

## **Firearms Advertising Advisory and Policy**

This advisory is intended to serve only as a suggestion for those newspapers looking for a way to sort out questionable advertisers. The IPA would like to make it clear that it does not advocate policing the sale of guns via the newspaper. The Association has consistently opposed numerous efforts by the private and public sectors to use advertising as a way of policing occupations and products.

The question of whether there is any liability for a newspaper that accepts firearm advertising in Illinois is not clear. Requests by the IPA to the Illinois Attorney General's office for clarification shed no additional light on the issue. The Attorney General's staff was unable to assure the IPA that the potential for liability did not exist. The AG also confirmed what the IPA had surmised; **Illinois law is silent on the issue of private sale of firearms via newspaper or other forms of advertising.**

The only thing that is clear is that if a product is legal to sell it is legal to advertise. Legal firearms are, however, modified all the time. When a firearm is modified it is no longer legal and therefore cannot be legally sold by individuals in Illinois.

For many years Illinois newspapers have restricted firearm advertising to; bonded auction houses that include firearms on the bill of sale, licensed gun shows and antique gun collectibles. If, however, your newspaper is willing to accept firearms advertising beyond these categories you may want to request proof of a Firearm Owners Identification Card (FOID).

In order to sell a gun in Illinois an individual must have a Firearm Owners Identification Card (FOID). The IPA is not suggesting that this be a mandatory policy, or that newspapers retain records of FOID numbers.

### **Bottom Line**

In order to buy or sell a gun in Illinois, the person buying or selling the gun must have a Firearm Owners Identification Card (FOID). Illinois law requires that anyone selling a weapon must exchange FOID card numbers with the purchaser. If FOID card numbers are not exchanged the transaction is illegal and the seller of the weapon could be held responsible for the actions of the purchaser. "Responsibility" could include any crimes committed with the weapon. If no FOID card numbers are exchanged in the sale of a weapon, the transaction is illegal in Illinois.

All weapons and ammunitions dealers and distributors must have a Federal Firearms License (FFL), issued by the Federal Bureau of Alcohol, Tobacco and Firearms in order to sell arms to the public. An FFL dealer can purchase any weapon with only an FFL in Illinois.

### **Firearms Advertising Policy**

Additionally, the IPA recommends the adoption and publication of a policy for newspapers that choose to accept firearm ads, it is printed below.

### *FIREARMS ADVERTISING POLICY*

*It is not the role of a newspaper to monitor compliance with gun registration laws enacted by the federal, state, or local governments. However, because of potential claims arising from non-compliance with those laws, and to insure that the only firearms advertised in this newspaper are legal to sell in the state of Illinois, this newspaper adopts the following policy on the advertisement of firearms:*

*This newspaper will accept advertising which includes firearms for sale when placed by the following advertisers:*

- a) bonded auction houses that include firearms on a sale bill;*
- b) licensed gun shows; and*
- c) antique firearm collectibles.*

*We regret that we are not able to accept other firearm advertisements*