

1 AN ACT in relation to 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  
5 changing Sections 24-3 and 24-4 as follows:

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

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

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

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

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

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

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

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

24 (f) Sells or gives any firearms to any person who  
25 is mentally retarded.

26 (g) Delivers any firearm of a size which may be  
27 concealed upon the person, incidental to a sale, without  
28 withholding delivery of such firearm for at least 72  
29 hours after application for its purchase has been made,  
30 or delivers any rifle, shotgun or other long gun,  
31 incidental to a sale, without withholding delivery of

1 such rifle, shotgun or other long gun for at least 24  
2 hours after application for its purchase has been made.  
3 However, this paragraph (g) does not apply to: (1) the  
4 sale of a firearm to a law enforcement officer or a  
5 person who desires to purchase a firearm for use in  
6 promoting the public interest incident to his or her  
7 employment as a bank guard, armed truck guard, or other  
8 similar employment; (2) a mail order sale of a firearm to  
9 a nonresident of Illinois under which the firearm is  
10 mailed to a point outside the boundaries of Illinois; (3)  
11 the sale of a firearm to a nonresident of Illinois while  
12 at a firearm showing or display recognized by the  
13 Illinois Department of State Police; or (4) the sale of a  
14 firearm to a dealer licensed under the Federal Firearms  
15 Act of the United States.

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

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

32 (j) Transfers or possesses with intent to transfer  
33 more than one handgun to any person within any 30-day  
34 period or transfers or possesses with intent to transfer

1 a handgun to any person he or she knows or has reasonable  
2 cause to believe has purchased or has been given a  
3 handgun within the previous 30 days.

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

15 (C) Sentence.

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

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

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

25 (4) Any person convicted of unlawful sale of  
26 firearms in violation of paragraph (a), (b), ~~or~~ (i), or  
27 (j) of subsection (A) in any school, on the real property  
28 comprising a school, within 1,000 feet of the real  
29 property comprising a school, at a school related  
30 activity, or on or within 1,000 feet of any conveyance  
31 owned, leased, or contracted by a school or school  
32 district to transport students to or from school or a  
33 school related activity, regardless of the time of day or  
34 time of year at which the offense was committed, commits

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

15 (5) Any person convicted of unlawful sale of  
16 firearms in violation of paragraph (a), ~~or (i)~~, or (j) of  
17 subsection (A) in residential property owned, operated,  
18 or managed by a public housing agency or leased by a  
19 public housing agency as part of a scattered site or  
20 mixed-income development, in a public park, in a  
21 courthouse, on 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  
24 mixed-income development, on the real property comprising  
25 any public park, on the real property comprising any  
26 courthouse, or on any public way within 1,000 feet of the  
27 real property comprising any public park, courthouse, or  
28 residential property owned, operated, or managed by a  
29 public housing agency or leased by a public housing  
30 agency as part of a scattered site or mixed-income  
31 development commits a Class 2 felony.

32 (D) For purposes of this Section:

33 "School" means a public or private elementary or  
34 secondary school, community college, college, or university.

1 "School related activity" means any sporting, social,  
2 academic, or other activity for which students' attendance or  
3 participation is sponsored, organized, or funded in whole or  
4 in part by a school or school district.

5 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;  
6 91-696, eff. 4-13-00.)

7 (720 ILCS 5/24-4) (from Ch. 38, par. 24-4)

8 Sec. 24-4. Register of sales by dealer.

9 (a) Any seller of firearms of a size which may be  
10 concealed upon the person, other than a manufacturer selling  
11 to a bona fide wholesaler or retailer or a wholesaler selling  
12 to a bona fide retailer, shall keep a register of all  
13 firearms sold or given away.

14 (b) Such register shall contain the date of the sale or  
15 gift, the name, address, age and occupation of the person to  
16 whom the weapon is sold or given, the price of the weapon,  
17 the kind, description and number of the weapon, and the  
18 purpose for which it is purchased and obtained.

19 (b-5) If the sale, gift, or transfer is of a handgun as  
20 defined in clause (h)(2) of subsection (A) of Section 24-3,  
21 the transferor of the handgun must transmit the information  
22 contained in subsection (b) to the Department of State  
23 Police. All records of the information transmitted must be  
24 maintained by the Department on a computer database capable  
25 of allowing the retrieval of information for each dealer and  
26 each transferee. Information in the database must be made  
27 available to any law enforcement agency responsible for the  
28 enforcement of any federal, State, or local law or ordinance  
29 relating to firearms, and to any licensed dealer who requests  
30 information relating to a person who is seeking to purchase  
31 one or more handguns from that dealer. Except as specifically  
32 provided in this Section, information in the database is a  
33 confidential record of the Department and is not subject to

1 disclosure under any other law.

2 (c) Such seller on demand of a peace officer shall  
3 produce for inspection the register and allow such peace  
4 officer to inspect such register and all stock on hand.

5 (d) Sentence.

6 Violation of this Section is a Class B misdemeanor.

7 (Source: P.A. 77-2638.)