



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB2592

by Rep. Esther Golar

#### SYNOPSIS AS INTRODUCED:

New Act

430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/3.1	from Ch. 38, par. 83-3.1
430 ILCS 65/8	from Ch. 38, par. 83-8
720 ILCS 5/24-3	from Ch. 38, par. 24-3
720 ILCS 5/24-3.1A new	
720 ILCS 5/24-3.5	
720 ILCS 5/24-4.1 new	

Creates the Prevention of Gun Trafficking Act. Provides that it is a Class 4 felony for any person to engage in the business of selling, leasing, or otherwise transferring firearms or ammunition without a dealer permit issued by the Department of State Police. Establishes procedures and qualifications for obtaining a permit. Amends the Firearm Owners Identification Card Act. Provides that a person who is not a federally licensed firearm dealer permittee under the Prevention of Gun Trafficking Act and who desires to transfer or sell a firearm to another person, who is not a firearms dealer permittee under that Act, shall do so only through a firearms dealer permittee. Provides exceptions. Amends the Criminal Code of 2012. Provides that if a person who possesses a firearm thereafter loses or misplaces the firearm, or if the firearm is stolen from the person, the person must report the loss or theft to the local law enforcement agency within 72 hours after when he or she knew or reasonably should have known of the loss or theft. Effective immediately.

LRB098 08846 RLC 38975 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 1. Short title. This Act may be cited as the  
5 Prevention of Gun Trafficking Act.

6 Section 5. Legislative findings; purpose and intent. The  
7 General Assembly hereby finds and declares:

8 (a) Gun violence takes an extraordinary toll on families  
9 and communities in Illinois. In 2007, over 1,000 individuals  
10 died from firearm-related injuries in Illinois. In that same  
11 year, incidents of gun murders, gun suicides, and unintentional  
12 shootings in Illinois killed 150 children and adolescents ages  
13 19 and younger.

14 (b) Corrupt gun dealers, straw purchasers, unlicensed  
15 sellers, and theft are major channels used to divert firearms  
16 from the lawful to the unlawful market, according to a report  
17 issued in June of 2000, by the Department of the Treasury and  
18 Bureau of Alcohol, Tobacco and Firearms (ATF). That report  
19 analyzed 1,530 trafficking investigations during the period  
20 July 1996 through December 1998, involving a total of 84,128  
21 diverted firearms.

22 (c) States that have enacted laws: (1) requiring background  
23 checks before all gun sales, (2) requiring the reporting of

1 lost or stolen firearms, and (3) allowing or requiring  
2 inspections of gun dealers, have been shown to export crime  
3 guns at significantly lower rates than the states that have not  
4 enacted the laws, according to a report issued in September  
5 2010 by Mayors Against Illegal Guns. That report analyzed  
6 aggregate statistical crime gun trace data across the 50  
7 states.

8 (d) Existing federal firearm laws have proven insufficient  
9 to prevent dangerous individuals from obtaining firearms. The  
10 federal Brady Act allows unlicensed private sellers of  
11 firearms, who account for 40% of firearms sold in the U.S., to  
12 sell firearms without performing a background check on the  
13 prospective purchaser. Federal law does not require sellers to  
14 report sales of firearms to law enforcement. In fact, federal  
15 law does not even allow the FBI to maintain records of approved  
16 gun purchasers for more than 24 hours. Federal law also does  
17 not require firearm owners to report to law enforcement if  
18 their firearms are lost or stolen.

19 (e) Background checks performed by licensed dealers have  
20 proven to be extremely effective at keep guns out of the hands  
21 of prohibited persons. Since the federal background check  
22 requirement was adopted in 1994, over 1.9 million criminals and  
23 other prohibited persons across the United States have been  
24 prohibited from buying guns. In 2010 alone, 70,972 gun  
25 transfers were denied using the federal background check  
26 system. Nevertheless, individuals prohibited by law from

1 possessing guns can easily obtain them from private sellers.  
2 Universal background checks will help ensure that all persons  
3 buying guns are legally eligible to do so.

4 (f) Laws requiring sellers to report firearm sales to a  
5 centralized database help law enforcement quickly and reliably  
6 "trace" (identify the source of) firearms recovered from crime  
7 scenes, and retrieve firearms from persons who have become  
8 legally prohibited from possessing them through criminal  
9 convictions or other prohibitions. These laws also discourage  
10 illegal firearm sales by creating accountability for gun  
11 owners, and help law enforcement return lost or stolen firearms  
12 to their rightful owners. Furthermore, information generated  
13 by firearm sales reporting laws helps protect law enforcement  
14 officers responding to an incident by providing them with  
15 information about firearms that may be present at the scene.

16 (g) Laws requiring the reporting of lost or stolen firearms  
17 are beneficial to law enforcement because they: (1) help deter  
18 and prosecute gun traffickers and criminals who often falsely  
19 claim that a crime gun that has been traced to them was lost or  
20 stolen in order to hide their involvement in the crime; (2)  
21 help disarm persons ineligible to possess firearms by deterring  
22 a person who has fallen into a prohibited category from falsely  
23 claiming that his or her firearm was lost or stolen; and (3)  
24 help return lost or stolen firearms to their owners. Reporting  
25 laws also make gun owners more accountable for their weapons.

26 (h) Federal regulation of firearms dealers and ammunition

1 sellers is currently inadequate to protect public safety.  
2 Although federal law requires firearms dealers to obtain a  
3 license from ATF, ATF does not have the resources or authority  
4 to properly oversee the more than 60,000 firearms dealers,  
5 manufacturers, collectors and others that it licenses. Between  
6 1975 and 2005, ATF revoked, on average, fewer than 20 federal  
7 firearms licenses per year. The Office of the Inspector General  
8 has concluded that inspections by ATF are not fully effective  
9 for ensuring that licensees comply with federal firearms laws.  
10 The number of ATF agents "2,500" has not changed since 1972.  
11 During the same period of time, the staffs of other government  
12 agencies have increased dramatically. As a result of inadequate  
13 staffing, ATF was able to inspect less than 10% of FFLs in 2009  
14 and, on average, dealers are inspected only once a decade.

15 (i) FFLs are a major source of trafficked firearms. ATF's  
16 June 2000 report found that FFLs were associated with the  
17 largest number of trafficked guns, over 40,000, and concluded  
18 that "FFLs' access to large numbers of firearms makes them a  
19 particular threat to public safety when they fail to comply  
20 with the law." In 1998, ATF found that 56% of randomly  
21 inspected dealers and 30% of pawnbrokers selling 50 or more  
22 guns had violated federal firearms law. In addition, during  
23 fiscal year 2007, ATF found over 30,000 firearms missing from  
24 licensees' inventories with no record of sale.

