



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1613

Introduced 2/9/2017, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3

from Ch. 38, par. 24-3

Amends the Criminal Code of 2012. Provides that a federally licensed firearm dealer, gun show promoter, or gun show vendor does not commit the offense of unlawful sale or delivery of firearms for failure to verify the validity of the buyer's Firearm Owner's Identification Card if the licensee, gun show promoter, or gun show vendor requested approval of the transfer from the Department of State Police and the Department did not provide the licensee, gun show promoter, or gun show vendor with the unique identification number for approval of the transfer or notification that the purchaser is disqualified from firearm possession, within 25 business days, excluding State and federal holidays, after the date of the approval request. Repeals provision providing that a person commits the offense of unlawful sale or delivery of firearms when he or she knowingly delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of the firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, or a stun gun or taser, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun, or a stun gun or taser for at least 24 hours after application for its purchase has been made.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 24-3 as follows:

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

7 Sec. 24-3. Unlawful sale or delivery of firearms.

8 (A) A person commits the offense of unlawful sale or  
9 delivery of firearms when he or she knowingly does any of the  
10 following:

11 (a) Sells or gives any firearm of a size which may be  
12 concealed upon the person to any person under 18 years of  
13 age.

14 (b) Sells or gives any firearm to a person under 21  
15 years of age who has been convicted of a misdemeanor other  
16 than a traffic offense or adjudged delinquent.

17 (c) Sells or gives any firearm to any narcotic addict.

18 (d) Sells or gives any firearm to any person who has  
19 been convicted of a felony under the laws of this or any  
20 other jurisdiction.

21 (e) Sells or gives any firearm to any person who has  
22 been a patient in a mental institution within the past 5  
23 years. In this subsection (e):

1 "Mental institution" means any hospital,  
2 institution, clinic, evaluation facility, mental  
3 health center, or part thereof, which is used primarily  
4 for the care or treatment of persons with mental  
5 illness.

6 "Patient in a mental institution" means the person  
7 was admitted, either voluntarily or involuntarily, to  
8 a mental institution for mental health treatment,  
9 unless the treatment was voluntary and solely for an  
10 alcohol abuse disorder and no other secondary  
11 substance abuse disorder or mental illness.

12 (f) Sells or gives any firearms to any person who is a  
13 person with an intellectual disability.

14 (g) (Blank). ~~Delivers any firearm of a size which may~~  
15 ~~be concealed upon the person, incidental to a sale, without~~  
16 ~~withholding delivery of such firearm for at least 72 hours~~  
17 ~~after application for its purchase has been made, or~~  
18 ~~delivers any rifle, shotgun or other long gun, or a stun~~  
19 ~~gun or taser, incidental to a sale, without withholding~~  
20 ~~delivery of such rifle, shotgun or other long gun, or a~~  
21 ~~stun gun or taser for at least 24 hours after application~~  
22 ~~for its purchase has been made. However, this paragraph (g)~~  
23 ~~does not apply to: (1) the sale of a firearm to a law~~  
24 ~~enforcement officer if the seller of the firearm knows that~~  
25 ~~the person to whom he or she is selling the firearm is a~~  
26 ~~law enforcement officer or the sale of a firearm to a~~

1 ~~person who desires to purchase a firearm for use in~~  
2 ~~promoting the public interest incident to his or her~~  
3 ~~employment as a bank guard, armed truck guard, or other~~  
4 ~~similar employment; (2) a mail order sale of a firearm from~~  
5 ~~a federally licensed firearms dealer to a nonresident of~~  
6 ~~Illinois under which the firearm is mailed to a federally~~  
7 ~~licensed firearms dealer outside the boundaries of~~  
8 ~~Illinois; (3) the sale of a firearm to a nonresident of~~  
9 ~~Illinois while at a firearm showing or display recognized~~  
10 ~~by the Illinois Department of State Police; (4) the sale of~~  
11 ~~a firearm to a dealer licensed as a federal firearms dealer~~  
12 ~~under Section 923 of the federal Gun Control Act of 1968~~  
13 ~~(18 U.S.C. 923); or (5) the transfer or sale of any rifle,~~  
14 ~~shotgun, or other long gun to a resident registered~~  
15 ~~competitor or attendee or non-resident registered~~  
16 ~~competitor or attendee by any dealer licensed as a federal~~  
17 ~~firearms dealer under Section 923 of the federal Gun~~  
18 ~~Control Act of 1968 at competitive shooting events held at~~  
19 ~~the World Shooting Complex sanctioned by a national~~  
20 ~~governing body. For purposes of transfers or sales under~~  
21 ~~subparagraph (5) of this paragraph (g), the Department of~~  
22 ~~Natural Resources shall give notice to the Department of~~  
23 ~~State Police at least 30 calendar days prior to any~~  
24 ~~competitive shooting events at the World Shooting Complex~~  
25 ~~sanctioned by a national governing body. The notification~~  
26 ~~shall be made on a form prescribed by the Department of~~

