

Public Act 102-0889

HB4383 Enrolled

LRB102 22689 SPS 31835 b

AN ACT concerning regulation.

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

Section 5. The Criminal Code of 2012 is amended by adding Section 24-5.1 as follows:

(720 ILCS 5/24-5.1 new)

Sec. 24-5.1. Serialization of unfinished frames or receivers; prohibition on unserialized firearms; exceptions; penalties.

(a) In this Section:

"Bona fide supplier" means an established business entity engaged in the development and sale of firearms parts to one or more federal firearms manufacturers or federal firearms importers.

"Federal firearms dealer" means a licensed manufacturer pursuant to 18 U.S.C. 921(a)(11).

"Federal firearms importer" means a licensed importer pursuant to 18 U.S.C. 921(a)(9).

"Federal firearms manufacturer" means a licensed manufacturer pursuant to 18 U.S.C. 921(a)(10).

"Frame or receiver" means a part of a firearm that, when the complete weapon is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect those components to the housing or structure. For models of firearms in which multiple parts provide such housing or structure, the part or parts that the Director of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has determined are a frame or receiver constitute the frame or receiver. For purposes of this definition, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

"Security exemplar" means an object to be fabricated at the direction of the United States Attorney General that is (1) constructed of 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun and (2) suitable for testing and calibrating metal detectors.

"Three-dimensional printer" means a computer or computer-drive machine capable of producing a three-dimensional object from a digital model.

"Undetectable firearm" means (1) a firearm constructed entirely of non-metal substances; (2) a firearm that, after removal of all parts but the major components of the firearm, is not detectable by walk-through metal detectors calibrated and operated to detect the security exemplar; or (3) a firearm that includes a major component of a firearm, which, if subject to the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component.

"Undetectable firearm" does not include a firearm subject to

the provisions of 18 U.S.C. 922(p)(3) through (6).

"Unfinished frame or receiver" means any forging,, casting,, printing,, extrusion,, machined body,, or similar article that:

(1) has reached a stage in manufacture where it may readily be completed, assembled, or converted to be a functional firearm; or

(2) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted.

"Unserialized" means lacking a serial number imprinted by:

(1) a federal firearms manufacturer, federal firearms importer, federal firearms dealer, or other federal licensee authorized to provide marking services, pursuant to a requirement under federal law; or

(2) a federal firearms dealer or other federal licensee authorized to provide marking services pursuant to subsection (f) of this Section.

(b) It is unlawful for any person to knowingly sell, offer to sell, or transfer an unserialized unfinished frame or receiver or unserialized firearm, including those produced using a three-dimensional printer, unless the party purchasing or receiving the unfinished frame or receiver or unserialized firearm is a federal firearms importer, federal firearms manufacturer, or federal firearms dealer.

(c) Beginning 180 days after the effective date of this amendatory Act of the 102nd General Assembly, it is unlawful for any person to knowingly possess, transport, or receive an unfinished frame or receiver, unless:

(1) the party possessing or receiving the unfinished frame or receiver is a federal firearms importer or federal firearms manufacturer;

(2) the unfinished frame or receiver is possessed or transported by a person for transfer to a federal firearms importer or federal firearms manufacturer; or

(3) the unfinished frame or receiver has been imprinted with a serial number issued by a federal firearms importer or federal firearms manufacturer in compliance with subsection (f) of this Section.

(d) Beginning 180 days after the effective date of this amendatory Act of the 102nd General Assembly, unless the party receiving the firearm is a federal firearms importer or federal firearms manufacturer, it is unlawful for any person to knowingly possess, purchase, transport, or receive a firearm that is not imprinted with a serial number by (1) a federal firearms importer or federal firearms manufacturer in compliance with all federal laws and regulations regulating the manufacture and import of firearms or (2) a federal firearms manufacturer, federal firearms dealer, or other federal licensee authorized to provide marking services in compliance with the unserialized firearm serialization process under subsection (f) of this Section.