25 (j) According to a 1998 ATF random sample of FFLs  
26 nationwide, 56% of all firearms dealers operated out of their

1 homes, and 33% were located in businesses that are not usually  
2 associated with gun sales, such as funeral homes or auto parts  
3 stores.

4 (k) ATF faces numerous obstacles that limit its ability to  
5 enforce the law; for example, ATF may conduct only one  
6 unannounced inspection of each FFL per year, the burden of  
7 proof for ATF's prosecution and revocation of licenses is  
8 extremely high, serious violations of federal firearms law are  
9 classified as misdemeanors rather than felonies, and ATF has  
10 historically been grossly understaffed.

11 (l) Federal law is silent regarding many important aspects  
12 of firearms dealers' and ammunition sellers' businesses. Among  
13 other things, federal law does not require these businesses to:  
14 (1) conduct employee background checks; (2) implement security  
15 requirements to prevent thefts; or (3) refrain from operating  
16 in residential neighborhoods or near schools, daycare centers  
17 or parks.

18 (m) It is the purpose and intent of the General Assembly to  
19 strengthen Illinois' firearm laws by requiring all firearm  
20 purchasers to be subject to a background check, by requiring  
21 firearms dealers and ammunition sellers to obtain a state  
22 license and report gun sales, by requiring the State Police to  
23 maintain records of gun sales, and by requiring gun owners to  
24 report all lost or stolen firearms. The General Assembly  
25 believes that these restrictions will help to keep guns out of  
26 the hands of felons, domestic abusers, the mentally ill, and

1 other prohibited persons, will discourage illegal gun sales and  
2 gun trafficking, and will help law enforcement solve gun  
3 crimes. The General Assembly further believes these  
4 restrictions will reduce gun deaths and injuries and increase  
5 public safety.

6 Section 10. Definitions. As used in this Act:

7 (a) "Ammunition" has the same meaning as "firearm  
8 ammunition" in Section 1.1 of the Firearm Owners Identification  
9 Card Act.

10 (b) "Applicant" means any person who applies for a dealer  
11 permit, or the renewal of a permit, to sell, lease, or transfer  
12 firearms or ammunition.

13 (c) "Department" means the Department of State Police.

14 (d) To "engage in the business of selling, leasing, or  
15 otherwise transferring firearms or ammunition" means to:

16 (i) Conduct a business selling, leasing or  
17 transferring firearms or ammunition;

18 (ii) Hold one's self out as engaged in the business of  
19 selling, leasing or otherwise transferring firearms or  
20 ammunition; or

21 (iii) Sell, lease or transfer firearms or ammunition in  
22 quantity, in series, or in individual transactions, or in  
23 any other manner indicative of trade.

24 (e) "Firearm" has the same meaning as "firearm" in Section  
25 1.1 of the Firearm Owners Identification Card Act.

1           (f) "Dealer permit" means a permit issued by the Department  
2 to sell, lease, or transfer firearms or ammunition under this  
3 Act.

4           (g) "Permittee" or "firearms dealer permittee" means any  
5 person engaged in the business of selling, leasing, or  
6 otherwise transferring any firearm or ammunition who has  
7 obtained a permit from the Department to sell, lease, or  
8 transfer firearms or ammunition under this Act.

9           (h) "Person" means any individual, corporation, company,  
10 association, firm, partnership, club, organization, society,  
11 joint stock company or other entity.

12           Section 15. Permit requirement. It is unlawful for any  
13 person to engage in the business of selling, leasing, or  
14 otherwise transferring firearms or ammunition without a dealer  
15 permit, as required by this Act.

16           Section 20. Application for a dealer permit.

17           (a) Any person who is required to obtain a dealer permit  
18 under this Act shall:

19               (1) appear in person at a time and place designated by  
20 the Department;

21               (2) complete and submit to the Department an  
22 application, in writing, signed under penalty of perjury,  
23 on a form prescribed by the Department;

24               (3) provide all relevant information requested to

1 demonstrate compliance with this Act, including:

2 (A) the applicant's full name and any other name by  
3 which the applicant has ever been known;

4 (B) the home address and telephone number of the  
5 applicant;

6 (C) the present occupation, business address and  
7 business telephone number of the applicant;

8 (D) the license or permit numbers of all federal,  
9 state, or local licenses or permits held by the  
10 applicant that authorize the applicant to sell, lease,  
11 or otherwise transfer firearms or ammunition, if any;

12 (E) information relating to every other license or  
13 permit to sell, lease, transfer, purchase, or possess  
14 firearms or ammunition which was sought by the  
15 applicant from the federal government or from any state  
16 or subdivision of any state, including, but not limited  
17 to, the type of license or permit sought, the date of  
18 each application and whether it resulted in the  
19 issuance of the license or permit, and the date and  
20 circumstances of any revocation or suspension;

21 (F) the address of the proposed location for which  
22 the permit is sought, if different than applicant's  
23 business address;

24 (G) the business name, and the name of any  
25 corporation, partnership or other entity that has any  
26 ownership in, or control over, the business;

1           (H) the names, dates of birth, and addresses of all  
2 persons who will have access to or control of workplace  
3 firearms or ammunition, including but not limited to,  
4 the applicant's employees, agents, and supervisors, if  
5 any;

6           (I) proof of a possessory interest in the property  
7 at which the proposed business will be conducted, as  
8 owner, lessee, or other legal occupant, and, if the  
9 applicant is not the owner of record of the real  
10 property upon which the applicant's business is to be  
11 located and conducted, the written consent of the owner  
12 of record of the real property to the applicant's  
13 proposed business;

14           (J) the date, location, and nature of all criminal  
15 convictions of the applicant, if any, in any  
16 jurisdiction in the United States;

17           (K) proof that the applicant has applied for or  
18 received a certificate of registration under the  
19 Retailers' Occupation Tax Act; and

20           (L) written approval from the local sheriff of the  
21 county or chief of police of the city in which the  
22 business is located, together with a statement of any  
23 additional requirements or conditions the business  
24 must fulfill in order to comply with local law,  
25 including requirements or conditions imposed by the  
26 sheriff or chief at his or her discretion.

1           (b) The Department may charge a fee to cover the  
2 administrative costs of the issuance of the permit.

3           Section 25. Investigation by Department and employee  
4 background checks.

5           (a) The Department shall conduct an investigation to  
6 determine, for the protection of public health and safety,  
7 whether the dealer permit may be issued or renewed. The  
8 Department shall require: (1) the applicant; and (2) all  
9 persons who will have access to or control of workplace  
10 firearms or ammunition, including but not limited to the  
11 applicant's employees, agents or supervisors, or both, if any,  
12 to provide fingerprints, a recent photograph, a signed  
13 authorization for the release of pertinent records, and any  
14 additional information which the Department considers  
15 necessary to complete the investigation. The investigation  
16 shall include the initiation and completion of an automated  
17 search of the Department's criminal history record information  
18 files and those of the Federal Bureau of Investigation,  
19 including the National Instant Criminal Background Check  
20 System, and of the files of the Department of Human Services  
21 relating to mental health and developmental disabilities to  
22 obtain any information that would disqualify a person from a  
23 dealer permit under this Act.