1 ~~State Police. The sanctioning body shall provide a list of~~  
2 ~~all registered competitors and attendees at least 24 hours~~  
3 ~~before the events to the Department of State Police. Any~~  
4 ~~changes to the list of registered competitors and attendees~~  
5 ~~shall be forwarded to the Department of State Police as~~  
6 ~~soon as practicable. The Department of State Police must~~  
7 ~~destroy the list of registered competitors and attendees no~~  
8 ~~later than 30 days after the date of the event. Nothing in~~  
9 ~~this paragraph (g) relieves a federally licensed firearm~~  
10 ~~dealer from the requirements of conducting a NICS~~  
11 ~~background check through the Illinois Point of Contact~~  
12 ~~under 18 U.S.C. 922(t). For purposes of this paragraph (g),~~  
13 ~~"application" means when the buyer and seller reach an~~  
14 ~~agreement to purchase a firearm. For purposes of this~~  
15 ~~paragraph (g), "national governing body" means a group of~~  
16 ~~persons who adopt rules and formulate policy on behalf of a~~  
17 ~~national firearm sporting organization.~~

18 (h) While holding any license as a dealer, importer,  
19 manufacturer or pawnbroker under the federal Gun Control  
20 Act of 1968, manufactures, sells or delivers to any  
21 unlicensed person a handgun having a barrel, slide, frame  
22 or receiver which is a die casting of zinc alloy or any  
23 other nonhomogeneous metal which will melt or deform at a  
24 temperature of less than 800 degrees Fahrenheit. For  
25 purposes of this paragraph, (1) "firearm" is defined as in  
26 the Firearm Owners Identification Card Act; and (2)

1 "handgun" is defined as a firearm designed to be held and  
2 fired by the use of a single hand, and includes a  
3 combination of parts from which such a firearm can be  
4 assembled.

5 (i) Sells or gives a firearm of any size to any person  
6 under 18 years of age who does not possess a valid Firearm  
7 Owner's Identification Card.

8 (j) Sells or gives a firearm while engaged in the  
9 business of selling firearms at wholesale or retail without  
10 being licensed as a federal firearms dealer under Section  
11 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
12 In this paragraph (j):

13 A person "engaged in the business" means a person who  
14 devotes time, attention, and labor to engaging in the  
15 activity as a regular course of trade or business with the  
16 principal objective of livelihood and profit, but does not  
17 include a person who makes occasional repairs of firearms  
18 or who occasionally fits special barrels, stocks, or  
19 trigger mechanisms to firearms.

20 "With the principal objective of livelihood and  
21 profit" means that the intent underlying the sale or  
22 disposition of firearms is predominantly one of obtaining  
23 livelihood and pecuniary gain, as opposed to other intents,  
24 such as improving or liquidating a personal firearms  
25 collection; however, proof of profit shall not be required  
26 as to a person who engages in the regular and repetitive

1 purchase and disposition of firearms for criminal purposes  
2 or terrorism.

3 (k) Sells or transfers ownership of a firearm to a  
4 person who does not display to the seller or transferor of  
5 the firearm either: (1) a currently valid Firearm Owner's  
6 Identification Card that has previously been issued in the  
7 transferee's name by the Department of State Police under  
8 the provisions of the Firearm Owners Identification Card  
9 Act; or (2) a currently valid license to carry a concealed  
10 firearm that has previously been issued in the transferee's  
11 name by the Department of State Police under the Firearm  
12 Concealed Carry Act. This paragraph (k) does not apply to  
13 the transfer of a firearm to a person who is exempt from  
14 the requirement of possessing a Firearm Owner's  
15 Identification Card under Section 2 of the Firearm Owners  
16 Identification Card Act. For the purposes of this Section,  
17 a currently valid Firearm Owner's Identification Card  
18 means (i) a Firearm Owner's Identification Card that has  
19 not expired or (ii) an approval number issued in accordance  
20 with subsection (a-10) of subsection 3 or Section 3.1 of  
21 the Firearm Owners Identification Card Act shall be proof  
22 that the Firearm Owner's Identification Card was valid.  
23 This paragraph (k) does not apply to the transfer of a  
24 firearm by a federally licensed firearm dealer, gun show  
25 promoter, or gun show vendor to a person whose Firearm  
26 Owner's Identification Card has not expired, if the