(e) Any firearm or unfinished frame or receiver manufactured using a three-dimensional printer must also be serialized in accordance with the requirements of subsection (f) within 30 days after the effective date of this amendatory Act of the 102nd General Assembly, or prior to reaching a stage of manufacture where it may be readily completed, assembled, or converted to be a functional firearm.

(f) Unserialized unfinished frames or receivers and unserialized firearms serialized pursuant to this Section shall be serialized in compliance with all of the following:

(1) An unserialized unfinished frame or receiver and unserialized firearm shall be serialized by a federally

licensed firearms dealer or other federal licensee authorized to provide marking services with the licensee's abbreviated federal firearms license number as a prefix (which is the first 3 and last 5 digits) followed by a hyphen, and then followed by a number as a suffix, such as 12345678-(number). The serial number or numbers must be placed in a manner that accords with the requirements under federal law for affixing serial numbers to firearms, including the requirements that the serial number or numbers be at the minimum size and depth, and not susceptible to being readily obliterated, altered, or removed, and the licensee must retain records that accord with the requirements under federal law in the case of the sale of a firearm. The imprinting of any serial number upon a undetectable firearm must be done on a steel plaque in compliance with 18 U.S.C. 922(p).

(2) Every federally licensed firearms dealer or other federal licensee that engraves, casts, stamps, or otherwise conspicuously and permanently places a unique serial number pursuant to this Section shall maintain a record of such indefinitely. Licensees subject to the Firearm Dealer License Certification Act shall make all records accessible for inspection upon the request of the Illinois State Police or a law enforcement agency in accordance with Section 5-35 of the Firearm Dealer License Certification Act.

(3) Every federally licensed firearms dealer or other federal licensee that engraves, casts, stamps, or otherwise conspicuously and permanently places a unique serial number pursuant to this Section shall record it at the time of every transaction involving the transfer of a firearm, rifle, shotgun, finished frame or receiver, or unfinished frame or receiver that has been so marked in compliance with the federal guidelines set forth in 27 CFR 478.124.

(4) Every federally licensed firearms dealer or other federal licensee that engraves, casts, stamps, or otherwise conspicuously and permanently places a unique serial number pursuant to this Section shall review and confirm the validity of the owner's Firearm Owner's Identification Card issued under the Firearm Owners Identification Card Act prior to returning the firearm to the owner.

(g.) Within 30 days after the effective date of this amendatory Act of the 102nd General Assembly, the Director of the Illinois State Police shall issue a public notice regarding the provisions of this Section. The notice shall include posting on the Illinois State Police website and may include written notification or any other means of communication statewide to all Illinois-based federal firearms manufacturers, federal firearms dealers, or other federal licensees authorized to provide marking services in compliance with the serialization process in subsection (f) in order to educate the public.

(h) Exceptions. This Section does not apply to an unserialized unfinished frame or receiver or an unserialized firearm that:

- (1) has been rendered permanently inoperable;
- (2) is an antique firearm, as defined in 18 U.S.C. 921(a)(16).;
- (3) was manufactured prior to October 22, 1968;
- (4) is an unfinished frame or receiver and is

possessed by a bona fide supplier exclusively for transfer to a federal firearms manufacturer or federal firearms importer, or is possessed by a federal firearms manufacturer or federal firearms importer in compliance with all federal laws and regulations regulating the manufacture and import of firearms; except this exemption does not apply if an unfinished frame or receiver is possessed for transfer or is transferred to a person other than a federal firearms manufacturer or federal firearms importer; or

.(5) is possessed by a person who received the unserialized unfinished frame or receiver or unserialized firearm through inheritance, and is not otherwise prohibited from possessing the unserialized unfinished frame or receiver or unserialized firearm, for a period not exceeding 30 days after inheriting the unserialized unfinished frame or receiver or unserialized firearm.

.(i) Penalties.

.(1) A person who violates subsection (c) or (d) is guilty of a Class A misdemeanor for a first violation and is guilty of a Class 3 felony for a second or subsequent violation.

.(2) A person who violates subsection (b) is guilty of a Class 4 felony for a first violation and is guilty of a Class 2 felony for a second or subsequent violation.

Section 99. Effective date. This Act takes effect upon becoming law.