24           (b) Prior to issuance or renewal of the dealer permit, the  
25 Department shall inspect the premises of the proposed business

1 to ensure compliance with this Act.

2 (c) The Department may grant or renew a dealer permit if  
3 the applicant or permittee is in compliance with this Act and  
4 all other applicable federal, State, and local laws.

5 Section 30. Grounds for permit denial.

6 (a) The Department shall deny the issuance or renewal of a  
7 dealer permit if the operation of the business would not or  
8 does not comply with federal, State or local law, or if the  
9 applicant or permittee:

10 (1) is under 21 years of age;

11 (2) is not licensed as required by all applicable  
12 federal, State, and local laws;

13 (3) has made a false or misleading statement of a  
14 material fact or omission of a material fact in the  
15 application for a dealer permit, or in any other documents  
16 submitted to the Department pursuant to this Act. If a  
17 permit is denied on this ground, the applicant is  
18 prohibited from reapplying for a permit for a period of  
19 five years;

20 (4) has had a license or permit to sell, lease,  
21 transfer, purchase, or possess firearms or ammunition from  
22 the federal government or the government of any state or  
23 subdivision of any state revoked, suspended or denied for  
24 good cause within the preceding five years;

25 (5) is prohibited by any federal, State, or local law

1 from purchasing or possessing firearms or ammunition, or  
2 has been convicted of:

3 (A) an offense relating to the manufacture, sale,  
4 possession or use of a firearm or dangerous or deadly  
5 weapon or ammunition therefor;

6 (B) an offense involving the use of force or  
7 violence upon the person of another;

8 (C) an offense involving theft, fraud, dishonesty  
9 or deceit; or

10 (D) within the preceding 5 years, an offense  
11 involving the manufacture, sale, possession, or use of  
12 a controlled substance; or

13 (6) is currently, or has been within the preceding 5  
14 years, an unlawful user of or addicted to a controlled  
15 substance.

16 (b) Employees, agents, or supervisors of the applicant or  
17 permittee may not have access to or control over workplace  
18 firearms or ammunition until the Department has conducted an  
19 investigation under Section 25, and verified that none of the  
20 conditions listed in paragraphs (1), (4), (5), or (6) of  
21 subsection (a) of this Section exist, as applied to those  
22 employees, agents, or supervisors. A new law enforcement  
23 investigation and background verification of the person must be  
24 conducted each time the permittee renews his or her permit, or  
25 applies for a new permit. Except as provided in subsection (c),  
26 the Department shall deny the issuance or renewal of dealer

1 permit, or shall revoke an existing permit, if the applicant or  
2 permittee allows any employee, agent, or supervisor to have  
3 access to or control over workplace firearms or ammunition  
4 prior to the completion of the law enforcement investigation  
5 and background verification of those persons, or if those  
6 persons have not undergone the law enforcement investigation  
7 and background verification process within the last 5 years.

8 (c) Where an applicant is applying for a dealer permit to  
9 sell, lease or transfer firearms or ammunition within the first  
10 180 days of the effective date of this Act, and where the  
11 applicant has an existing firearms dealer business which  
12 complies with all applicable federal, State and local laws, or  
13 is not a seller of firearms but is already engaged in the sale  
14 of ammunition:

15 (1) the applicant's current employees, agents, or  
16 supervisors may continue to have access to or control over  
17 workplace firearms and ammunition pending the completion  
18 of the Department's investigation and background  
19 verification; and

20 (2) where one or more of the applicant's employees,  
21 agents, or supervisors are found to be in violation of the  
22 conditions listed in paragraph (1), (4), (5), or (6) of  
23 subsection (a) of this Section, the applicant shall have 60  
24 days from the mailing of written notification from the  
25 Department to verify that the persons have been removed or  
26 reassigned so that they no longer have access to or control

1 of workplace firearms or ammunition. Failure of the  
2 applicant to comply with this subsection shall cause the  
3 Department to deny the application for a dealer permit.

4 (d) A person who knowingly makes a false statement or  
5 knowingly conceals a material fact or uses false information or  
6 identification in any application for a dealer permit under  
7 this Act commits a Class A misdemeanor.

8 Section 35. Issuance of dealer permit; duration.

9 (a) A dealer permit expires 5 years after the date of  
10 issuance. A permit may be renewed for additional 5-year periods  
11 if the permittee submits a timely application for renewal,  
12 accompanied by a nonrefundable renewal fee established by the  
13 Department. Renewal of the permit is contingent upon the  
14 permittee's compliance with the terms and conditions of the  
15 original application and permit, as detailed in this Act, and  
16 any additional conditions arising from newly-adopted laws or  
17 determined by regulations created by the Department.  
18 Department personnel shall inspect the permitted business  
19 premises for compliance with this Act prior to renewal of the  
20 permit. The renewal application and the renewal fee must be  
21 received by the Department no later than 90 days before the  
22 expiration of the current permit.

23 (b) A decision regarding issuance or renewal of the dealer  
24 permit may be appealed in the manner provided under the  
25 Illinois Administrative Procedure Act.

1 Section 40. Revocation of dealer permit.

2 The Department may revoke the dealer permit of any person  
3 found to be in violation of any provision of this Act or any  
4 other applicable federal, State, or local law.

5 Section 45. Report of permit revocation to federal  
6 authorities. In addition to any other penalty or remedy, the  
7 Department shall report any person or entity whose dealer  
8 permit is revoked pursuant to this Act to the Bureau of  
9 Alcohol, Tobacco, Firearms & Explosives within the U.S.  
10 Department of Justice, and to the local sheriff or Chief of  
11 Police.

12 Section 50. Display of dealer permit. The dealer permit, or  
13 a certified copy of it, shall be displayed in a prominent place  
14 on the business premises where it can be easily seen by those  
15 entering the premises.

16 Section 55. Non-assignability. A dealer permit issued  
17 under this Act is not assignable. Any attempt to assign a  
18 dealer permit shall result in revocation of the permit.

19 Section 60. Compliance by existing businesses. A person  
20 engaged in the business of selling, leasing, or otherwise  
21 transferring any firearm or ammunition on the effective date of

1 this Act shall, within 90 days of the effective date, comply  
2 with this Act. However, any person whose business is located in  
3 any location described in Section 75 of this Act may continue  
4 to sell, lease, or transfer firearms or ammunition for up to 2  
5 years after the effective date of this Act. After the 2-year  
6 period has expired, any person is prohibited from selling,  
7 leasing, or transferring firearms or ammunition in the named  
8 location.

