) of this Section
29 shall be a petty offense punishable by a fine not to exceed
30 \$1,000 for the first offense and a business offense
31 punishable by a fine not to exceed \$2,000 for a second or
32 subsequent offense, and with respect to the second or
33 subsequent offense, shall render the promoter ineligible for
34 a gun show license for one year from the date of the

1 conviction.

2 (3) Violations charged pursuant to paragraph (1) or (2)
3 of this subsection (e) arising from more than one gun show or
4 event shall be grounds for suspension of a promoter's license
5 pending adjudication of the violations.

6 (4) During the period which a gun show promoter's
7 license is suspended or revoked under the provisions of this
8 Act, the Department shall be immune from any civil liability
9 that may occur as a result of a cancelled or delayed gun show
10 event.

11 (f)(1) Prior to the commencement of a gun show or event,
12 the gun show promoter thereof shall, upon written request,
13 within 48 hours, or a later time specified by the requesting
14 law enforcement agency, make available to the requesting law
15 enforcement agency with jurisdiction over the facility, a
16 complete and accurate list of all persons, entities, firearm
17 dealers, and organizations that have leased or rented, or are
18 known to the promoter to intend to lease or rent, any table,
19 display space, or area at the gun show or event for the
20 purpose of selling, leasing, or transferring firearms and
21 shall notify all firearm dealers in writing that a criminal
22 background check must be completed prior to all firearm sales
23 or transfers.

24 (2) The promoter shall thereafter, upon written request,
25 for every day the gun show or event operates, within 24
26 hours, or a later time specified by the requesting law
27 enforcement agency, make available to the requesting law
28 enforcement agency with jurisdiction over the facility, an
29 accurate, complete, and current list of the persons,
30 entities, firearm dealers, and organizations that have leased
31 or rented, or are known to the promoter to intend to lease or
32 rent, any table, display space, or area at the gun show or
33 event for the purpose of selling, leasing, or transferring
34 firearms and shall notify all firearm dealers in writing that

1 a criminal background check must be completed prior to all
2 firearm sales or transfers.

3 (3) This Section applies to gun show promoters whether
4 or not they participate in the entire gun show or event or
5 only a portion thereof.

6 (g)(1) Not later than 60 days prior to the commencement
7 of a gun show or event, the gun show promoter shall provide
8 an event schedule of the gun show the promoter plans to
9 promote, produce, sponsor, operate, or otherwise organize
10 during the year for which the license is issued, including
11 the date, time, and location of the gun show or event, to the
12 Department and the law enforcement agency with jurisdiction
13 over the facility. The promoter shall prepare an event
14 schedule that shall include, at a minimum, the following:

15 (i) The type of show or event including, but not
16 limited to, antique or general firearms.

17 (ii) The estimated number of firearm dealers,
18 including name under which each dealer is doing business,
19 offering firearms for sale or display.

20 (iii) The estimated number of attendees.

21 (iv) The number of entrances and exits at the gun
22 show or event site.

23 (v) The location, date, and time of the show or
24 event.

25 (vi) The contact person and telephone number for
26 both the promoter and the facility.

27 (vii) The number of sworn peace officers employed by
28 the promoter or the facilities manager who will be
29 present at the show or event.

30 (viii) The number of nonsworn security personnel
31 employed by the promoter or the facility's manager who
32 will be present at the show or event.

33 (2) Not later than 30 days prior to the commencement of
34 the gun show or event, the promoter shall submit to the

1 Department, the law enforcement agency with jurisdiction over
2 the facility site, and the facility's manager a revised event
3 schedule if significant changes have been made since the
4 event schedule was submitted, including a revised list of
5 firearm dealers that the promoter knows, or reasonably should
6 know, will be renting tables, space, or otherwise
7 participating in the gun show or event. The event schedule
8 shall be approved by the facility's manager prior to the
9 event or show after consultation with the law enforcement
10 agency with jurisdiction over the facility. No gun show or
11 event shall commence unless the requirements of this
12 paragraph (2) are met.

13 (h) The promoter shall be responsible for informing
14 prospective gun show firearm dealers of the requirements of
15 this Section and of Section 15 that apply to firearm dealers.

16 (i) If a licensed firearms dealer fails to cooperate
17 with a promoter or fails to comply with the applicable
18 requirements of this Act, that person shall not be allowed to
19 participate in that show or event.

20 (j) If a promoter fails to comply with any Section of
21 this Act, the gun show or event shall not commence until
22 those requirements are met.

23 (k) All promoters shall have written contracts with all
24 gun show firearm dealers selling or exchanging firearms at
25 the show or event.

26 (l) The promoter shall require that signs be posted in a
27 readily visible location at each public entrance to the show
28 containing, but not limited to, the following notices:

29 "This gun show follows all federal, State, and local
30 firearms and weapons laws without exception."

31 "Each firearm carried onto the premises by members of the
32 public will be checked, cleared of any ammunition, and
33 secured in a manner that prevents them from being operated
34 and an identification tag or sticker will be attached to the

1 firearm prior to the person being allowed admittance to the
2 show."

