

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 Section 24-3 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 be  
11 concealed upon the person to any person under 18 years of  
12 age.

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

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

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

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

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

25 (g) Delivers any firearm of a size which may be  
26 concealed upon the person, incidental to a sale, without  
27 withholding delivery of such firearm for at least 72 hours  
28 after application for its purchase has been made, or  
29 delivers any rifle, shotgun or other long gun, incidental  
30 to a sale, without withholding delivery of such rifle,  
31 shotgun or other long gun for at least 24 hours after  
32 application for its purchase has been made. However, this

1 paragraph (g) does not apply to: (1) the sale of a firearm  
2 to a law enforcement officer or a person who desires to  
3 purchase a firearm for use in promoting the public interest  
4 incident to his or her employment as a bank guard, armed  
5 truck guard, or other similar employment; (2) a mail order  
6 sale of a firearm to a nonresident of Illinois under which  
7 the firearm is mailed to a point outside the boundaries of  
8 Illinois; (3) the sale of a firearm to a nonresident of  
9 Illinois while at a firearm showing or display recognized  
10 by the Illinois Department of State Police; or (4) the sale  
11 of a firearm to a dealer licensed as a federal firearms  
12 dealer under Section 923 of the federal Gun Control Act of  
13 1968 (18 U.S.C. 923). For purposes of this paragraph (g),  
14 "application" means when the buyer and seller reach an  
15 agreement to purchase a firearm.

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

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

32 (j) Sells or gives a firearm while engaged in the  
33 business of selling firearms at wholesale or retail without  
34 being licensed as a federal firearms dealer under Section  
35 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
36 In this paragraph (j):

1           A person "engaged in the business" means a person who  
2           devotes time, attention, and labor to engaging in the  
3           activity as a regular course of trade or business with the  
4           principal objective of livelihood and profit, but does not  
5           include a person who makes occasional repairs of firearms  
6           or who occasionally fits special barrels, stocks, or  
7           trigger mechanisms to firearms.

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

17          (k) Sells or transfers ownership of a firearm to a  
18          person who does not display to the seller or transferor of  
19          the firearm a currently valid Firearm Owner's  
20          Identification Card that has previously been issued in the  
21          transferee's name by the Department of State Police under  
22          the provisions of the Firearm Owners Identification Card  
23          Act. This paragraph (k) does not apply to the transfer of a  
24          firearm to a person who is exempt from the requirement of  
25          possessing a Firearm Owner's Identification Card under  
26          Section 2 of the Firearm Owners Identification Card Act.  
27          For the purposes of this Section, a currently valid Firearm  
28          Owner's Identification Card means (i) a Firearm Owner's  
29          Identification Card that has not expired or (ii) if the  
30          transferor is licensed as a federal firearms dealer under  
31          Section 923 of the federal Gun Control Act of 1968 (18  
32          U.S.C. 923), an approval number issued in accordance with  
33          Section 3.1 of the Firearm Owners Identification Card Act  
34          shall be proof that the Firearm Owner's Identification Card  
35          was valid.

36          (B) Paragraph (h) of subsection (A) does not include

1 firearms sold within 6 months after enactment of Public Act  
2 78-355 (approved August 21, 1973, effective October 1, 1973),  
3 nor is any firearm legally owned or possessed by any citizen or  
4 purchased by any citizen within 6 months after the enactment of  
5 Public Act 78-355 subject to confiscation or seizure under the  
6 provisions of that Public Act. Nothing in Public Act 78-355  
7 shall be construed to prohibit the gift or trade of any firearm  
8 if that firearm was legally held or acquired within 6 months  
9 after the enactment of that Public Act.

10 (C) Sentence.

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

14 (2) Any person convicted of unlawful sale of firearms  
15 in violation of paragraph (b) or (i) of subsection (A)  
16 commits a Class 3 felony.

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

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

1 a school related activity, regardless of the time of day or  
2 time of year at which the offense was committed, commits a  
3 Class 1 felony for which the sentence shall be a term of  
4 imprisonment of no less than 5 years and no more than 15  
5 years.

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

22 (6) Any person convicted of unlawful sale of firearms  
23 in violation of paragraph (j) of subsection (A) commits a  
24 Class A misdemeanor. A second or subsequent violation is a  
25 Class 4 felony.

26 (7) Any person convicted of unlawful sale of firearms  
27 in violation of paragraph (k) of subsection (A) commits a  
28 Class 4 felony. A third or subsequent conviction for a  
29 violation of paragraph (k) of subsection (A) is a Class 1  
30 felony.

31 (D) For purposes of this Section:

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

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

1 part by a school or school district.

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

9 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.