9 Section 65. Law enforcement inspections. Permittees shall  
10 have their places of business open for inspection by federal,  
11 state, and local law enforcement during all hours of operation.  
12 The Department shall conduct an inspection of the business in  
13 connection with the initial issuance of a permit, and  
14 thereafter conduct an inspection in connection with each  
15 renewal of the permit. Permittees shall maintain all records,  
16 documents, firearms, and ammunition in a manner and place  
17 accessible for inspection by federal, State, and local law  
18 enforcement.

19 Section 70. On-site security.

20 (a) All firearms and ammunition in the inventory of a  
21 permittee must be kept at the permitted business location.

22 (b) No firearm may be displayed in any outer window of the  
23 business premises of the permittee or in any other place where  
24 it can readily be seen from the outside.

1 (c) The Department shall adopt standards specifying  
2 minimum security requirements for permittees. By January 1,  
3 2015, all permittees shall comply with the standards. Failure  
4 to fully comply with the security requirements imposed by the  
5 Department shall be sufficient cause for denial or revocation  
6 of the permit by the Department. The standards may provide for:

7 (1) the manner of securing firearms and ammunition when  
8 the location is both open and closed for business;

9 (2) alarm systems for permittees; and

10 (3) other reasonable requirements to reduce the risk of  
11 burglaries and other crimes or accidents at permittees'  
12 business establishments.

13 Section 75. Location of business premises.

14 (a) The business of a permittee shall be carried on only in  
15 the building located at the street address shown on the permit.  
16 This requirement does not prohibit the permittee from  
17 participating in a gun show or event as defined under federal  
18 law that is authorized by federal, state, or local law upon  
19 compliance with those laws.

20 (b) The business premises shall not be located in any  
21 district or area that is zoned for residential use, or within  
22 1,000 feet of any school, pre-school, day-care facility, park,  
23 community center, place of worship, liquor store, bar, youth  
24 center, video arcade, amusement park (not including a temporary  
25 carnival or similar event), or residentially zoned district or

1 area.

2 Section 80. Warnings to consumers. The Department may  
3 require permittees to post warnings or otherwise provide  
4 information to consumers regarding firearms laws and the safe  
5 storage of firearms. A permittee shall post any warnings or  
6 provide any information to consumers as required by the  
7 Department.

8 Section 85. Precautions against illegal sales.

9 (a) The permittee shall refuse to sell or transfer a  
10 firearm to any person the permittee knows or has reason to know  
11 is purchasing the firearm on behalf of another person, unless  
12 the person purchasing the firearm from the permittee is another  
13 permittee.

14 (b) The permittee shall refuse to sell or transfer a  
15 firearm to any person the permittee knows or has reason to know  
16 is purchasing the firearm with the intent to resell or transfer  
17 the firearm in violation of federal, State, or local law.

18 (c) The permittee shall refuse to sell or transfer a  
19 firearm to any person who has provided a home address in a  
20 municipality or county in which possession of that type of  
21 firearm is illegal, unless the transferee presents reasonably  
22 satisfactory evidence that the firearm will not be used or  
23 possessed unlawfully in that municipality or county.

24 (d) The permittee shall refuse to sell or transfer a

1 firearm to any person who has provided a home address in a  
2 municipality or county that requires a license for or  
3 registration of the firearm, unless the purchaser presents  
4 satisfactory evidence of compliance with the licensing or  
5 registration requirement.

6 Section 90. Penalty. Any person who engages in the business  
7 of selling, leasing, or otherwise transferring firearms or  
8 ammunition without a dealer permit as required by this Act is  
9 guilty of a Class 4 felony.

10 Section 95. Enforcement; rulemaking.

11 (a) This Act must be enforced by the Department, and may be  
12 enforced, for the purpose of determining compliance with this  
13 Act, by any municipality in which the licensee is located or,  
14 if the licensee is not located in a municipality, by the county  
15 in which the licensee is located.

16 (b) The Department shall adopt rules necessary for the  
17 implementation and administration of this Act.

18 Section 100. The Firearm Owners Identification Card Act is  
19 amended by changing Sections 3, 3.1, and 8 as follows:

20 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

21 Sec. 3. (a) Except as provided in Section 3a, no person may  
22 knowingly transfer, or cause to be transferred, any firearm,

1 firearm ammunition, stun gun, or taser to any person within  
2 this State unless the transferee with whom he deals displays a  
3 currently valid Firearm Owner's Identification Card which has  
4 previously been issued in his name by the Department of State  
5 Police under the provisions of this Act. In addition, all  
6 firearm, stun gun, and taser transfers by federally licensed  
7 firearm dealers are subject to Section 3.1.

8 (a-5) Any person who is not a federally licensed firearm  
9 dealer permittee under the Prevention of Gun Trafficking Act  
10 and who desires to transfer or sell a firearm to another  
11 person, who is not a firearms dealer permittee under that Act,  
12 shall do so only through a firearms dealer permittee, as  
13 follows:

14 (1) the seller or other transferor shall deliver the  
15 firearm to the permittee, who shall retain possession of  
16 the firearm until all legal requirements for the sale or  
17 other transfer have been met, including compliance with any  
18 State or local waiting periods;

19 (2) the permittee shall process the sale or other  
20 transfer as if he or she were the seller or other  
21 transferor. The permittee shall comply with all  
22 requirements of federal, State, and local law that would  
23 apply if he or she were the seller or other transferor of  
24 the firearm;

25 (3) the permittee shall conduct a background check on  
26 the purchaser or other transferee in accordance with 18

1 U.S.C. 922(t) and State and local law and, if the  
2 transaction is not prohibited, deliver the firearm to that  
3 person after all other legal requirements are met;

4 (4) if the permittee cannot legally deliver the firearm  
5 to the purchaser or other transferee, the permittee shall  
6 conduct a background check on the seller or other  
7 transferor in accordance with 18 U.S.C. 922(t), and State  
8 and local law, and, if the return is not prohibited, return  
9 the firearm to that person;

10 (5) if the permittee cannot legally return the firearm  
11 to the seller or other transferor, the permittee shall  
12 deliver the firearm to local law enforcement within 24  
13 hours; and

14 (6) the purchaser or transferee may be required by the  
15 dealer permittee to pay a fee not to exceed \$10 per  
16 firearm, which the dealer permittee may retain as  
17 compensation for performing the functions required under  
18 this subsection, plus the applicable fees authorized by  
19 Section 3.1.