1 federally licensed firearm dealer, gun show promoter, or  
2 gun show vendor requested approval of the transfer under  
3 Section 3.1 of the Firearm Owners Identification Card Act  
4 and the Department of State Police did not provide the  
5 licensee, gun show promoter, or gun show vendor with the  
6 unique identification number for the transfer or  
7 notification that the person is disqualified from firearm  
8 possession, within 25 business days, excluding State and  
9 federal holidays, after the date of the approval request.

10 (1) In addition to the other requirements of this  
11 paragraph (k), all persons who are not federally  
12 licensed firearms dealers must also have complied with  
13 subsection (a-10) of Section 3 of the Firearm Owners  
14 Identification Card Act by determining the validity of  
15 a purchaser's Firearm Owner's Identification Card.

16 (2) All sellers or transferors who have complied  
17 with the requirements of subparagraph (1) of this  
18 paragraph (k) shall not be liable for damages in any  
19 civil action arising from the use or misuse by the  
20 transferee of the firearm transferred, except for  
21 willful or wanton misconduct on the part of the seller  
22 or transferor.

23 (1) Not being entitled to the possession of a firearm,  
24 delivers the firearm, knowing it to have been stolen or  
25 converted. It may be inferred that a person who possesses a  
26 firearm with knowledge that its serial number has been



1 removed or altered has knowledge that the firearm is stolen  
2 or converted.

3 (B) Paragraph (h) of subsection (A) does not include  
4 firearms sold within 6 months after enactment of Public Act  
5 78-355 (approved August 21, 1973, effective October 1, 1973),  
6 nor is any firearm legally owned or possessed by any citizen or  
7 purchased by any citizen within 6 months after the enactment of  
8 Public Act 78-355 subject to confiscation or seizure under the  
9 provisions of that Public Act. Nothing in Public Act 78-355  
10 shall be construed to prohibit the gift or trade of any firearm  
11 if that firearm was legally held or acquired within 6 months  
12 after the enactment of that Public Act.

13 (C) Sentence.

14 (1) Any person convicted of unlawful sale or delivery  
15 of firearms in violation of paragraph (c), (e), (f), (g),  
16 or (h) of subsection (A) commits a Class 4 felony.

17 (2) Any person convicted of unlawful sale or delivery  
18 of firearms in violation of paragraph (b) or (i) of  
19 subsection (A) commits a Class 3 felony.

20 (3) Any person convicted of unlawful sale or delivery  
21 of firearms in violation of paragraph (a) of subsection (A)  
22 commits a Class 2 felony.

23 (4) Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (a), (b), or (i) of  
25 subsection (A) in any school, on the real property  
26 comprising a school, within 1,000 feet of the real property

1 comprising a school, at a school related activity, or on or  
2 within 1,000 feet of any conveyance owned, leased, or  
3 contracted by a school or school district to transport  
4 students to or from school or a school related activity,  
5 regardless of the time of day or time of year at which the  
6 offense was committed, commits a Class 1 felony. Any person  
7 convicted of a second or subsequent violation of unlawful  
8 sale or delivery of firearms in violation of paragraph (a),  
9 (b), or (i) of subsection (A) in any school, on the real  
10 property comprising a school, within 1,000 feet of the real  
11 property comprising a school, at a school related activity,  
12 or on or within 1,000 feet of any conveyance owned, leased,  
13 or contracted by a school or school district to transport  
14 students to or from school or a school related activity,  
15 regardless of the time of day or time of year at which the  
16 offense was committed, commits a Class 1 felony for which  
17 the sentence shall be a term of imprisonment of no less  
18 than 5 years and no more than 15 years.

