

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 1961 is amended by changing  
5 Sections 24-1.1, 24-1.6, 24-3, 24-3.5, 24-3A, 24-5, and 33F-2  
6 as follows:

7 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

8 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
9 Felons or Persons in the Custody of the Department of  
10 Corrections Facilities.

11 (a) It is unlawful for a person to knowingly possess on or  
12 about his person or on his land or in his own abode or fixed  
13 place of business any weapon prohibited under Section 24-1 of  
14 this Act or any firearm or any firearm ammunition if the person  
15 has been convicted of a felony under the laws of this State or  
16 any other jurisdiction. This Section shall not apply if the  
17 person has been granted relief by the Director of the  
18 Department of State Police under Section 10 of the Firearm  
19 Owners Identification Card Act.

20 (b) It is unlawful for any person confined in a penal  
21 institution, which is a facility of the Illinois Department of  
22 Corrections, to possess any weapon prohibited under Section  
23 24-1 of this Code or any firearm or firearm ammunition,  
24 regardless of the intent with which he possesses it.

25 (c) It shall be an affirmative defense to a violation of  
26 subsection (b), that such possession was specifically  
27 authorized by rule, regulation, or directive of the Illinois  
28 Department of Corrections or order issued pursuant thereto.

29 (d) The defense of necessity is not available to a person  
30 who is charged with a violation of subsection (b) of this  
31 Section.

32 (e) Sentence. Violation of this Section by a person not

1 confined in a penal institution shall be a Class 3 felony for  
2 which the person, if sentenced to a term of imprisonment, shall  
3 be sentenced to no less than 2 years and no more than 10 years.  
4 Violation of this Section by a person not confined in a penal  
5 institution who has been convicted of a forcible felony, a  
6 felony violation of Article 24 of this Code or of the Firearm  
7 Owners Identification Card Act, stalking or aggravated  
8 stalking, or a Class 2 or greater felony under the Illinois  
9 Controlled Substances Act or the Cannabis Control Act is a  
10 Class 2 felony for which the person, if sentenced to a term of  
11 imprisonment, shall be sentenced to not less than 3 years and  
12 not more than 14 years. Violation of this Section by a person  
13 who is on parole or mandatory supervised release is a Class 2  
14 felony for which the person, if sentenced to a term of  
15 imprisonment, shall be sentenced to not less than 3 years and  
16 not more than 14 years. Violation of this Section by a person  
17 not confined in a penal institution is a Class X felony when  
18 the firearm possessed is a machine gun. Any person who violates  
19 this Section while confined in a penal institution, which is a  
20 facility of the Illinois Department of Corrections, is guilty  
21 of a Class 1 felony, if he possesses any weapon prohibited  
22 under Section 24-1 of this Code regardless of the intent with  
23 which he possesses it, a Class X felony if he possesses any  
24 firearm, firearm ammunition or explosive, and a Class X felony  
25 for which the offender shall be sentenced to not less than 12  
26 years and not more than 50 years when the firearm possessed is  
27 a machine gun. A violation of this Section while wearing or in  
28 possession of body armor as defined in Section 33F-1 is a Class  
29 X felony punishable by a term of imprisonment of not less than  
30 10 years and not more than 40 years.

31 (Source: P.A. 91-544, eff. 1-1-00.)

32 (720 ILCS 5/24-1.6)

33 Sec. 24-1.6. Aggravated unlawful use of a weapon.

34 (a) A person commits the offense of aggravated unlawful use  
35 of a weapon when he or she knowingly:

1           (1) Carries on or about his or her person or in any  
2 vehicle or concealed on or about his or her person except  
3 when on his or her land or in his or her abode or fixed  
4 place of business any pistol, revolver, stun gun or taser  
5 or other firearm; or

6           (2) Carries or possesses on or about his or her person,  
7 upon any public street, alley, or other public lands within  
8 the corporate limits of a city, village or incorporated  
9 town, except when an invitee thereon or therein, for the  
10 purpose of the display of such weapon or the lawful  
11 commerce in weapons, or except when on his or her own land  
12 or in his or her own abode or fixed place of business, any  
13 pistol, revolver, stun gun or taser or other firearm; and

14           (3) One of the following factors is present:

15               (A) the firearm possessed was uncased, loaded and  
16 immediately accessible at the time of the offense; or

17               (B) the firearm possessed was uncased, unloaded  
18 and the ammunition for the weapon was immediately  
19 accessible at the time of the offense; or

20               (C) the person possessing the firearm has not been  
21 issued a currently valid Firearm Owner's  
22 Identification Card; or