20 (a-6) The provisions of subsection (a-5) do not apply to:

21 (1) any law enforcement or corrections agency, or law  
22 enforcement or corrections officer acting within the  
23 course and scope of his or her employment or official  
24 duties;

25 (2) a United States Marshal or member of the Armed  
26 Forces of the United States or the National Guard, or a

1 federal official transferring or receiving a firearm as  
2 required in the operation of his or her official duties;

3 (3) a gunsmith who receives a firearm solely for the  
4 purposes of service or repair, or the return of the firearm  
5 to its owner by the gunsmith;

6 (4) a common carrier, warehouseman, or other person  
7 engaged in the business of transportation or storage, to  
8 the extent that the receipt of any firearm is in the  
9 ordinary course of business and not for the personal use of  
10 any person;

11 (5) a person who is loaned a firearm solely for the  
12 purpose of shooting at targets, if the loan occurs on the  
13 premises of a properly licensed target facility, and the  
14 firearm is at all times kept within the premises of the  
15 target range;

16 (6) a person who is under 18 years of age who is loaned  
17 a firearm for lawful hunting or sporting purposes or for  
18 any other lawful recreational activity while under the  
19 direct supervision and control of a responsible adult;

20 (7) a person who is 18 years of age or older who is  
21 loaned a firearm while the person is accompanying the  
22 lawful owner and using the firearm for lawful hunting or  
23 sporting purposes or for any other lawful recreational  
24 activity;

25 (8) a person who acquired the firearm by operation of  
26 law upon the death of the former owner of the firearm

1 within the preceding 60 days. At the end of the 60-day  
2 period, the person must either have lawfully transferred  
3 the firearm or must have contacted the department of state  
4 police to notify the department that he or she has  
5 possession of the firearm and intends to retain possession  
6 of the firearm, in compliance with all federal, state and  
7 local laws, at which time the Department of State Police  
8 shall conduct a background check on the person; or

9 (9) an adult family member of the lawful owner of the  
10 firearm if the owner resides with the family member but is  
11 not currently present in the residence, provided that the  
12 family member does not maintain control over the firearm  
13 for more than 14 consecutive days. This exception shall not  
14 apply if the owner or the family member knows or has  
15 reasonable cause to believe that federal, State, or local  
16 law prohibits the family member from purchasing or  
17 possessing firearms, or the owner knows or has reasonable  
18 cause to believe that the family member is likely to use  
19 the firearm for unlawful purposes. ~~while that person is on~~  
20 ~~the grounds of a gun show must, before selling or~~  
21 ~~transferring the firearm, request the Department of State~~  
22 ~~Police to conduct a background check on the prospective~~  
23 ~~recipient of the firearm in accordance with Section 3.1.~~

24  
25 (b) Any person within this State who transfers or causes to  
26 be transferred any firearm, stun gun, or taser shall keep a

1 record of such transfer for a period of 10 years from the date  
2 of transfer. Such record shall contain the date of the  
3 transfer; the description, serial number or other information  
4 identifying the firearm, stun gun, or taser if no serial number  
5 is available; and, if the transfer was completed within this  
6 State, the transferee's Firearm Owner's Identification Card  
7 number. On or after January 1, 2006, the record shall contain  
8 the date of application for transfer of the firearm. On demand  
9 of a peace officer such transferor shall produce for inspection  
10 such record of transfer. If the transfer or sale took place at  
11 a gun show, the record shall include the unique identification  
12 number. Failure to record the unique identification number is a  
13 petty offense.

14 (b-5) Any resident may purchase ammunition from a person  
15 within or outside of Illinois if shipment is by United States  
16 mail or by a private express carrier authorized by federal law  
17 to ship ammunition. Any resident purchasing ammunition within  
18 or outside the State of Illinois must provide the seller with a  
19 copy of his or her valid Firearm Owner's Identification Card  
20 and either his or her Illinois driver's license or Illinois  
21 State Identification Card prior to the shipment of the  
22 ammunition. The ammunition may be shipped only to an address on  
23 either of those 2 documents.

24 (c) The provisions of this Section regarding the transfer  
25 of firearm ammunition shall not apply to those persons  
26 specified in paragraph (b) of Section 2 of this Act.

1 (Source: P.A. 97-1135, eff. 12-4-12.)

2 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

3 Sec. 3.1. Dial up system.

4 (a) The Department of State Police shall provide a dial up  
5 telephone system or utilize other existing technology which  
6 shall be used by any federally licensed firearm dealer, gun  
7 show promoter, or gun show vendor who is to transfer a firearm,  
8 stun gun, or taser under the provisions of this Act. The  
9 Department of State Police may utilize existing technology  
10 which allows the caller to be charged a fee not to exceed \$2.  
11 Fees collected by the Department of State Police shall be  
12 deposited in the State Police Services Fund and used to provide  
13 the service.

14 (b) Upon receiving a request from a federally licensed  
15 firearm dealer, gun show promoter, or gun show vendor, the  
16 Department of State Police shall immediately approve, or within  
17 the time period established by Section 24-3 of the Criminal  
18 Code of 2012 regarding the delivery of firearms, stun guns, and  
19 tasers notify the inquiring dealer, gun show promoter, or gun  
20 show vendor of any objection that would disqualify the  
21 transferee from acquiring or possessing a firearm, stun gun, or  
22 taser. In conducting the inquiry, the Department of State  
23 Police shall initiate and complete an automated search of its  
24 criminal history record information files and those of the  
25 Federal Bureau of Investigation, including the National

1 Instant Criminal Background Check System, and of the files of  
2 the Department of Human Services relating to mental health and  
3 developmental disabilities to obtain any felony conviction or  
4 patient hospitalization information which would disqualify a  
5 person from obtaining or require revocation of a currently  
6 valid Firearm Owner's Identification Card.

7 (c) If receipt of a firearm would not violate Section 24-3  
8 of the Criminal Code of 2012, federal law, or this Act the  
9 Department of State Police shall:

10 (1) assign a unique identification number to the  
11 transfer; and

12 (2) provide the licensee, gun show promoter, or gun  
13 show vendor with the number.

14 (d) Approvals issued by the Department of State Police for  
15 the purchase of a firearm are valid for 30 days from the date  
16 of issue.

17 (e) (1) The Department of State Police must act as the  
18 Illinois Point of Contact for the National Instant Criminal  
19 Background Check System.

20 (2) The Department of State Police and the Department of  
21 Human Services shall, in accordance with State and federal law  
22 regarding confidentiality, enter into a memorandum of  
23 understanding with the Federal Bureau of Investigation for the  
24 purpose of implementing the National Instant Criminal  
25 Background Check System in the State. The Department of State  
26 Police shall report the name, date of birth, and physical

1 description of any person prohibited from possessing a firearm  
2 pursuant to the Firearm Owners Identification Card Act or 18  
3 U.S.C. 922(g) and (n) to the National Instant Criminal  
4 Background Check System Index, Denied Persons Files.

