



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB3239

Introduced 2/17/2023, by Rep. Maura Hirschauer

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/3.4 new	
430 ILCS 65/4	from Ch. 38, par. 83-4
430 ILCS 65/8	from Ch. 38, par. 83-8
720 ILCS 5/24-3	from Ch. 38, par. 24-3
720 ILCS 5/24-3.5	

Amends the Firearm Owners Identification Card Act. Provides that, if an applicant is applying for or renewing a Firearm Owner's Identification Card, he or she must submit evidence to the Illinois State Police that he or she has completed at least 8 hours of handgun safety training approved by the Director of the Illinois State Police. Provides that notwithstanding any other law to the contrary, each local law enforcement agency shall issue a firearm permit to an applicant who seeks the purchase of a firearm to verify the identity of the purchaser and shall complete a full criminal background check of the applicant that includes obtaining fingerprints from the prospective firearm purchaser. Provides that each local law enforcement agency shall keep records of those permits and make them available to the Illinois State Police through the Law Enforcement Agencies Data System (LEADS). Provides that the duration of the permit shall be 10 days after its issuance. Provides that the local law enforcement agency may deny a permit to purchase a firearm to an applicant if the agency, in its discretion, believes it is in the interest of public safety. Amends the Criminal Code of 2012 to make conforming changes.

LRB103 27318 RLC 53689 b

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 4 and 8 and by adding Section 3.4  
6 as follows:

7 (430 ILCS 65/3.4 new)

8 Sec. 3.4. Firearms transfers; permits.

9 (a) Notwithstanding any other law to the contrary, each  
10 local law enforcement agency shall issue a firearm permit to  
11 an applicant who seeks the purchase of a firearm to verify the  
12 identity of the purchaser and shall complete a full criminal  
13 background check of the applicant that includes obtaining  
14 fingerprints from the prospective firearm purchaser.

15 (b) Each local law enforcement agency shall keep records  
16 of those permits and make them available to the Illinois State  
17 Police through the Law Enforcement Agencies Data System  
18 (LEADS).

19 (c) The duration of the permit shall be 10 days after its  
20 issuance.

21 (d) The local law enforcement agency may deny a permit to  
22 purchase a firearm to an applicant if the agency, in its  
23 discretion, believes it is in the interest of public safety.

1       (e) Prior to the purchase of a firearm, a person must  
2       submit the permit issued by the local law enforcement agency  
3       to the dealer or transferor of the firearm.

4       (f) In this Section, "local law enforcement agency" means  
5       the municipal police department of the municipality in which  
6       the applicant for the firearm purchase resides, or if the  
7       applicant resides in an unincorporated area, or if no  
8       municipal police department exists in the applicant's  
9       municipality of residence, then "local law enforcement agency"  
10       means the office of the sheriff of the county of the  
11       applicant's residence.

12           (430 ILCS 65/4) (from Ch. 38, par. 83-4)

13           Sec. 4. Application for Firearm Owner's Identification  
14       Cards.

15           (a) Each applicant for a Firearm Owner's Identification  
16       Card must:

17               (1) Submit an application as made available by the  
18       Illinois State Police; and

19               (2) Submit evidence to the Illinois State Police that:

20                       (i) This subparagraph (i) applies through the  
21       180th day following July 12, 2019 (the effective date  
22       of Public Act 101-80). He or she is 21 years of age or  
23       over, or if he or she is under 21 years of age that he  
24       or she has the written consent of his or her parent or  
25       legal guardian to possess and acquire firearms and

1 firearm ammunition and that he or she has never been  
2 convicted of a misdemeanor other than a traffic  
3 offense or adjudged delinquent, provided, however,  
4 that such parent or legal guardian is not an  
5 individual prohibited from having a Firearm Owner's  
6 Identification Card and files an affidavit with the  
7 Department as prescribed by the Department stating  
8 that he or she is not an individual prohibited from  
9 having a Card;