3 "No member of the public under the age of 18 years shall
4 be admitted to the show unless accompanied by a parent,
5 grandparent, or legal guardian."

6 "All firearms transfers between private parties at the
7 show shall be conducted through a licensed dealer under the
8 provisions of this Act and applicable federal laws."

9 "Persons possessing firearms on this facility must have
10 in their immediate possession government-issued photo
11 identification and display it upon request to any security
12 officer or any peace officer."

13 (m) The promoter shall require that signs be posted in a
14 readily visible location at each public entrance to the show
15 and within the facility containing the following notice:

16 "A National Instant Criminal Background Check must be
17 completed prior to all firearm sales or transfers".

18 (n) Signs must be posted at all entrances to the gun
19 show, at all places where admission tickets to the gun show
20 are sold, and at not less than 4 additional locations within
21 the grounds of the gun show.

22 Section 15. Unlicensed firearms dealer; prohibition. No
23 person may sell or otherwise transfer, or expose for sale or
24 transfer, or have in his or her possession with intent to
25 sell or transfer any firearm without being licensed under
26 this Act. This prohibition does not apply to a person who
27 makes occasional sales, exchanges, or purchases of firearms
28 for the enhancement of a personal collection or as a hobby or
29 who sells all or part of his or her personal collection of
30 firearms unless the person conducts the occasional sale,
31 exchange, or purchase at a gun show.

32 Section 20. Firearm dealers license application;

1 requirements; penalty.

2 (a) The Department may grant a firearms dealer license
3 to an applicant who submits evidence that:

4 (1) he or she is at least 21 years of age;

5 (2) he or she, including in the case of a corporation,
6 partnership, or association, an individual possessing,
7 directly or indirectly, the power to direct or cause the
8 direction of the management and policies of the corporation,
9 partnership, or association:

10 (i) has not been convicted of and is not under
11 indictment for a crime punishable by imprisonment for a
12 term exceeding one year;

13 (ii) is not a fugitive from justice;

14 (iii) is not and has not been an unlawful user of
15 or addicted to a controlled substance or cannabis;

16 (iv) has not been adjudicated as a disabled person
17 or committed to a mental institution;

18 (v) is not an alien, illegally or unlawfully, in
19 the United States;

20 (vi) has not been discharged from the Armed Forces
21 under dishonorable conditions; or

22 (vii) is not a former citizen of the United States
23 who has renounced his or her citizenship; and

24 (3) he or she does not have a mental condition that
25 poses a clear and present danger to the applicant, another
26 person, or to the community. For purposes of this paragraph
27 (3), "mental condition" means a state of mind manifested by
28 violent, suicidal, threatening, or assaultive behavior.

29 (b) An application for a firearms dealer license shall
30 be made on forms prepared and furnished by the Department and
31 the applicant shall appear in person at a local law
32 enforcement agency, and before receiving an application,
33 present positive evidence of identification to a law
34 enforcement officer, including but not limited to a valid

1 driver's license or identification card; which application
2 shall be signed by the local law enforcement agency. The
3 application shall be verified by the applicant under oath and
4 shall be accompanied by the required fee.

5 (c) The applicant shall submit to the Department a
6 license fee of \$1,000.

7 (d) The applicant shall submit to fingerprinting in
8 accordance with rules adopted by the Department and shall pay
9 a fingerprint processing fee in the amount set by the
10 Department by rule.

11 (e)(1) The application shall include a suitable
12 photograph of a type prescribed by the Department.

13 (2) The Department shall maintain a file on or contract
14 to file all photographs and signatures obtained in the
15 process of issuing a license. The photographs and signatures
16 shall be confidential and shall not be disclosed except to
17 the following persons:

18 (i) the individual upon written request;

19 (ii) officers and employees of the Department who
20 have a need to have access to the stored images for
21 purposes of issuing and controlling a license;

22 (iii) law enforcement officials for a lawful, civil
23 or criminal law enforcement investigation; or

24 (iv) other entities as the Department may exempt by
25 rule.

26 (f) A person who knowingly makes a false statement or
27 knowingly conceals a material fact or uses false information
28 or identification in any application for a license under this
29 Act commits a Class A misdemeanor.

30 (g) Except as otherwise provided in this Act, a firearms
31 dealer's license issued under the provisions of this Act
32 shall be valid for the firearms dealer to whom it is issued
33 for a period of one year from the date of issuance unless
34 revoked, suspended, or otherwise withdrawn by the Department

1 or until it is surrendered by the licensee.

2 Section 25. Firearm dealers license retention;
3 requirements.

4 (a) A license granted under this Act shall be subject to
5 all of the following requirements:

6 (1) A licensed dealer shall only transact business
7 under this Act at an address that has a zoning
8 classification that permits the operation of a retail
9 establishment.

10 (2) A licensed dealer may not transact business in
11 any place other than the premises specified in his or her
12 license, except that a licensed dealer may display, sell,
13 or transfer firearms at a gun show open to the general
14 public or at any regular meeting of an incorporated
15 collectors club in accordance with this Act and federal
16 law.

17 (3) A licensed dealer shall not violate any
18 provision of any federal or State law pertaining to the
19 possession, use, sale, or delivery of firearms.