5 (f) The Department of State Police shall promulgate rules  
6 not inconsistent with this Section to implement this system.

7 (g) The Department of State Police shall develop an  
8 Internet-based system which shall be used by any dealer who is  
9 to transfer a firearm under the provisions of this Act after  
10 January 1, 2015. The Department of State Police shall have the  
11 system completed and available for use by that date. The  
12 Department shall promulgate rules not inconsistent with this  
13 Section to implement this system.

14 (h) Effective January 1, 2015, the Internet-based system  
15 shall be used for every sale or transfer of a firearm subject  
16 to subsection (a-5) of Section 3 of this Act as follows:

17 (1) The federally licensed firearms dealer shall  
18 utilize the Internet-based system system to request the  
19 Department of State Police to conduct a background check  
20 prior to sale or transfer of a firearm. The dealer shall be  
21 required to enter all information that is required by  
22 federal firearms transaction form 4473 into the system in  
23 order to request a background check, along with the  
24 transferee's Firearm Owner's Identification Card number.  
25 if the sale or transfer is a private party transfer of a  
26 firearm that the dealer is processing under Section 3, the

1 dealer shall note this fact in the system, along with the  
2 private seller or transferor's name and address.

3 (2) The Department of State Police shall utilize the  
4 system to notify the dealer of the approval or denial of  
5 the sale or transfer and the unique identification number  
6 assigned to the transfer.

7 (3) The dealer shall utilize the system to notify the  
8 department of state police if and when delivery of the  
9 firearm or firearms occurs.

10 (4) The Department of State Police shall require the  
11 dealer to charge the transferee a fee sufficient to cover  
12 the Department's costs associated with each use of this  
13 system. Fees collected by the Department of State Police  
14 shall be deposited in the State Police Services Fund and  
15 used to provide the service.

16 (i) Effective January 1, 2015, the Department of State  
17 Police shall keep and maintain a searchable database of all  
18 information it sends or receives through the internet based  
19 system pursuant to this Section, which information shall be  
20 accessible to any law enforcement officer upon request,  
21 including:

22 (1) all information from federal firearms transaction  
23 form 4473, including the name, address, date of birth, and  
24 driver's license or other government-issued identification  
25 number of the transferee, and the make, model, serial  
26 number, type, and caliber or gauge of the firearm;

1           (2) the identity of the federally licensed firearms  
2           dealer and the dealer's agent or employee who processed  
3           each sale or transfer;

4           (3) the transferee's Firearm Owner's Identification  
5           Card number;

6           (4) whether the sale or transfer is a private party  
7           transfer pursuant to section 3, and if so, the original  
8           seller or transferor's name and address; and

9           (5) the date of delivery of any firearm.

10          (j) Effective January 1, 2015, each federally licensed  
11          firearms dealer shall maintain a permanent written record of  
12          all information sent or received through the Internet-based  
13          system, including all information listed in subsection (h), in  
14          accordance with rules established by the Department of State  
15          Police. These records shall be available for inspection any law  
16          enforcement officer upon request.

17          (Source: P.A. 97-1150, eff. 1-25-13.)

18                 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

19                 Sec. 8. The Department of State Police has authority to  
20                 deny an application for or to revoke and seize a Firearm  
21                 Owner's Identification Card previously issued under this Act  
22                 only if the Department finds that the applicant or the person  
23                 to whom such card was issued is or was at the time of issuance:

24                         (a) A person under 21 years of age who has been convicted  
25                         of a misdemeanor other than a traffic offense or adjudged

1 delinquent;

2 (b) A person under 21 years of age who does not have the  
3 written consent of his parent or guardian to acquire and  
4 possess firearms and firearm ammunition, or whose parent or  
5 guardian has revoked such written consent, or where such parent  
6 or guardian does not qualify to have a Firearm Owner's  
7 Identification Card;

8 (c) A person convicted of a felony under the laws of this  
9 or any other jurisdiction;

10 (d) A person addicted to narcotics;

11 (e) A person who has been a patient of a mental institution  
12 within the past 5 years or has been adjudicated as a mental  
13 defective;

14 (f) A person whose mental condition is of such a nature  
15 that it poses a clear and present danger to the applicant, any  
16 other person or persons or the community;

17 For the purposes of this Section, "mental condition" means  
18 a state of mind manifested by violent, suicidal, threatening or  
19 assaultive behavior.

20 (g) A person who is intellectually disabled;

21 (h) A person who intentionally makes a false statement in  
22 the Firearm Owner's Identification Card application;

23 (i) An alien who is unlawfully present in the United States  
24 under the laws of the United States;

25 (i-5) An alien who has been admitted to the United States  
26 under a non-immigrant visa (as that term is defined in Section

1 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
2 1101(a)(26))), except that this subsection (i-5) does not apply  
3 to any alien who has been lawfully admitted to the United  
4 States under a non-immigrant visa if that alien is:

5 (1) admitted to the United States for lawful hunting or  
6 sporting purposes;

7 (2) an official representative of a foreign government  
8 who is:

9 (A) accredited to the United States Government or  
10 the Government's mission to an international  
11 organization having its headquarters in the United  
12 States; or

13 (B) en route to or from another country to which  
14 that alien is accredited;

15 (3) an official of a foreign government or  
16 distinguished foreign visitor who has been so designated by  
17 the Department of State;

18 (4) a foreign law enforcement officer of a friendly  
19 foreign government entering the United States on official  
20 business; or

21 (5) one who has received a waiver from the Attorney  
22 General of the United States pursuant to 18 U.S.C.  
23 922(y)(3);

24 (j) (Blank);

25 (k) A person who has been convicted within the past 5 years  
26 of battery, assault, aggravated assault, violation of an order

1 of protection, or a substantially similar offense in another  
2 jurisdiction, in which a firearm was used or possessed;

3 (l) A person who has been convicted of domestic battery,  
4 aggravated domestic battery, or a substantially similar  
5 offense in another jurisdiction committed before, on or after  
6 January 1, 2012 (the effective date of Public Act 97-158). If  
7 the applicant or person who has been previously issued a  
8 Firearm Owner's Identification Card under this Act knowingly  
9 and intelligently waives the right to have an offense described  
10 in this paragraph (l) tried by a jury, and by guilty plea or  
11 otherwise, results in a conviction for an offense in which a  
12 domestic relationship is not a required element of the offense  
13 but in which a determination of the applicability of 18 U.S.C.  
14 922(g)(9) is made under Section 112A-11.1 of the Code of  
15 Criminal Procedure of 1963, an entry by the court of a judgment  
16 of conviction for that offense shall be grounds for denying an  
17 application for and for revoking and seizing a Firearm Owner's  
18 Identification Card previously issued to the person under this  
19 Act;

20 (m) (Blank);

21 (n) A person who is prohibited from acquiring or possessing  
22 firearms or firearm ammunition by any Illinois State statute or  
23 by federal law;

24 (o) A minor subject to a petition filed under Section 5-520  
25 of the Juvenile Court Act of 1987 alleging that the minor is a  
26 delinquent minor for the commission of an offense that if

1 committed by an adult would be a felony;

2 (p) An adult who had been adjudicated a delinquent minor  
3 under the Juvenile Court Act of 1987 for the commission of an  
4 offense that if committed by an adult would be a felony; or

5 (q) A person who is not a resident of the State of  
6 Illinois, except as provided in subsection (a-10) of Section 4.

