

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 2012 is amended by changing
5 Section 24-3 and by adding Section 2-3.1 as follows:

6 (720 ILCS 5/2-3.1 new)

7 Sec. 2-3.1. Assault weapon. "Assault weapon" means:

8 (1) any rifle which has a belt fed ammunition system or
9 which has a detachable magazine capable of holding more than 10
10 rounds of ammunition;

11 (2) a semi-automatic rifle that has the ability to accept a
12 detachable magazine and has any of the following:

13 (A) a folding or telescoping stock; or

14 (B) a shroud that is attached to, or partially or
15 completely encircles the barrel, and that permits the
16 shooter to hold the firearm with the non-trigger hand
17 without being burned;

18 (3) a semi-automatic pistol that has the ability to accept
19 a detachable magazine and has any of the following:

20 (A) a folding or telescoping stock;

21 (B) a shroud that is attached to, or partially or
22 completely encircles the barrel, and that permits the
23 shooter to hold the firearm with the non-trigger hand

1 without being burned; or

2 (C) a manufactured weight of 50 ounces or more when the
3 pistol is unloaded;

4 (4) a semi-automatic rifle with a fixed magazine that has
5 the capacity to accept more than 10 rounds of ammunition; or

6 (5) a semi-automatic shotgun that has:

7 (A) a folding or telescoping stock; and

8 (B) contains its ammunition in a revolving cylinder; or

9 (C) a fixed magazine capacity in excess of 5 rounds of
10 ammunition, except as may be authorized under the Wildlife
11 Code and excluding magazine extensions during the snow
12 geese conservation order season; or

13 (D) an ability to accept a detachable magazine of more
14 than 5 rounds of ammunition;

15 (6) a .50 caliber rifle centerfire rifle capable of firing
16 a .50 caliber cartridge. The term does not include any antique
17 firearm, any shotgun including a shotgun that has a rifle
18 barrel, or any muzzle-loader which uses black powder for
19 hunting or historical re-enactments. In this paragraph (6),
20 ".50 caliber cartridge" means a cartridge in .50 BMG caliber,
21 either by designation or actual measurement, that is capable of
22 being fired from a centerfire rifle. The term ".50 caliber
23 cartridge" does not include any memorabilia or display item
24 that is filled with a permanent inert substance or that is
25 otherwise permanently altered in a manner that prevents ready
26 modification for use as live ammunition or shotgun ammunition

1 with a caliber measurement that is equal to or greater than .50
2 caliber.

3 "Assault weapon" does not include:

4 (1) any firearm that:

5 (A) is manually operated by bolt, pump, lever, or slide
6 action;

7 (B) is an unserviceable firearm or has been made
8 permanently inoperable;

9 (C) is an antique firearm;

10 (D) uses rimfire ammunition or cartridges; or

11 (E) has been excluded as an assault weapon in a
12 Department of Natural Resources rule. The Department of
13 Natural Resources shall have the authority to adopt rules
14 to further define exclusions of assault weapon types under
15 this Section, provided the make, model, and caliber of the
16 firearm excluded has a viable application to hunting game
17 and conforms to accepted hunting principles of fair chase.

18 (2) any air rifle as defined in Section 24.8-0.1 of this
19 Code.

20 In this Section, "antique firearm" has the meaning ascribed to
21 it in 18 U.S.C. 921 (a) (16).

22 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

24 (A) A person commits the offense of unlawful sale or
25 delivery of firearms when he or she knowingly does any of the

1 following:

2 (a) Sells or gives any firearm of a size which may be
3 concealed upon the person to any person under 18 years of
4 age.

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

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

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

12 (e) Sells or gives any firearm to any person who has
13 been a patient in a mental institution within the past 5
14 years. In this subsection (e):

15 "Mental institution" means any hospital,
16 institution, clinic, evaluation facility, mental
17 health center, or part thereof, which is used primarily
18 for the care or treatment of persons with mental
19 illness.

20 "Patient in a mental institution" means the person
21 was admitted, either voluntarily or involuntarily, to
22 a mental institution for mental health treatment,
23 unless the treatment was voluntary and solely for an
24 alcohol abuse disorder and no other secondary
25 substance abuse disorder or mental illness.

26 (f) Sells or gives any firearms to any person who is a

1 person with an intellectual disability.