19 (5) Any person convicted of unlawful sale or delivery  
20 of firearms in violation of paragraph (a) or (i) of  
21 subsection (A) in residential property owned, operated, or  
22 managed by a public housing agency or leased by a public  
23 housing agency as part of a scattered site or mixed-income  
24 development, in a public park, in a courthouse, on  
25 residential property owned, operated, or managed by a  
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development, on  
2 the real property comprising any public park, on the real  
3 property comprising any courthouse, or on any public way  
4 within 1,000 feet of the real property comprising any  
5 public park, courthouse, or residential property owned,  
6 operated, or managed by a public housing agency or leased  
7 by a public housing agency as part of a scattered site or  
8 mixed-income development commits a Class 2 felony.

9 (6) Any person convicted of unlawful sale or delivery  
10 of firearms in violation of paragraph (j) of subsection (A)  
11 commits a Class A misdemeanor. A second or subsequent  
12 violation is a Class 4 felony.

13 (7) Any person convicted of unlawful sale or delivery  
14 of firearms in violation of paragraph (k) of subsection (A)  
15 commits a Class 4 felony, except that a violation of  
16 subparagraph (1) of paragraph (k) of subsection (A) shall  
17 not be punishable as a crime or petty offense. A third or  
18 subsequent conviction for a violation of paragraph (k) of  
19 subsection (A) is a Class 1 felony.

20 (8) A person 18 years of age or older convicted of  
21 unlawful sale or delivery of firearms in violation of  
22 paragraph (a) or (i) of subsection (A), when the firearm  
23 that was sold or given to another person under 18 years of  
24 age was used in the commission of or attempt to commit a  
25 forcible felony, shall be fined or imprisoned, or both, not  
26 to exceed the maximum provided for the most serious

1 forcible felony so committed or attempted by the person  
2 under 18 years of age who was sold or given the firearm.

3 (9) Any person convicted of unlawful sale or delivery  
4 of firearms in violation of paragraph (d) of subsection (A)  
5 commits a Class 3 felony.

6 (10) Any person convicted of unlawful sale or delivery  
7 of firearms in violation of paragraph (l) of subsection (A)  
8 commits a Class 2 felony if the delivery is of one firearm.  
9 Any person convicted of unlawful sale or delivery of  
10 firearms in violation of paragraph (l) of subsection (A)  
11 commits a Class 1 felony if the delivery is of not less  
12 than 2 and not more than 5 firearms at the same time or  
13 within a one year period. Any person convicted of unlawful  
14 sale or delivery of firearms in violation of paragraph (l)  
15 of subsection (A) commits a Class X felony for which he or  
16 she shall be sentenced to a term of imprisonment of not  
17 less than 6 years and not more than 30 years if the  
18 delivery is of not less than 6 and not more than 10  
19 firearms at the same time or within a 2 year period. Any  
20 person convicted of unlawful sale or delivery of firearms  
21 in violation of paragraph (l) of subsection (A) commits a  
22 Class X felony for which he or she shall be sentenced to a  
23 term of imprisonment of not less than 6 years and not more  
24 than 40 years if the delivery is of not less than 11 and  
25 not more than 20 firearms at the same time or within a 3  
26 year period. Any person convicted of unlawful sale or

1 delivery of firearms in violation of paragraph (l) of  
2 subsection (A) commits a Class X felony for which he or she  
3 shall be sentenced to a term of imprisonment of not less  
4 than 6 years and not more than 50 years if the delivery is  
5 of not less than 21 and not more than 30 firearms at the  
6 same time or within a 4 year period. Any person convicted  
7 of unlawful sale or delivery of firearms in violation of  
8 paragraph (l) of subsection (A) commits a Class X felony  
9 for which he or she shall be sentenced to a term of  
10 imprisonment of not less than 6 years and not more than 60  
11 years if the delivery is of 31 or more firearms at the same  
12 time or within a 5 year period.

13 (D) For purposes of this Section:

14 "School" means a public or private elementary or secondary  
15 school, community college, college, or university.

16 "School related activity" means any sporting, social,  
17 academic, or other activity for which students' attendance or  
18 participation is sponsored, organized, or funded in whole or in  
19 part by a school or school district.

20 (E) A prosecution for a violation of paragraph (k) of  
21 subsection (A) of this Section may be commenced within 6 years  
22 after the commission of the offense. A prosecution for a  
23 violation of this Section other than paragraph (g) of  
24 subsection (A) of this Section may be commenced within 5 years  
25 after the commission of the offense defined in the particular  
26 paragraph.

1 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;  
2 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)