10 (i-5) This subparagraph (i-5) applies on and after  
11 the 181st day following July 12, 2019 (the effective  
12 date of Public Act 101-80). He or she is 21 years of  
13 age or over, or if he or she is under 21 years of age  
14 that he or she has never been convicted of a  
15 misdemeanor other than a traffic offense or adjudged  
16 delinquent and is an active duty member of the United  
17 States Armed Forces or the Illinois National Guard or  
18 has the written consent of his or her parent or legal  
19 guardian to possess and acquire firearms and firearm  
20 ammunition, provided, however, that such parent or  
21 legal guardian is not an individual prohibited from  
22 having a Firearm Owner's Identification Card and files  
23 an affidavit with the Illinois State Police as  
24 prescribed by the Illinois State Police stating that  
25 he or she is not an individual prohibited from having a  
26 Card or the active duty member of the United States

1 Armed Forces or the Illinois National Guard under 21  
2 years of age annually submits proof to the Illinois  
3 State Police, in a manner prescribed by the Illinois  
4 State Police;

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

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

8 (iv) He or she has not been a patient in a mental  
9 health facility within the past 5 years or, if he or  
10 she has been a patient in a mental health facility more  
11 than 5 years ago submit the certification required  
12 under subsection (u) of Section 8 of this Act;

13 (v) He or she is not a person with an intellectual  
14 disability;

15 (vi) He or she is not a noncitizen who is  
16 unlawfully present in the United States under the laws  
17 of the United States;

18 (vii) He or she is not subject to an existing order  
19 of protection prohibiting him or her from possessing a  
20 firearm;

21 (viii) He or she has not been convicted within the  
22 past 5 years of battery, assault, aggravated assault,  
23 violation of an order of protection, or a  
24 substantially similar offense in another jurisdiction,  
25 in which a firearm was used or possessed;

26 (ix) He or she has not been convicted of domestic

1 battery, aggravated domestic battery, or a  
2 substantially similar offense in another jurisdiction  
3 committed before, on or after January 1, 2012 (the  
4 effective date of Public Act 97-158). If the applicant  
5 knowingly and intelligently waives the right to have  
6 an offense described in this clause (ix) tried by a  
7 jury, and by guilty plea or otherwise, results in a  
8 conviction for an offense in which a domestic  
9 relationship is not a required element of the offense  
10 but in which a determination of the applicability of  
11 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of  
12 the Code of Criminal Procedure of 1963, an entry by the  
13 court of a judgment of conviction for that offense  
14 shall be grounds for denying the issuance of a Firearm  
15 Owner's Identification Card under this Section;

16 (x) (Blank);

17 (xi) He or she is not a noncitizen who has been  
18 admitted to the United States under a non-immigrant  
19 visa (as that term is defined in Section 101(a)(26) of  
20 the Immigration and Nationality Act (8 U.S.C.  
21 1101(a)(26))), or that he or she is a noncitizen who  
22 has been lawfully admitted to the United States under  
23 a non-immigrant visa if that noncitizen is:

24 (1) admitted to the United States for lawful  
25 hunting or sporting purposes;

26 (2) an official representative of a foreign

1 government who is:

2 (A) accredited to the United States  
3 Government or the Government's mission to an  
4 international organization having its  
5 headquarters in the United States; or

6 (B) en route to or from another country to  
7 which that noncitizen is accredited;

8 (3) an official of a foreign government or  
9 distinguished foreign visitor who has been so  
10 designated by the Department of State;

11 (4) a foreign law enforcement officer of a  
12 friendly foreign government entering the United  
13 States on official business; or

14 (5) one who has received a waiver from the  
15 Attorney General of the United States pursuant to  
16 18 U.S.C. 922 (y) (3);

17 (xii) He or she is not a minor subject to a  
18 petition filed under Section 5-520 of the Juvenile  
19 Court Act of 1987 alleging that the minor is a  
20 delinquent minor for the commission of an offense that  
21 if committed by an adult would be a felony;

22 (xiii) He or she is not an adult who had been  
23 adjudicated a delinquent minor under the Juvenile  
24 Court Act of 1987 for the commission of an offense that  
25 if committed by an adult would be a felony;

