

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
5 changing Section 24-3 and adding Section 24-3.1A as follows:

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

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

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

11 (a) Transfers or possesses with intent to transfer
12 ~~Sells--or--gives~~ any firearm of a size which may be
13 concealed upon the person to any person he or she has
14 reasonable cause to believe is under 18 years of age.

15 (b) Transfers or possesses with intent to transfer
16 ~~Sells-or-gives~~ any firearm to a person he or she has
17 reasonable cause to believe is under 21 years of age who
18 has been convicted of a misdemeanor other than a traffic
19 offense or adjudged delinquent.

20 (c) Transfers or possesses with intent to transfer
21 ~~Sells-or-gives~~ any firearm to any person he or she has
22 reasonable cause to believe is a narcotic addict.

23 (d) Transfers or possesses with intent to transfer
24 ~~Sells-or-gives~~ any firearm to any person he or she has
25 reasonable cause to believe who has been convicted of a
26 felony under the laws of this or any other jurisdiction.

27 (e) Transfers or possesses with intent to transfer
28 ~~Sells--or--gives~~ any firearm to any person he or she has
29 reasonable cause to believe who has been a patient in a
30 mental hospital within the past 5 years.

31 (f) Transfers or possesses with intent to transfer

1 ~~Sells or gives~~ any firearms to any person he or she knows
2 or has reasonable cause to believe who is mentally
3 retarded.

4 (g) Knowingly transfers Delivers any firearm of a
5 size which may be concealed upon the person, incidental
6 to a sale, without withholding delivery of such firearm
7 for at least 72 hours after application for its purchase
8 has been made, or delivers any rifle, shotgun or other
9 long gun, incidental to a sale, without withholding
10 delivery of such rifle, shotgun or other long gun for at
11 least 24 hours after application for its purchase has
12 been made. However, this paragraph (g) does not apply
13 to: (1) the sale of a firearm to a law enforcement
14 officer or a person who desires to purchase a firearm for
15 use in promoting the public interest incident to his or
16 her employment as a bank guard, armed truck guard, or
17 other similar employment; (2) a mail order sale of a
18 firearm to a nonresident of Illinois under which the
19 firearm is mailed to a point outside the boundaries of
20 Illinois; (3) the sale of a firearm to a nonresident of
21 Illinois while at a firearm showing or display recognized
22 by the Illinois Department of State Police; or (4) the
23 sale of a firearm to a dealer licensed under the Federal
24 Firearms Act of the United States.

25 (h) While holding any license as a dealer,
26 importer, manufacturer or pawnbroker under the federal
27 Gun Control Act of 1968, manufactures, sells or delivers
28 to any unlicensed person a handgun having a barrel,
29 slide, frame or receiver which is a die casting of zinc
30 alloy or any other nonhomogeneous metal which will melt
31 or deform at a temperature of less than 800 degrees
32 Fahrenheit. For purposes of this paragraph, (1)
33 "firearm" is defined as in the Firearm Owners
34 Identification Card Act; and (2) "handgun" is defined as

1 a firearm designed to be held and fired by the use of a
2 single hand, and includes a combination of parts from
3 which such a firearm can be assembled.

4 (i) Transfers or possesses with intent to transfer
5 Sells-or-gives a firearm of any size to any person he or
6 she knows or has reasonable cause to believe is under 18
7 years of age who does not possess a valid Firearm Owner's
8 Identification Card.

9 (i-5) While holding a license under the Federal Gun
10 Control Act of 1968, sells or possesses with intent to
11 sell more than one handgun to any person within any 30
12 day period or sells or possesses with intent to sell a
13 handgun to any person he or she knows or has reasonable
14 cause to believe has purchased or has been given a
15 handgun within the previous 30 days unless the purchase
16 of multiple handguns is authorized under subsection (c)
17 or (d) of Section 24-3.1A. It is an affirmative defense
18 to a violation of this subsection that the seller in good
19 faith relied on the records of the Department of State
20 Police in concluding that the purchaser had not purchased
21 a handgun within the previous 30 days or that multiple
22 purchases were authorized by subsection (b) of Section
23 24-3.1A, or relied in good faith on the records of a
24 local law enforcement agency that the sale was authorized
25 by subsection (c) of Section 24-3.1A.

26 (A-5) As used in this Section, "transfer" means the
27 actual or attempted transfer of a firearm or firearm
28 ammunition, with or without consideration, but does not
29 include the lease of a firearm, or the provision of
30 ammunition specifically for that firearm, if the firearm and
31 the ammunition are to be used on the lessor's premises, and
32 does not include any transfer of possession when the
33 transferor maintains supervision and control over the firearm
34 or ammunition.

1 (A-10) Paragraph (i-5) of subsection (A) does not apply
2 to the transfer or possession with intent to transfer of a
3 firearm to a transferee who receives the firearm as an heir,
4 legatee, or beneficiary of or in a similar capacity to a
5 deceased person who had owned the firearm. Nothing in this
6 subsection (A-10) makes lawful any sale or possession with
7 intent to transfer of a firearm, or any other possession or
8 use of a firearm, in violation of any law, other than
9 paragraph (i-5) of subsection (A), or in violation of any
10 municipal or county ordinance.

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

22 (C) Sentence.