23               (D) the person possessing the weapon was  
24 previously adjudicated a delinquent minor under the  
25 Juvenile Court Act of 1987 for an act that if committed  
26 by an adult would be a felony; or

27               (E) the person possessing the weapon was engaged in  
28 a misdemeanor violation of the Cannabis Control Act or  
29 in a misdemeanor violation of the Illinois Controlled  
30 Substances Act; or

31               (F) the person possessing the weapon is a member of  
32 a street gang or is engaged in street gang related  
33 activity, as defined in Section 10 of the Illinois  
34 Streetgang Terrorism Omnibus Prevention Act; or

35               (G) the person possessing the weapon had a order of  
36 protection issued against him or her within the

1 previous 2 years; or

2 (H) the person possessing the weapon was engaged in  
3 the commission or attempted commission of a  
4 misdemeanor involving the use or threat of violence  
5 against the person or property of another; or

6 (I) the person possessing the weapon was under 21  
7 years of age and in possession of a handgun as defined  
8 in Section 24-3, unless the person under 21 is engaged  
9 in lawful activities under the Wildlife Code or  
10 described in subsection 24-2(b)(1), (b)(3), or  
11 24-2(f).

12 (b) "Stun gun or taser" as used in this Section has the  
13 same definition given to it in Section 24-1 of this Code.

14 (c) This Section does not apply to or affect the  
15 transportation or possession of weapons that:

16 (i) are broken down in a non-functioning state; or

17 (ii) are not immediately accessible; or

18 (iii) are unloaded and enclosed in a case, firearm  
19 carrying box, shipping box, or other container by a  
20 person who has been issued a currently valid Firearm  
21 Owner's Identification Card.

22 (d) Sentence. Aggravated unlawful use of a weapon is a  
23 Class 4 felony; a second or subsequent offense is a Class 2  
24 felony. Aggravated unlawful use of a weapon by a person who has  
25 been previously convicted of a felony in this State or another  
26 jurisdiction is a Class 2 felony. Aggravated unlawful use of a  
27 weapon while wearing or in possession of body armor as defined  
28 in Section 33F-1 by a person who has not been issued a valid  
29 Firearms Owner's Identification Card in accordance with  
30 Section 5 of the Firearm Owners Identification Card Act is a  
31 Class X felony.

32 (Source: P.A. 91-690, eff. 4-13-00.)

33 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

34 Sec. 24-3. Unlawful Sale of Firearms.

35 (A) A person commits the offense of unlawful sale of

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

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

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

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

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

12 (e) Sells or gives any firearm to any person who has  
13 been a patient in a mental hospital within the past 5  
14 years.

15 (f) Sells or gives any firearms to any person who is  
16 mentally retarded.

17 (g) Delivers any firearm of a size which may be  
18 concealed upon the person, incidental to a sale, without  
19 withholding delivery of such firearm for at least 72 hours  
20 after application for its purchase has been made, or  
21 delivers any rifle, shotgun or other long gun, incidental  
22 to a sale, without withholding delivery of such rifle,  
23 shotgun or other long gun for at least 24 hours after  
24 application for its purchase has been made. However, this  
25 paragraph (g) does not apply to: (1) the sale of a firearm  
26 to a law enforcement officer or a person who desires to  
27 purchase a firearm for use in promoting the public interest  
28 incident to his or her employment as a bank guard, armed  
29 truck guard, or other similar employment; (2) a mail order  
30 sale of a firearm to a nonresident of Illinois under which  
31 the firearm is mailed to a point outside the boundaries of  
32 Illinois; (3) the sale of a firearm to a nonresident of  
33 Illinois while at a firearm showing or display recognized  
34 by the Illinois Department of State Police; or (4) the sale  
35 of a firearm to a dealer licensed as a federal firearms  
36 dealer under Section 923 of the federal Gun Control Act of

1 1968 (18 U.S.C. 923).

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

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

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

23 A person "engaged in the business" means a person who  
24 devotes time, attention, and labor to engaging in the  
25 activity as a regular course of trade or business with the  
26 principal objective of livelihood and profit, but does not  
27 include a person who makes occasional repairs of firearms  
28 or who occasionally fits special barrels, stocks, or  
29 trigger mechanisms to firearms.