26 (xiv) He or she is a resident of the State of

1 Illinois;

2 (xv) He or she has not been adjudicated as a person  
3 with a mental disability;

4 (xvi) He or she has not been involuntarily  
5 admitted into a mental health facility; ~~and~~

6 (xvii) He or she is not a person with a  
7 developmental disability; and

8 (xviii) If he or she is applying for or renewing a  
9 Firearm Owner's Identification Card, that he or she has  
10 completed at least 8 hours of handgun safety training  
11 approved by the Director of the Illinois State Police; and

12 (3) Upon request by the Illinois State Police, sign a  
13 release on a form prescribed by the Illinois State Police  
14 waiving any right to confidentiality and requesting the  
15 disclosure to the Illinois State Police of limited mental  
16 health institution admission information from another  
17 state, the District of Columbia, any other territory of  
18 the United States, or a foreign nation concerning the  
19 applicant for the sole purpose of determining whether the  
20 applicant is or was a patient in a mental health  
21 institution and disqualified because of that status from  
22 receiving a Firearm Owner's Identification Card. No mental  
23 health care or treatment records may be requested. The  
24 information received shall be destroyed within one year of  
25 receipt.

26 (a-5) Each applicant for a Firearm Owner's Identification



1 Card who is over the age of 18 shall furnish to the Illinois  
2 State Police either his or her Illinois driver's license  
3 number or Illinois Identification Card number, except as  
4 provided in subsection (a-10).

5 (a-10) Each applicant for a Firearm Owner's Identification  
6 Card, who is employed as a law enforcement officer, an armed  
7 security officer in Illinois, or by the United States Military  
8 permanently assigned in Illinois and who is not an Illinois  
9 resident, shall furnish to the Illinois State Police his or  
10 her driver's license number or state identification card  
11 number from his or her state of residence. The Illinois State  
12 Police may adopt rules to enforce the provisions of this  
13 subsection (a-10).

14 (a-15) If an applicant applying for a Firearm Owner's  
15 Identification Card moves from the residence address named in  
16 the application, he or she shall immediately notify in a form  
17 and manner prescribed by the Illinois State Police of that  
18 change of address.

19 (a-20) Each applicant for a Firearm Owner's Identification  
20 Card shall furnish to the Illinois State Police his or her  
21 photograph. An applicant who is 21 years of age or older  
22 seeking a religious exemption to the photograph requirement  
23 must furnish with the application an approved copy of United  
24 States Department of the Treasury Internal Revenue Service  
25 Form 4029. In lieu of a photograph, an applicant regardless of  
26 age seeking a religious exemption to the photograph

1 requirement shall submit fingerprints on a form and manner  
2 prescribed by the Illinois State Police with his or her  
3 application.

4 (a-25) Beginning January 1, 2023, each applicant for the  
5 issuance of a Firearm Owner's Identification Card may include  
6 a full set of his or her fingerprints in electronic format to  
7 the Illinois State Police, unless the applicant has previously  
8 provided a full set of his or her fingerprints to the Illinois  
9 State Police under this Act or the Firearm Concealed Carry  
10 Act.

11 The fingerprints must be transmitted through a live scan  
12 fingerprint vendor licensed by the Department of Financial and  
13 Professional Regulation. The fingerprints shall be checked  
14 against the fingerprint records now and hereafter filed in the  
15 Illinois State Police and Federal Bureau of Investigation  
16 criminal history records databases, including all available  
17 State and local criminal history record information files.

18 The Illinois State Police shall charge applicants a  
19 one-time fee for conducting the criminal history record check,  
20 which shall be deposited into the State Police Services Fund  
21 and shall not exceed the actual cost of the State and national  
22 criminal history record check.

23 (a-26) The Illinois State Police shall research, explore,  
24 and report to the General Assembly by January 1, 2022 on the  
25 feasibility of permitting voluntarily submitted fingerprints  
26 obtained for purposes other than Firearm Owner's

1 Identification Card enforcement that are contained in the  
2 Illinois State Police database for purposes of this Act.

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

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

13 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;  
14 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1030, eff.  
15 5-27-22; 102-1116, eff. 1-10-23.)