7 (r) The Department of State Police may revoke and seize a  
8 Firearm Owner's Identification Card previously issued under  
9 this Act of a person who fails to report the loss or theft of a  
10 firearm a second time to the local law enforcement agency  
11 within 72 hours after obtaining knowledge of the second loss or  
12 theft.

13 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
14 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

15 Section 105. The Criminal Code of 2012 is amended by  
16 changing Sections 24-3 and 24-3.5 and by adding Sections  
17 24-3.1A, 24-4.1 as follows:

18 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

19 Sec. 24-3. Unlawful sale or delivery of firearms.

20 (A) A person commits the offense of unlawful sale or  
21 delivery of firearms when he or she knowingly does any of the  
22 following:

23 (a) Sells or gives any firearm of a size which may be  
24 concealed upon the person to any person under 18 years of

1 age.

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

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

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

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

12 (f) Sells or gives any firearms to any person who is  
13 intellectually disabled.

14 (g) Delivers any firearm of a size which may be  
15 concealed upon the person, incidental to a sale, without  
16 withholding delivery of such firearm for at least 72 hours  
17 after application for its purchase has been made, or  
18 delivers any rifle, shotgun or other long gun, or a stun  
19 gun or taser, incidental to a sale, without withholding  
20 delivery of such rifle, shotgun or other long gun, or a  
21 stun gun or taser for at least 24 hours after application  
22 for its purchase has been made. However, this paragraph (g)  
23 does not apply to: (1) the sale of a firearm to a law  
24 enforcement officer if the seller of the firearm knows that  
25 the person to whom he or she is selling the firearm is a  
26 law enforcement officer or the sale of a firearm to a

1 person who desires to purchase a firearm for use in  
2 promoting the public interest incident to his or her  
3 employment as a bank guard, armed truck guard, or other  
4 similar employment; (2) a mail order sale of a firearm to a  
5 nonresident of Illinois under which the firearm is mailed  
6 to a point outside the boundaries of Illinois; (3) the sale  
7 of a firearm to a nonresident of Illinois while at a  
8 firearm showing or display recognized by the Illinois  
9 Department of State Police; or (4) the sale of a firearm to  
10 a dealer licensed as a federal firearms dealer under  
11 Section 923 of the federal Gun Control Act of 1968 (18  
12 U.S.C. 923). For purposes of this paragraph (g),  
13 "application" means when the buyer and seller reach an  
14 agreement to purchase a firearm.

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

1 assembled.

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

5 (j) Sells or gives a firearm while engaged in the  
6 business of selling firearms at wholesale or retail without  
7 being licensed as a federal firearms dealer under Section  
8 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
9 In this paragraph (j):

10 A person "engaged in the business" means a person who  
11 devotes time, attention, and labor to engaging in the  
12 activity as a regular course of trade or business with the  
13 principal objective of livelihood and profit, but does not  
14 include a person who makes occasional repairs of firearms  
15 or who occasionally fits special barrels, stocks, or  
16 trigger mechanisms to firearms.

17 "With the principal objective of livelihood and  
18 profit" means that the intent underlying the sale or  
19 disposition of firearms is predominantly one of obtaining  
20 livelihood and pecuniary gain, as opposed to other intents,  
21 such as improving or liquidating a personal firearms  
22 collection; however, proof of profit shall not be required  
23 as to a person who engages in the regular and repetitive  
24 purchase and disposition of firearms for criminal purposes  
25 or terrorism.

26 (k) Sells or transfers ownership of a firearm to a

1 person who does not display to the seller or transferor of  
2 the firearm a currently valid Firearm Owner's  
3 Identification Card that has previously been issued in the  
4 transferee's name by the Department of State Police under  
5 the provisions of the Firearm Owners Identification Card  
6 Act. This paragraph (k) does not apply to the transfer of a  
7 firearm to a person who is exempt from the requirement of  
8 possessing a Firearm Owner's Identification Card under  
9 Section 2 of the Firearm Owners Identification Card Act.  
10 For the purposes of this Section, a currently valid Firearm  
11 Owner's Identification Card means (i) a Firearm Owner's  
12 Identification Card that has not expired or (ii) if the  
13 transferor is licensed as a federal firearms dealer under  
14 Section 923 of the federal Gun Control Act of 1968 (18  
15 U.S.C. 923), an approval number issued in accordance with  
16 Section 3.1 of the Firearm Owners Identification Card Act  
17 shall be proof that the Firearm Owner's Identification Card  
18 was valid.

19 (l) Not being entitled to the possession of a firearm,  
20 delivers the firearm, knowing it to have been stolen or  
21 converted. It may be inferred that a person who possesses a  
22 firearm with knowledge that its serial number has been  
23 removed or altered has knowledge that the firearm is stolen  
24 or converted.

25 (m) Transfers or possesses with intent to transfer a  
26 firearm to another person who is not a firearms dealer

1 permittee under the Prevention of Gun trafficking Act,  
2 without complying with subsection a-5 of Section 3 of the  
3 Firearm Owners Identification Card Act by conducting the  
4 transfer through a firearms dealer permittee. This  
5 paragraph (m) does not apply to a firearms dealer  
6 permittee, or any of the persons listed as exceptions in  
7 subsection (a-5) of Section 3 of the Firearm Owners  
8 Identification Card Act.

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

19 (C) Sentence.

20 (1) Any person convicted of unlawful sale or delivery  
21 of firearms in violation of paragraph (c), (e), (f), (g),  
22 or (h) of subsection (A) commits a Class 4 felony.

23 (2) Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (b) or (i) of  
25 subsection (A) commits a Class 3 felony.

26 (3) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (a) of subsection (A)  
2 commits a Class 2 felony.

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

25 (5) Any person convicted of unlawful sale or delivery  
26 of firearms in violation of paragraph (a) or (i) of

1 subsection (A) in residential property owned, operated, or  
2 managed by a public housing agency or leased by a public  
3 housing agency as part of a scattered site or mixed-income  
4 development, in a public park, in a courthouse, on  
5 residential property owned, operated, or managed by a  
6 public housing agency or leased by a public housing agency  
7 as part of a scattered site or mixed-income development, on  
8 the real property comprising any public park, on the real  
9 property comprising any courthouse, or on any public way  
10 within 1,000 feet of the real property comprising any  
11 public park, courthouse, or residential property owned,  
12 operated, or managed by a public housing agency or leased  
13 by a public housing agency as part of a scattered site or  
14 mixed-income development commits a Class 2 felony.