30 "With the principal objective of livelihood and  
31 profit" means that the intent underlying the sale or  
32 disposition of firearms is predominantly one of obtaining  
33 livelihood and pecuniary gain, as opposed to other intents,  
34 such as improving or liquidating a personal firearms  
35 collection; however, proof of profit shall not be required  
36 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 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. This paragraph (k) does not apply to the transfer of a  
10 firearm to a person who is exempt from the requirement of  
11 possessing a Firearm Owner's Identification Card under  
12 Section 2 of the Firearm Owners Identification Card Act.  
13 For the purposes of this Section, a currently valid Firearm  
14 Owner's Identification Card means (i) a Firearm Owner's  
15 Identification Card that has not expired or (ii) if the  
16 transferor is licensed as a federal firearms dealer under  
17 Section 923 of the federal Gun Control Act of 1968 (18  
18 U.S.C. 923), an approval number issued in accordance with  
19 Section 3.1 of the Firearm Owners Identification Card Act  
20 shall be proof that the Firearm Owner's Identification Card  
21 was valid.

22 (B) Paragraph (h) of subsection (A) does not include  
23 firearms sold within 6 months after enactment of Public Act  
24 78-355 (approved August 21, 1973, effective October 1, 1973),  
25 nor is any firearm legally owned or possessed by any citizen or  
26 purchased by any citizen within 6 months after the enactment of  
27 Public Act 78-355 subject to confiscation or seizure under the  
28 provisions of that Public Act. Nothing in Public Act 78-355  
29 shall be construed to prohibit the gift or trade of any firearm  
30 if that firearm was legally held or acquired within 6 months  
31 after the enactment of that Public Act.

32 (C) Sentence.

33 (1) Any person convicted of unlawful sale of firearms  
34 in violation of any of paragraphs (c) through (h) of  
35 subsection (A) commits a Class 4 felony.

36 (2) Any person convicted of unlawful sale of firearms

1 in violation of paragraph (b) or (i) of subsection (A)  
2 commits a Class 3 felony.

3 (3) Any person convicted of unlawful sale of firearms  
4 in violation of paragraph (a) of subsection (A) commits a  
5 Class 2 felony.

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

28 (5) Any person convicted of unlawful sale of firearms  
29 in violation of paragraph (a) or (i) of subsection (A) in  
30 residential property owned, operated, or managed by a  
31 public housing agency or leased by a public housing agency  
32 as part of a scattered site or mixed-income development, in  
33 a public park, in a courthouse, on residential property  
34 owned, operated, or managed by a public housing agency or  
35 leased by a public housing agency as part of a scattered  
36 site or mixed-income development, on the real property



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

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

12 (7) Any person convicted of unlawful sale of firearms  
13 in violation of paragraph (k) of subsection (A) commits a  
14 Class 4 felony. A third or subsequent conviction for a  
15 violation of paragraph (k) of subsection (A) is a Class 1  
16 felony.

17 (D) For purposes of this Section:

18 "School" means a public or private elementary or secondary  
19 school, community college, college, or university.

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

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

31 (Source: P.A. 93-162, eff. 7-10-03.)

32 (720 ILCS 5/24-3.5)

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

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

1           (1) executed by a transferee of a firearm stating: (i)  
2           the transferee's name and address (including county or  
3           similar political subdivision); (ii) whether the  
4           transferee is a citizen of the United States; (iii) the  
5           transferee's State of residence; and (iv) the date and  
6           place of birth, height, weight, and race of the transferee;  
7           and

8           (2) on which the transferee certifies that he or she is  
9           not prohibited by federal law from transporting or shipping  
10          a firearm in interstate or foreign commerce or receiving a  
11          firearm that has been shipped or transported in interstate  
12          or foreign commerce or possessing a firearm in or affecting  
13          commerce.

14          (b) A person commits the offense of unlawful purchase of a  
15          firearm who knowingly purchases or attempts to purchase a  
16          firearm with the intent to deliver that firearm to another  
17          person who is prohibited by federal or State law from  
18          possessing a firearm.

19          (c) A person commits the offense of unlawful purchase of a  
20          firearm when he or she, in purchasing or attempting to purchase  
21          a firearm, intentionally provides false or misleading  
22          information on a United States Department of the Treasury,  
23          Bureau of Alcohol, Tobacco and Firearms firearms transaction  
24          record form.

25          (d) Exemption. It is not a violation of subsection (b) of  
26          this Section for a person to make a gift or loan of a firearm to  
27          a person who is not prohibited by federal or State law from  
28          possessing a firearm if the transfer of the firearm is made in  
29          accordance with Section 3 of the Firearm Owners Identification  
30          Card Act.

31          (e) Sentence.