20 (4) A licensed dealer shall strictly adhere to the
21 provisions of all applicable federal and State laws and
22 local ordinances and local business license requirements.

23 (5) A separate license shall be obtained for each
24 separate place of business. Before a licensed dealer
25 moves his or her place of business, he or she shall
26 promptly apply to the Department for an amended license.

27 (6) The license, or a copy of the license certified
28 by the Department, shall be displayed on the premises at
29 a location where it can easily be read.

30 (7) No firearm shall be displayed in any outer
31 window of the premises or in any other place where it can
32 readily be seen from the outside.

33 (8) Every firearm shall be unloaded when delivered.

1 (9) A licensee shall obtain a certificate of
2 registration issued under the Retailers' Occupation Tax
3 Act.

4 (10) No licensee within this State may knowingly
5 transfer, or cause to be transferred, any firearm or any
6 firearm ammunition to any person within this State unless
7 the transferee with whom he or she deals displays a
8 currently valid Firearm Owner's Identification Card which
9 has previously been issued in his name by the Department
10 of State Police. The licensee shall take reasonable
11 precautions to ensure that the firearms the licensee
12 sells will not be used illegally. These precautions shall
13 include, but not be limited to: (i) the refusal to sell a
14 firearm to a person the licensee knows or has reason to
15 know is purchasing the firearm on behalf of another
16 person who could not legally purchase the firearm; (ii)
17 the refusal to sell a firearm to a person who has
18 provided a home address in a municipality or county in
19 which possession of that type of firearm is illegal;
20 (iii) the refusal to sell a firearm to any person who
21 fails a criminal background check under Section 3.1 of
22 the Firearm Owners Identification Card Act relating to
23 the Department of State Police Dial Up system.

24 (11) The licensee shall make available the
25 licensee's records to any officer or employee of the
26 Department or of any local government in this State
27 whenever the officer or employee is authorized to enforce
28 laws or ordinances pertaining to firearms.

29 (12) The licensee shall have in effect at all times
30 liability insurance in the amount of at least \$1,000,000
31 that insures the payment of any judgment against the
32 licensee.

33 Section 30. Enforcement; revocation; notice. This Act

1 shall be enforced by the Department, and may be enforced, for
2 the purpose of determining compliance with this Act, by any
3 municipality in which the licensee is located or, if the
4 licensee is not located in a municipality, by the county in
5 which the licensee is located. The Department, after due
6 notice to the licensee and reasonable opportunity for the
7 licensee to be heard, may revoke a license or may suspend a
8 license for a period of time that the Department may deem
9 proper upon satisfactory proof that the licensee has violated
10 or permitted a violation of any requirement of this Act or is
11 no longer eligible to obtain a license under Section 15. A
12 person whose license has been revoked by the Department is
13 disqualified to receive a license for 10 years after the
14 revocation. Any person who has substantially participated in
15 the operation or management of the licensed business of a
16 licensee who has had his or her license revoked may not be
17 employed by or participate in the business of any other
18 licensee for 10 years after the revocation. Proceedings for
19 revocation or suspension under this Section may be initiated
20 by the Department or by a municipality or county.

21 Section 35. Registration of Sales.

22 (a) A licensed dealer shall, within 24 hours after
23 making a sale or transfer of a firearm to any person, (i)
24 transmit a register of that sale or transfer to the
25 Department of State Police and to the Illinois Secretary of
26 State, (ii) keep a register of all firearms sold or given
27 away.

28 (b) Such register shall contain the date of the sale or
29 gift, the name, address, age, occupation, and the Firearm
30 Owner's Identification Card number of the person to whom the
31 firearm is sold, given, or transferred, the price of the
32 firearm, the kind, description, and serial number of the
33 firearm or other information identifying the firearm, and the

1 purpose for which it is purchased and obtained.

2 (c) A licensed dealer shall, upon demand by any State or
3 federal law enforcement agency, produce for inspection the
4 register and allow such peace officer to inspect such
5 register and all stock on hand.

6 (d) Sentence. Violation of this subsection is a Class A
7 misdemeanor.

8 Section 40. Penalty. Any firearms dealer who sells, or
9 who possesses with intent to sell, trade, or transfer, any
10 firearm without being licensed under this Act is guilty of a
11 Class 4 felony.

12 Section 45. Attorney General action. Whenever the
13 Attorney General shall believe from evidence satisfactory to
14 him or her that a firearms dealer or gun show promoter has
15 violated any of the provisions of this Act, the attorney
16 general may bring an action or special proceeding in the
17 circuit court with jurisdiction of the violation for a
18 judgment enjoining the continuance of such violation and for
19 a civil penalty in an amount not to exceed \$10,000. If it
20 shall appear to the satisfaction of the court that the
21 defendant has violated a provision of this Act, no proof
22 shall be required that any person has been injured thereby
23 nor that the defendant intentionally violated such provision.
24 In connection with any such proposed application, the
25 Attorney General is authorized to take proof, issue subpoenas
26 and administer oaths in the manner provided in the civil
27 practice law and rules.