

1 AMENDMENT TO HOUSE BILL 312

2 AMENDMENT NO. _____. Amend House Bill 312 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 24-3.5 as follows:

6 (720 ILCS 5/24-3.5)

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

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

10 (1) executed by a transferee of a firearm stating:

11 (i) the transferee's name and address (including county
12 or similar political subdivision); (ii) whether the
13 transferee is a citizen of the United States; (iii) the
14 transferee's State of residence; and (iv) the date and
15 place of birth, height, weight, and race of the
16 transferee; and

17 (2) on which the transferee certifies that he or
18 she is not prohibited by federal law from transporting or
19 shipping a firearm in interstate or foreign commerce or
20 receiving a firearm that has been shipped or transported
21 in interstate or foreign commerce or possessing a firearm
22 in or affecting commerce.

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

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

12 (d) Exemption. It is not a violation of subsection (b)
 13 of this Section for a person to make a gift or loan of a
 14 firearm to a person who is not prohibited by federal or State
 15 law from possessing a firearm if the transfer of the firearm
 16 is made in accordance with Section 3 of the Firearm Owners
 17 Identification Card Act.

18 (e) Sentence.

19 (1) A person who commits the offense of unlawful
 20 purchase of a firearm ~~by purchasing a firearm with intent~~
 21 ~~to deliver the firearm in violation of subsection (b) or~~
 22 ~~by purchasing a firearm in violation of subsection (c):~~

23 (A) is guilty of a Class 4 felony for
 24 purchasing or attempting to purchase one firearm;

25 (B) is guilty of a Class 3 felony for
 26 purchasing or attempting to purchase not less than 2
 27 firearms and not more than 5 firearms at the same
 28 time or within a one year period;

29 (C) is guilty of a Class 2 felony for
 30 purchasing or attempting to purchase not less than 6
 31 firearms and not more than 10 firearms at the same
 32 time or within a 2 year period;

33 (D) is guilty of a Class 1 felony for
 34 purchasing or attempting to purchase not less than

1 11 firearms and not more than 20 firearms at the
2 same time or within a 3 year period;

3 (E) is guilty of a Class X felony for which
4 the person shall be sentenced to a term of
5 imprisonment of not less than 6 years and not more
6 than 30 years for purchasing or attempting to
7 purchase not less than 21 firearms and not more than
8 30 firearms at the same time or within a 4 year
9 period;

10 (F) is guilty of a Class X felony for which
11 the person shall be sentenced to a term of
12 imprisonment of not less than 6 years and not more
13 than 40 years for purchasing or attempting to
14 purchase not less than 31 firearms and not more than
15 40 firearms at the same time or within a 5 year
16 period;

17 (G) is guilty of a Class X felony for which
18 the person shall be sentenced to a term of
19 imprisonment of not less than 6 years and not more
20 than 50 years for purchasing or attempting to
21 purchase more than 40 firearms at the same time or
22 within a 6 year period.

23 (2) In addition to any other penalty that may be
24 imposed for a violation of this Section, the court may
25 sentence a person convicted of a violation of subsection
26 (c) of this Section to a fine not to exceed \$250,000 for
27 each violation.

28 (Source: P.A. 91-265, eff. 1-1-00.)

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