32                 (1) A person who commits the offense of unlawful  
33                 purchase of a firearm:

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

36                         (B) is guilty of a Class 3 felony for purchasing or

1 attempting to purchase not less than 2 firearms and not  
2 more than 5 firearms at the same time or within a one  
3 year period;

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

8 (D) is guilty of a Class 1 felony for purchasing or  
9 attempting to purchase not less than 11 firearms and  
10 not more than 20 firearms at the same time or within a  
11 3 year period;

12 (E) is guilty of a Class X felony for which the  
13 person shall be sentenced to a term of imprisonment of  
14 not less than 6 years and not more than 30 years for  
15 purchasing or attempting to purchase not less than 21  
16 firearms and not more than 30 firearms at the same time  
17 or within a 4 year period;

18 (F) is guilty of a Class X felony for which the  
19 person shall be sentenced to a term of imprisonment of  
20 not less than 6 years and not more than 40 years for  
21 purchasing or attempting to purchase not less than 31  
22 firearms and not more than 40 firearms at the same time  
23 or within a 5 year period;

24 (G) is guilty of a Class X felony for which the  
25 person shall be sentenced to a term of imprisonment of  
26 not less than 6 years and not more than 50 years for  
27 purchasing or attempting to purchase more than 40  
28 firearms at the same time or within a 6 year period.

29 (2) In addition to any other penalty that may be  
30 imposed for a violation of this Section, the court may  
31 sentence a person convicted of a violation of subsection  
32 (c) of this Section to a fine not to exceed \$250,000 for  
33 each violation.

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

36 (Source: P.A. 93-451, eff. 8-7-03.)

1 (720 ILCS 5/24-3A)

2 Sec. 24-3A. Gunrunning.

3 (a) A person commits gunrunning when he or she transfers 3  
4 or more firearms in violation of any of the paragraphs of  
5 Section 24-3 of this Code.

6 (b) Sentence. A person who commits gunrunning:

7 (1) is guilty of a Class 1 felony;

8 (2) is guilty of a Class X felony for which the  
9 sentence shall be a term of imprisonment of not less than 8  
10 years and not more than 40 years if the transfer is of not  
11 less than 11 firearms and not more than 20 firearms;

12 (3) is guilty of a Class X felony for which the  
13 sentence shall be a term of imprisonment of not less than  
14 10 years and not more than 50 years if the transfer is of  
15 more than 20 firearms.

16 A person who commits gunrunning by transferring firearms to a  
17 person who, at the time of the commission of the offense, is  
18 under 18 years of age is guilty of a Class X felony.

19 (Source: P.A. 91-13, eff. 1-1-00; 91-696, eff. 4-13-00.)

20 (720 ILCS 5/24-5) (from Ch. 38, par. 24-5)

21 Sec. 24-5. Defacing identification marks of firearms.

22 (a) Any person who shall knowingly or intentionally change,  
23 alter, remove or obliterate the name of the importer's or  
24 manufacturer's serial number ~~maker, model, manufacturer's~~  
25 ~~number or other mark of identification~~ of any firearm commits a  
26 Class 2 felony.

27 (b) A person who possesses ~~Possession of~~ any firearm upon  
28 which any such importer's or manufacturer's serial number has  
29 ~~mark shall have~~ been changed, altered, removed or obliterated  
30 commits a Class 3 felony ~~shall be prima facie evidence that the~~  
31 ~~possessor has changed, altered, removed or obliterated the~~  
32 ~~same.~~

33 (c) Nothing in this Section shall prevent a person from  
34 making repairs, replacement of parts, or other changes to a

1 firearm if those repairs, replacement of parts, or changes  
2 cause the removal of the name of the maker, model, or other  
3 marks of identification other than the serial number on the  
4 firearm's frame or receiver.

5 (d) A prosecution for a violation of this Section may be  
6 commenced within 6 years after the commission of the offense.

7 (Source: P.A. 91-696, eff. 4-13-00.)

8 (720 ILCS 5/33F-2) (from Ch. 38, par. 33F-2)

9 Sec. 33F-2. Unlawful use of body armor. A person commits  
10 the offense of unlawful use of body armor when he knowingly  
11 wears body armor and is in possession of a dangerous weapon,  
12 other than a firearm, in the commission or attempted commission  
13 of any offense.

14 (Source: P.A. 87-521.)

15 Section 10. The Marks and Serial Numbers Act is amended by  
16 changing Section 1 as follows:

17 (720 ILCS 335/1) (from Ch. 121 1/2, par. 157.13)

18 Sec. 1. Any person who removes, alters, defaces, covers or  
19 destroys the manufacturers' serial number or any other  
20 manufacturers' number or distinguishing identification mark  
21 upon any machine or other article of merchandise, other than a  
22 motor vehicle as defined in Section 1-146 of the Illinois  
23 Vehicle Code or a firearm as defined in the Firearm Owners  
24 Identification Card Act, for the purpose of concealing or  
25 destroying the identity of such machine or other article of  
26 merchandise shall be guilty of a Class B misdemeanor.

27 (Source: P.A. 78-255.)

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