16 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

17 Sec. 8. Grounds for denial and revocation. The Illinois  
18 State Police has authority to deny an application for or to  
19 revoke and seize a Firearm Owner's Identification Card  
20 previously issued under this Act only if the Illinois State  
21 Police finds that the applicant or the person to whom such card  
22 was issued is or was at the time of issuance:

23 (a) A person under 21 years of age who has been  
24 convicted of a misdemeanor other than a traffic offense or  
25 adjudged delinquent;

1           (b) This subsection (b) applies through the 180th day  
2 following July 12, 2019 (the effective date of Public Act  
3 101-80). A person under 21 years of age who does not have  
4 the written consent of his parent or guardian to acquire  
5 and possess firearms and firearm ammunition, or whose  
6 parent or guardian has revoked such written consent, or  
7 where such parent or guardian does not qualify to have a  
8 Firearm Owner's Identification Card;

9           (b-5) This subsection (b-5) applies on and after the  
10 181st day following July 12, 2019 (the effective date of  
11 Public Act 101-80). A person under 21 years of age who is  
12 not an active duty member of the United States Armed  
13 Forces or the Illinois National Guard and does not have  
14 the written consent of his or her parent or guardian to  
15 acquire and possess firearms and firearm ammunition, or  
16 whose parent or guardian has revoked such written consent,  
17 or where such parent or guardian does not qualify to have a  
18 Firearm Owner's Identification Card;

19           (c) A person convicted of a felony under the laws of  
20 this or any other jurisdiction;

21           (d) A person addicted to narcotics;

22           (e) A person who has been a patient of a mental health  
23 facility within the past 5 years or a person who has been a  
24 patient in a mental health facility more than 5 years ago  
25 who has not received the certification required under  
26 subsection (u) of this Section. An active law enforcement

1 officer employed by a unit of government or a Department  
2 of Corrections employee authorized to possess firearms who  
3 is denied, revoked, or has his or her Firearm Owner's  
4 Identification Card seized under this subsection (e) may  
5 obtain relief as described in subsection (c-5) of Section  
6 10 of this Act if the officer or employee did not act in a  
7 manner threatening to the officer or employee, another  
8 person, or the public as determined by the treating  
9 clinical psychologist or physician, and the officer or  
10 employee seeks mental health treatment;

11 (f) A person whose mental condition is of such a  
12 nature that it poses a clear and present danger to the  
13 applicant, any other person or persons, or the community;

14 (g) A person who has an intellectual disability;

15 (h) A person who intentionally makes a false statement  
16 in the Firearm Owner's Identification Card application or  
17 endorsement affidavit;

18 (i) A noncitizen who is unlawfully present in the  
19 United States under the laws of the United States;

20 (i-5) A noncitizen who has been admitted to the United  
21 States under a non-immigrant visa (as that term is defined  
22 in Section 101(a)(26) of the Immigration and Nationality  
23 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
24 (i-5) does not apply to any noncitizen who has been  
25 lawfully admitted to the United States under a  
26 non-immigrant visa if that noncitizen is:

1 (1) admitted to the United States for lawful  
2 hunting or sporting purposes;

3 (2) an official representative of a foreign  
4 government who is:

5 (A) accredited to the United States Government  
6 or the Government's mission to an international  
7 organization having its headquarters in the United  
8 States; or

9 (B) en route to or from another country to  
10 which that noncitizen is accredited;

11 (3) an official of a foreign government or  
12 distinguished foreign visitor who has been so  
13 designated by the Department of State;

14 (4) a foreign law enforcement officer of a  
15 friendly foreign government entering the United States  
16 on official business; or

17 (5) one who has received a waiver from the  
18 Attorney General of the United States pursuant to 18  
19 U.S.C. 922(y)(3);

20 (j) (Blank);