15 (6) Any person convicted of unlawful sale or delivery  
16 of firearms in violation of paragraph (j) of subsection (A)  
17 commits a Class A misdemeanor. A second or subsequent  
18 violation is a Class 4 felony.

19 (7) Any person convicted of unlawful sale or delivery  
20 of firearms in violation of paragraph (k) of subsection (A)  
21 commits a Class 4 felony. A third or subsequent conviction  
22 for a violation of paragraph (k) of subsection (A) is a  
23 Class 1 felony.

24 (8) A person 18 years of age or older convicted of  
25 unlawful sale or delivery of firearms in violation of  
26 paragraph (a) or (i) of subsection (A), when the firearm

1           that was sold or given to another person under 18 years of  
2           age was used in the commission of or attempt to commit a  
3           forcible felony, shall be fined or imprisoned, or both, not  
4           to exceed the maximum provided for the most serious  
5           forcible felony so committed or attempted by the person  
6           under 18 years of age who was sold or given the firearm.

7           (9) Any person convicted of unlawful sale or delivery  
8           of firearms in violation of paragraph (d) of subsection (A)  
9           commits a Class 3 felony.

10          (10) Any person convicted of unlawful sale or delivery  
11          of firearms in violation of paragraph (l) of subsection (A)  
12          commits a Class 2 felony if the delivery is of one firearm.  
13          Any person convicted of unlawful sale or delivery of  
14          firearms in violation of paragraph (l) of subsection (A)  
15          commits a Class 1 felony if the delivery is of not less  
16          than 2 and not more than 5 firearms at the same time or  
17          within a one year period. Any person convicted of unlawful  
18          sale or delivery of firearms in violation of paragraph (l)  
19          of subsection (A) commits a Class X felony for which he or  
20          she shall be sentenced to a term of imprisonment of not  
21          less than 6 years and not more than 30 years if the  
22          delivery is of not less than 6 and not more than 10  
23          firearms at the same time or within a 2 year period. Any  
24          person convicted of unlawful sale or delivery of firearms  
25          in violation of paragraph (l) of subsection (A) commits a  
26          Class X felony for which he or she shall be sentenced to a

1 term of imprisonment of not less than 6 years and not more  
2 than 40 years if the delivery is of not less than 11 and  
3 not more than 20 firearms at the same time or within a 3  
4 year period. Any person convicted of unlawful sale or  
5 delivery of firearms in violation of paragraph (l) of  
6 subsection (A) commits a Class X felony for which he or she  
7 shall be sentenced to a term of imprisonment of not less  
8 than 6 years and not more than 50 years if the delivery is  
9 of not less than 21 and not more than 30 firearms at the  
10 same time or within a 4 year period. Any person convicted  
11 of unlawful sale or delivery of firearms in violation of  
12 paragraph (l) of subsection (A) commits a Class X felony  
13 for which he or she shall be sentenced to a term of  
14 imprisonment of not less than 6 years and not more than 60  
15 years if the delivery is of 31 or more firearms at the same  
16 time or within a 5 year period.

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

1 violation of this Section other than paragraph (g) of  
2 subsection (A) of this Section may be commenced within 5 years  
3 after the commission of the offense defined in the particular  
4 paragraph.

5 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,  
6 eff. 1-1-12; 97-813, eff. 7-13-12.)

7 (720 ILCS 5/24-3.1A new)

8 Sec. 24-3.1A. Unlawful private acquisition of firearms.

9 (a) It is unlawful for any person who is not a firearms  
10 dealer permittee under the Prevention of Gun Trafficking Act to  
11 acquire a firearm from another person who is not a firearms  
12 dealer permittee , without with complying with subsection (a-5)  
13 of Section 3 of the Firearm Owners Identification Card Act by  
14 conducting the transfer through a firearms dealer permittee.

15 (b) This section does not apply to the persons listed as  
16 exceptions in subsection (a-5) of section 3 of the firearm  
17 Owners Identification Card Act.

18 (c) A violation of this Section is a Class 4 felony for a  
19 first offense and a Class 3 felony for a second or subsequent  
20 offense.

21 (720 ILCS 5/24-3.5)

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

23 (a) For purposes of this Section, "firearms transaction  
24 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          (c-5) A person commits the offense of unlawful purchase of  
26          a firearm who knowingly purchases or attempts to purchase a

1 firearm with the intent to resell or transfer the firearm in  
2 violation of federal, State or local law.

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

9 (e) Sentence.

10 (1) A person who commits the offense of unlawful  
11 purchase of a firearm:

12 (A) is guilty of a Class 2 felony for purchasing or  
13 attempting to purchase one firearm;

14 (B) is guilty of a Class 1 felony for purchasing or  
15 attempting to purchase not less than 2 firearms and not  
16 more than 5 firearms at the same time or within a one  
17 year period;

18 (C) is guilty of a Class X felony for which the  
19 offender shall be sentenced to a term of imprisonment  
20 of not less than 9 years and not more than 40 years for  
21 purchasing or attempting to purchase not less than 6  
22 firearms at the same time or within a 2 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

1 each violation.

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

4 (Source: P.A. 95-882, eff. 1-1-09.)

5 (720 ILCS 5/24-4.1 new)

6 Sec. 24-4.1. Report of lost or stolen firearms.

7 (a) If a person who possesses a firearm thereafter loses or  
8 misplaces the firearm, or if the firearm is stolen from the  
9 person, the person must report the loss or theft to the local  
10 law enforcement agency within 72 hours after when he or she  
11 knew or reasonably should have known of the loss or theft.

12 (b) Subsection (a) does not apply to the following persons:

13 (1) any federal law enforcement or corrections agency,  
14 or federal law enforcement or corrections officer acting  
15 within the course and scope of his or her employment or  
16 official duties; or

17 (2) a United States Marshal or member of the Armed  
18 Forces of the United States or the National Guard, or a  
19 federal official, who is required to possess a firearm in  
20 the operation of his or her official duties.

21 (c) It is unlawful for any person to report to the  
22 department that a firearm has been lost or stolen, knowing the  
23 report to be false.

24 (d) A person who violates subsection (a) of this Section is  
25 guilty of a petty offense for a first violation. A second or

1 subsequent violation of subsection (a) of this Section is a  
2 Class A misdemeanor. A violation of subsection (c) of this  
3 Section is a Class 2 felony.

4 Section 999. Effective date. This Act takes effect upon  
5 becoming law.