

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 37-1 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. The Department of State Police shall publish
24 a list of firearms prohibited under this paragraph (h) at
25 least annually for each federal firearms dealer required
26 to participate in Section 3.1 of the Firearm Owners
27 Identification Card Act. For purposes of this paragraph,
28 (1) "firearm" is defined as in the Firearm Owners
29 Identification Card Act; and (2) "handgun" is defined as
30 a firearm designed to be held and fired by the use of a
31 single hand, and includes a combination of parts from
32 which such a firearm can be assembled.

33 (i) Sells or gives a firearm of any size to any
34 person under 18 years of age who does not possess a valid

1 Firearm Owner's Identification Card.

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

13 (C) Sentence.

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

17 (2) Any person convicted of unlawful sale of
18 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 of
21 firearms in violation of paragraph (a) of subsection (A)
22 commits a Class 2 felony.

23 (4) Any person convicted of unlawful sale of
24 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
27 property comprising a school, at a school related
28 activity, or on or within 1,000 feet of any conveyance
29 owned, leased, or contracted by a school or school
30 district to transport students to or from school or a
31 school related activity, regardless of the time of day or
32 time of year at which the offense was committed, commits
33 a Class 1 felony. Any person convicted of a second or
34 subsequent violation of unlawful sale of firearms in

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

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

29 (D) For purposes of this Section:

30 "School" means a public or private elementary or
31 secondary school, community college, college, or university.

32 "School related activity" means any sporting, social,
33 academic, or other activity for which students' attendance or
34 participation is sponsored, organized, or funded in whole or

1 in part by a school or school district.

2 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;
3 91-696, eff. 4-13-00.)

4 (720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

5 Sec. 37-1. Maintaining Public Nuisance. Any building used
6 in the commission of offenses prohibited by Sections 9-1,
7 10-1, 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1,
8 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1),
9 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1 of the Criminal
10 Code of 1961, or prohibited by the Illinois Controlled
11 Substances Act, or the Cannabis Control Act, or used in the
12 commission of an inchoate offense relative to any of the
13 aforesaid principal offenses, or any real property erected,
14 established, maintained, owned, leased, or used by a
15 streetgang for the purpose of conducting streetgang related
16 activity as defined in Section 10 of the Illinois Streetgang
17 Terrorism Omnibus Prevention Act is a public nuisance.

18 (a-5) A building used in the commission of an offense
19 prohibited by Section 24-3 of this Code may be abated as a
20 public nuisance only if the person using the building for the
21 commission of the offense has been convicted of a violation
22 of Section 24-3 and the building was used in the commission
23 of a violation of paragraph (h) of subsection (A) of Section
24 24-3. A building may be abated as a public nuisance under
25 this subsection (a-5) only if the Department of State Police
26 has published a list of firearms prohibited under that
27 paragraph.

28 (b) Sentence. A person convicted of knowingly
29 maintaining such a public nuisance commits a Class A
30 misdemeanor. Each subsequent offense under this Section is a
31 Class 4 felony.

32 (Source: P.A. 91-876, eff. 1-1-01.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.