21 (k) A person who has been convicted within the past 5  
22 years of battery, assault, aggravated assault, violation  
23 of an order of protection, or a substantially similar  
24 offense in another jurisdiction, in which a firearm was  
25 used or possessed;

26 (l) A person who has been convicted of domestic

1 battery, aggravated domestic battery, or a substantially  
2 similar offense in another jurisdiction committed before,  
3 on or after January 1, 2012 (the effective date of Public  
4 Act 97-158). If the applicant or person who has been  
5 previously issued a Firearm Owner's Identification Card  
6 under this Act knowingly and intelligently waives the  
7 right to have an offense described in this paragraph (l)  
8 tried by a jury, and by guilty plea or otherwise, results  
9 in a conviction for an offense in which a domestic  
10 relationship is not a required element of the offense but  
11 in which a determination of the applicability of 18 U.S.C.  
12 922(g)(9) is made under Section 112A-11.1 of the Code of  
13 Criminal Procedure of 1963, an entry by the court of a  
14 judgment of conviction for that offense shall be grounds  
15 for denying an application for and for revoking and  
16 seizing a Firearm Owner's Identification Card previously  
17 issued to the person under this Act;

18 (m) (Blank);

19 (n) A person who is prohibited from acquiring or  
20 possessing firearms or firearm ammunition by any Illinois  
21 State statute or by federal law;

22 (o) A minor subject to a petition filed under Section  
23 5-520 of the Juvenile Court Act of 1987 alleging that the  
24 minor is a delinquent minor for the commission of an  
25 offense that if committed by an adult would be a felony;

26 (p) An adult who had been adjudicated a delinquent

1 minor under the Juvenile Court Act of 1987 for the  
2 commission of an offense that if committed by an adult  
3 would be a felony;

4 (q) A person who is not a resident of the State of  
5 Illinois, except as provided in subsection (a-10) of  
6 Section 4;

7 (r) A person who has been adjudicated as a person with  
8 a mental disability;

9 (s) A person who has been found to have a  
10 developmental disability;

11 (t) A person involuntarily admitted into a mental  
12 health facility; ~~or~~

13 (u) A person who has had his or her Firearm Owner's  
14 Identification Card revoked or denied under subsection (e)  
15 of this Section or item (iv) of paragraph (2) of  
16 subsection (a) of Section 4 of this Act because he or she  
17 was a patient in a mental health facility as provided in  
18 subsection (e) of this Section, shall not be permitted to  
19 obtain a Firearm Owner's Identification Card, after the  
20 5-year period has lapsed, unless he or she has received a  
21 mental health evaluation by a physician, clinical  
22 psychologist, or qualified examiner as those terms are  
23 defined in the Mental Health and Developmental  
24 Disabilities Code, and has received a certification that  
25 he or she is not a clear and present danger to himself,  
26 herself, or others. The physician, clinical psychologist,



1 or qualified examiner making the certification and his or  
2 her employer shall not be held criminally, civilly, or  
3 professionally liable for making or not making the  
4 certification required under this subsection, except for  
5 willful or wanton misconduct. This subsection does not  
6 apply to a person whose firearm possession rights have  
7 been restored through administrative or judicial action  
8 under Section 10 or 11 of this Act  ~~; or.~~

9 (v) A person who is applying for or renewing a Firearm  
10 Owner's Identification Card and has not completed at least  
11 8 hours of handgun safety training approved by the  
12 Director of the Illinois State Police.

13 Upon revocation of a person's Firearm Owner's  
14 Identification Card, the Illinois State Police shall provide  
15 notice to the person and the person shall comply with Section  
16 9.5 of this Act.

17 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
18 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
19 5-27-22; 102-1116, eff. 1-10-23.)

20 Section 95. The Criminal Code of 2012 is amended by  
21 changing Sections 24-3 and 24-3.5 as follows:

22 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

24 (A) A person commits the offense of unlawful sale or

1 delivery of firearms when he or she knowingly does any of the  
2 following:

3 (a) Sells or gives any firearm of a size which may be  
4 concealed upon the person to any person under 18 years of  
5 age.