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

1 dealer licensed as a federal firearms dealer under Section
2 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923);
3 or (5) the transfer or sale of any rifle, shotgun, or other
4 long gun to a resident registered competitor or attendee or
5 non-resident registered competitor or attendee by any
6 dealer licensed as a federal firearms dealer under Section
7 923 of the federal Gun Control Act of 1968 at competitive
8 shooting events held at the World Shooting Complex
9 sanctioned by a national governing body. For purposes of
10 transfers or sales under subparagraph (5) of this paragraph
11 (g), the Department of Natural Resources shall give notice
12 to the Department of State Police at least 30 calendar days
13 prior to any competitive shooting events at the World
14 Shooting Complex sanctioned by a national governing body.
15 The notification shall be made on a form prescribed by the
16 Department of State Police. The sanctioning body shall
17 provide a list of all registered competitors and attendees
18 at least 24 hours before the events to the Department of
19 State Police. Any changes to the list of registered
20 competitors and attendees shall be forwarded to the
21 Department of State Police as soon as practicable. The
22 Department of State Police must destroy the list of
23 registered competitors and attendees no later than 30 days
24 after the date of the event. Nothing in this paragraph (g)
25 relieves a federally licensed firearm dealer from the
26 requirements of conducting a NICS background check through

1 the Illinois Point of Contact under 18 U.S.C. 922(t). For
2 purposes of this paragraph (g), "application" means when
3 the buyer and seller reach an agreement to purchase a
4 firearm. For purposes of this paragraph (g), "national
5 governing body" means a group of persons who adopt rules
6 and formulate policy on behalf of a national firearm
7 sporting organization.

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

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

24 (j) Sells or gives a firearm while engaged in the
25 business of selling firearms at wholesale or retail without
26 being licensed as a federal firearms dealer under Section

1 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

2 In this paragraph (j):

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

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

19 (k) Sells or transfers ownership of a firearm to a
20 person who does not display to the seller or transferor of
21 the firearm either: (1) a currently valid Firearm Owner's
22 Identification Card that has previously been issued in the
23 transferee's name by the Department of State Police under
24 the provisions of the Firearm Owners Identification Card
25 Act; or (2) a currently valid license to carry a concealed
26 firearm that has previously been issued in the transferee's

1 name by the Department of State Police under the Firearm
2 Concealed Carry Act. This paragraph (k) does not apply to
3 the transfer of a firearm to a person who is exempt from
4 the requirement of possessing a Firearm Owner's
5 Identification Card under Section 2 of the Firearm Owners
6 Identification Card Act. For the purposes of this Section,
7 a currently valid Firearm Owner's Identification Card
8 means (i) a Firearm Owner's Identification Card that has
9 not expired or (ii) an approval number issued in accordance
10 with subsection (a-10) of subsection 3 or Section 3.1 of
11 the Firearm Owners Identification Card Act shall be proof
12 that the Firearm Owner's Identification Card was valid.

13 (1) In addition to the other requirements of this
14 paragraph (k), all persons who are not federally
15 licensed firearms dealers must also have complied with
16 subsection (a-10) of Section 3 of the Firearm Owners
17 Identification Card Act by determining the validity of
18 a purchaser's Firearm Owner's Identification Card.

19 (2) All sellers or transferors who have complied
20 with the requirements of subparagraph (1) of this
21 paragraph (k) shall not be liable for damages in any
22 civil action arising from the use or misuse by the
23 transferee of the firearm transferred, except for
24 willful or wanton misconduct on the part of the seller
25 or transferor.

26 (1) Not being entitled to the possession of a firearm,

1 delivers the firearm, knowing it to have been stolen or
2 converted. It may be inferred that a person who possesses a
3 firearm with knowledge that its serial number has been
4 removed or altered has knowledge that the firearm is stolen
5 or converted.

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

16 (C) Sentence.

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

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

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

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

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

22 (5) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (a) or (i) of
24 subsection (A) in residential property owned, operated, or
25 managed by a public housing agency or leased by a public
26 housing agency as part of a scattered site or mixed-income

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

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

16 (7) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (k) of subsection (A)
18 commits a Class 4 felony, except that a violation of
19 subparagraph (1) of paragraph (k) of subsection (A) shall
20 not be punishable as a crime or petty offense. A third or
21 subsequent conviction for a violation of paragraph (k) of
22 subsection (A) is a Class 1 felony.

23 (8) A person 18 years of age or older convicted of
24 unlawful sale or delivery of firearms in violation of
25 paragraph (a) or (i) of subsection (A), when the firearm
26 that was sold or given to another person under 18 years of

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

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

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

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

16 (D) For purposes of this Section:

17 "School" means a public or private elementary or secondary
18 school, community college, college, or university.

19 "School related activity" means any sporting, social,
20 academic, or other activity for which students' attendance or
21 participation is sponsored, organized, or funded in whole or in
22 part by a school or school district.

23 (E) A prosecution for a violation of paragraph (k) of
24 subsection (A) of this Section may be commenced within 6 years
25 after the commission of the offense. A prosecution for a
26 violation of this Section other than paragraph (g) of

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

4 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;
5 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.