23 (1) Any person convicted of unlawful transfer sale
24 of firearms in violation of any of paragraphs (c), (e),
25 (f), (g), or through (h) of subsection (A) commits a
26 Class 4 felony. A person convicted of a violation of
27 paragraph (i-5) of subsection (A) commits a Class A
28 misdemeanor for a first offense and a Class 4 felony for
29 a second or subsequent offense.

30 (2) Any person convicted of unlawful transfer sale
31 of firearms in violation of paragraph (b) or (i) of
32 subsection (A) commits a Class 3 felony.

33 (3) Any person convicted of unlawful transfer <sale
34 of firearms in violation of paragraph (a) of subsection

1 (A) commits a Class 2 felony.

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

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

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

9 (6) A person convicted of unlawful transfer of
 10 firearms in violation of paragraph (d) of subsection (A)
 11 commits a Class 2 felony.

12 (D) For purposes of this Section:

13 "School" means a public or private elementary or
 14 secondary school, community college, college, or university.

15 "School related activity" means any sporting, social,
 16 academic, or other activity for which students' attendance or
 17 participation is sponsored, organized, or funded in whole or
 18 in part by a school or school district.

19 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;
 20 91-696, eff. 4-13-00.)

21 (720 ILCS 5/24-3.1A new)

22 Sec. 24-3.1A. Unlawful purchase of handguns.

23 (a) Except as provided in subsections (b) and (c), it
 24 shall be unlawful for any person other than a person holding
 25 a license under the Federal Gun Control Act of 1968, as
 26 amended, to purchase more than one handgun within any 30-day
 27 period.

28 (b) Purchases in excess of one handgun within a 30-day
 29 period may be made upon completion of an enhanced background
 30 check, as described herein, by special application to the
 31 Department of State Police listing the number and type of
 32 handguns to be purchased and transferred for lawful business
 33 or personal use, in a collector series, for collections, as a

1 bulk purchase from estate sales and for similar purposes.
2 Such applications shall be signed under oath by the applicant
3 on forms provided by the Department of State Police, shall
4 state the purpose for the purchase above the limit, and shall
5 require satisfactory proof of residency and identity. Such
6 application shall be in addition to the firearms sales report
7 required by the Bureau of Alcohol, Tobacco and Firearms
8 (ATF). The Director of State Police shall promulgate rules,
9 pursuant to the Illinois Administrative Procedure Act, for
10 the implementation of an application process for purchases of
11 handguns above the limit.

12 Upon being satisfied that these requirements have been
13 met, the Department of State Police shall forthwith issue to
14 the applicant a nontransferable certificate which shall be
15 valid for 7 days from the date of issue. The certificate
16 shall be surrendered to the dealer by the prospective
17 purchaser prior to the consummation of such sale and shall be
18 kept on file at the dealer's place of business for inspection
19 as provided in Section 24-4. Upon request of any local law
20 enforcement agency, and pursuant to its rules, the Department
21 of State Police may certify such local law enforcement agency
22 to serve as its agent to receive applications and, upon
23 authorization by the Department of State Police, issue
24 certificates forthwith pursuant to this Section. Applications
25 and certificates issued under this Section shall be
26 maintained as records by the Department of State Police, and
27 shall be made available to local law enforcement agencies all
28 records concerning certificates issued pursuant to this
29 Section.

- 30 (c) The provisions of this Section shall not apply to:
31 (1) A law enforcement agency;
32 (2) State and local correctional agencies and
33 departments;
34 (3) The purchase of antique firearms as defined by

1 paragraph (4) of Section 1.1 of the Firearm Owners
2 Identification Card Act; or

3 (4) A person whose handgun is stolen or
4 irretrievably lost who deems it essential that such
5 handgun be replaced immediately. Such person may purchase
6 another handgun, even if the person has previously
7 purchased a handgun within a 30-day period, provided (i)
8 the person provides the firearms dealer with a copy of
9 the official police report or a summary thereof, on forms
10 provided by the Department of State Police, from the law
11 enforcement agency that took the report of the lost or
12 stolen handgun; (ii) the official police report or
13 summary thereof contains the name and address of the
14 handgun owner, the description of the handgun, the
15 location of the loss or theft, the date of the loss or
16 theft, and the date the loss or theft was reported to the
17 law enforcement agency; and (iii) the date of the loss or
18 theft as reflected on the official police report or
19 summary thereof occurred within 30 days of the person's
20 attempt to replace the handgun. The firearms dealer shall
21 attach a copy of the official police report or summary
22 thereof to the original copy of the form provided by the
23 Department of State Police completed for the transaction,
24 retain it for the period prescribed by the Department of
25 State Police, and forward a copy of the documents to the
26 Department of State Police. Such documents shall be
27 maintained by the Department of State Police and shall be
28 made available to local law enforcement agencies.

29 (d) For the purposes of this Section, "purchase" shall
30 not include the exchange or replacement of a handgun by a
31 seller for a handgun purchased from such seller by the same
32 person seeking the exchange or replacement within the 30-day
33 period immediately preceding the date of exchange or
34 replacement.

1 (e) A violation of this Section is a Class A misdemeanor
2 for a first offense and a Class 4 felony for a second or
3 subsequent offense.