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

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

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

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

16 "Mental institution" means any hospital,  
17 institution, clinic, evaluation facility, mental  
18 health center, or part thereof, which is used  
19 primarily for the care or treatment of persons with  
20 mental illness.

21 "Patient in a mental institution" means the person  
22 was admitted, either voluntarily or involuntarily, to  
23 a mental institution for mental health treatment,  
24 unless the treatment was voluntary and solely for an  
25 alcohol abuse disorder and no other secondary  
26 substance abuse disorder or mental illness.

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

3           (g) Delivers any firearm, incidental to a sale,  
4 without withholding delivery of the firearm for at least  
5 72 hours after application for its purchase has been made,  
6 or delivers a stun gun or taser, incidental to a sale,  
7 without withholding delivery of the stun gun or taser for  
8 at least 24 hours after application for its purchase has  
9 been made. However, this paragraph (g) does not apply to:

10 (1) the sale of a firearm to a law enforcement officer if  
11 the seller of the firearm knows that the person to whom he  
12 or she is selling the firearm is a law enforcement officer  
13 or the sale of a firearm to a person who desires to  
14 purchase a firearm for use in promoting the public  
15 interest incident to his or her employment as a bank  
16 guard, armed truck guard, or other similar employment; (2)  
17 a mail order sale of a firearm from a federally licensed  
18 firearms dealer to a nonresident of Illinois under which  
19 the firearm is mailed to a federally licensed firearms  
20 dealer outside the boundaries of Illinois; (3) (blank);  
21 (4) the sale of a firearm to a dealer licensed as a federal  
22 firearms dealer under Section 923 of the federal Gun  
23 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
24 sale of any rifle, shotgun, or other long gun to a resident  
25 registered competitor or attendee or non-resident  
26 registered competitor or attendee by any dealer licensed

1 as a federal firearms dealer under Section 923 of the  
2 federal Gun Control Act of 1968 at competitive shooting  
3 events held at the World Shooting Complex sanctioned by a  
4 national governing body. For purposes of transfers or  
5 sales under subparagraph (5) of this paragraph (g), the  
6 Department of Natural Resources shall give notice to the  
7 Illinois State Police at least 30 calendar days prior to  
8 any competitive shooting events at the World Shooting  
9 Complex sanctioned by a national governing body. The  
10 notification shall be made on a form prescribed by the  
11 Illinois State Police. The sanctioning body shall provide  
12 a list of all registered competitors and attendees at  
13 least 24 hours before the events to the Illinois State  
14 Police. Any changes to the list of registered competitors  
15 and attendees shall be forwarded to the Illinois State  
16 Police as soon as practicable. The Illinois State Police  
17 must destroy the list of registered competitors and  
18 attendees no later than 30 days after the date of the  
19 event. Nothing in this paragraph (g) relieves a federally  
20 licensed firearm dealer from the requirements of  
21 conducting a NICS background check through the Illinois  
22 Point of Contact under 18 U.S.C. 922(t). For purposes of  
23 this paragraph (g), "application" means when the buyer and  
24 seller reach an agreement to purchase a firearm. For  
25 purposes of this paragraph (g), "national governing body"  
26 means a group of persons who adopt rules and formulate

1 policy on behalf of a national firearm sporting  
2 organization.

3 (h) While holding any license as a dealer, importer,  
4 manufacturer or pawnbroker under the federal Gun Control  
5 Act of 1968, manufactures, sells or delivers to any  
6 unlicensed person a handgun having a barrel, slide, frame  
7 or receiver which is a die casting of zinc alloy or any  
8 other nonhomogeneous metal which will melt or deform at a  
9 temperature of less than 800 degrees Fahrenheit. For  
10 purposes of this paragraph, (1) "firearm" is defined as in  
11 the Firearm Owners Identification Card Act; and (2)  
12 "handgun" is defined as a firearm designed to be held and  
13 fired by the use of a single hand, and includes a  
14 combination of parts from which such a firearm can be  
15 assembled.

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

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

24 A person "engaged in the business" means a person who  
25 devotes time, attention, and labor to engaging in the  
26 activity as a regular course of trade or business with the

1 principal objective of livelihood and profit, but does not  
2 include a person who makes occasional repairs of firearms  
3 or who occasionally fits special barrels, stocks, or  
4 trigger mechanisms to firearms.

5 "With the principal objective of livelihood and  
6 profit" means that the intent underlying the sale or  
7 disposition of firearms is predominantly one of obtaining  
8 livelihood and pecuniary gain, as opposed to other  
9 intents, such as improving or liquidating a personal  
10 firearms collection; however, proof of profit shall not be  
11 required as to a person who engages in the regular and  
12 repetitive purchase and disposition of firearms for  
13 criminal purposes or terrorism.

14 (k) Sells or transfers ownership of a firearm to a  
15 person who does not display to the seller or transferor of  
16 the firearm either: (1) a currently valid Firearm Owner's  
17 Identification Card that has previously been issued in the  
18 transferee's name by the Illinois State Police under the  
19 provisions of the Firearm Owners Identification Card Act;  
20 or (2) a currently valid license to carry a concealed  
21 firearm that has previously been issued in the  
22 transferee's name by the Illinois State Police under the  
23 Firearm Concealed Carry Act. This paragraph (k) does not  
24 apply to the transfer of a firearm to a person who is  
25 exempt from the requirement of possessing a Firearm  
26 Owner's Identification Card under Section 2 of the Firearm

1 Owners Identification Card Act. For the purposes of this  
2 Section, a currently valid Firearm Owner's Identification  
3 Card or license to carry a concealed firearm means receipt  
4 of an approval number issued in accordance with subsection  
5 (a-10) of Section 3 or Section 3.1 of the Firearm Owners  
6 Identification Card Act.

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

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

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

26 (m) Sells or gives a firearm to a person who does not

1       display to the seller or transferor a permit to purchase  
2       the firearm issued by the local law enforcement agency  
3       under Section 3.4 of the Firearm Owners Identification  
4       Card Act.

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

15      (C) Sentence.

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

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

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

25           (4) Any person convicted of unlawful sale or delivery  
26           of firearms in violation of paragraph (a), (b), or (i) of



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

23 (5) Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (a) or (i) of  
25 subsection (A) in residential property owned, operated, or  
26 managed by a public housing agency or leased by a public

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

13 (6) Any person convicted of unlawful sale or delivery  
14 of firearms in violation of paragraph (j) of subsection  
15 (A) commits a Class A misdemeanor. A second or subsequent  
16 violation is a Class 4 felony.

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

24 (8) A person 18 years of age or older convicted of  
25 unlawful sale or delivery of firearms in violation of  
26 paragraph (a) or (i) of subsection (A), when the firearm

1           that was sold or given to another person under 18 years of  
2           age was used in the commission of or attempt to commit a  
3           forcible felony, shall be fined or imprisoned, or both,  
4           not to exceed the maximum provided for the most serious  
5           forcible felony so committed or attempted by the person  
6           under 18 years of age who was sold or given the firearm.

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

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

1 term of imprisonment of not less than 6 years and not more  
2 than 40 years if the delivery is of not less than 11 and  
3 not more than 20 firearms at the same time or within a  
4 3-year period. Any person convicted of unlawful sale or  
5 delivery of firearms in violation of paragraph (1) of  
6 subsection (A) commits a Class X felony for which he or she  
7 shall be sentenced to a term of imprisonment of not less  
8 than 6 years and not more than 50 years if the delivery is  
9 of not less than 21 and not more than 30 firearms at the  
10 same time or within a 4-year period. Any person convicted  
11 of unlawful sale or delivery of firearms in violation of  
12 paragraph (1) of subsection (A) commits a Class X felony  
13 for which he or she shall be sentenced to a term of  
14 imprisonment of not less than 6 years and not more than 60  
15 years if the delivery is of 31 or more firearms at the same  
16 time or within a 5-year period.

17 (11) Any person convicted of unlawful sale or delivery  
18 of firearms in violation of paragraph (m) of subsection  
19 (A) commits a Class 1 felony.

20 (D) For purposes of this Section:

21 "School" means a public or private elementary or secondary  
22 school, community college, college, or university.

23 "School related activity" means any sporting, social,  
24 academic, or other activity for which students' attendance or  
25 participation is sponsored, organized, or funded in whole or  
26 in part by a school or school district.

1           (E) A prosecution for a violation of paragraph (k) of  
2 subsection (A) of this Section may be commenced within 6 years  
3 after the commission of the offense. A prosecution for a  
4 violation of this Section other than paragraph (g) of  
5 subsection (A) of this Section may be commenced within 5 years  
6 after the commission of the offense defined in the particular  
7 paragraph.

8           (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
9 102-813, eff. 5-13-22.)

10           (720 ILCS 5/24-3.5)

11           Sec. 24-3.5. Unlawful purchase of a firearm.

12           (a) For purposes of this Section, "firearms transaction  
13 record form" means a form:

14                   (1) executed by a transferee of a firearm stating: (i)  
15 the transferee's name and address (including county or  
16 similar political subdivision); (ii) whether the  
17 transferee is a citizen of the United States; (iii) the  
18 transferee's State of residence; and (iv) the date and  
19 place of birth, height, weight, and race of the  
20 transferee; and

21                   (2) on which the transferee certifies that he or she  
22 is not prohibited by federal law from transporting or  
23 shipping a firearm in interstate or foreign commerce or  
24 receiving a firearm that has been shipped or transported  
25 in interstate or foreign commerce or possessing a firearm

1 in or affecting commerce.

2 (b) A person commits the offense of unlawful purchase of a  
3 firearm who knowingly purchases or attempts to purchase a  
4 firearm with the intent to deliver that firearm to another  
5 person who is prohibited by federal or State law from  
6 possessing a firearm.

7 (c) A person commits the offense of unlawful purchase of a  
8 firearm when he or she, in purchasing or attempting to  
9 purchase a firearm, intentionally provides false or misleading  
10 information on a United States Department of the Treasury,  
11 Bureau of Alcohol, Tobacco and Firearms firearms transaction  
12 record form.

13 (c-5) A person commits the offense of unlawful purchase of  
14 a firearm when he or she, in purchasing or attempting to  
15 purchase a firearm does not display to the seller or  
16 transferor of the firearm a permit to purchase the firearm  
17 issued by the local law enforcement agency under Section 3.4  
18 of the Firearm Owners Identification Card Act.

19 (d) Exemption. It is not a violation of subsection (b) of  
20 this Section for a person to make a gift or loan of a firearm  
21 to a person who is not prohibited by federal or State law from  
22 possessing a firearm if the transfer of the firearm is made in  
23 accordance with Section 3 of the Firearm Owners Identification  
24 Card Act.

25 (e) Sentence.

26 (1) A person who commits the offense of unlawful

1 purchase of a firearm:

2 (A) is guilty of a Class 2 felony for purchasing or  
3 attempting to purchase one firearm;

4 (B) is guilty of a Class 1 felony for purchasing or  
5 attempting to purchase not less than 2 firearms and  
6 not more than 5 firearms at the same time or within a  
7 one year period;

8 (C) is guilty of a Class X felony for which the  
9 offender shall be sentenced to a term of imprisonment  
10 of not less than 9 years and not more than 40 years for  
11 purchasing or attempting to purchase not less than 6  
12 firearms at the same time or within a 2 year period; -

13 (D) is guilty of a Class 2 felony for purchasing or  
14 attempting to purchase a firearm in violation of  
15 subsection (c-5).

16 (2) In addition to any other penalty that may be  
17 imposed for a violation of this Section, the court may  
18 sentence a person convicted of a violation of subsection  
19 (c) of this Section to a fine not to exceed \$250,000 for  
20 each violation.

21 (f) A prosecution for unlawful purchase of a firearm may  
22 be commenced within 6 years after the commission of the  
23 offense.

24 (Source: P.A. 95-882, eff. 1-1-09.)