



Rep. Jonathan Carroll

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1 AMENDMENT TO HOUSE BILL 1468

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1468 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing 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

1 without being burned;

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

4 (A) a folding or telescoping stock;

5 (B) a shroud that is attached to, or partially or  
6 completely encircles the barrel, and that permits the  
7 shooter to hold the firearm with the non-trigger hand  
8 without being burned; or

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

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

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

14 (A) a folding or telescoping stock; and

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

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

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

22 (6) a .50 caliber rifle centerfire rifle capable of firing  
23 a .50 caliber cartridge. The term does not include any antique  
24 firearm, any shotgun including a shotgun that has a rifle  
25 barrel, or any muzzle-loader which uses black powder for  
26 hunting or historical re-enactments. In this paragraph (6),

1 ".50 caliber cartridge" means a cartridge in .50 BMG caliber,  
2 either by designation or actual measurement, that is capable of  
3 being fired from a centerfire rifle. The term ".50 caliber  
4 cartridge" does not include any memorabilia or display item  
5 that is filled with a permanent inert substance or that is  
6 otherwise permanently altered in a manner that prevents ready  
7 modification for use as live ammunition or shotgun ammunition  
8 with a caliber measurement that is equal to or greater than .50  
9 caliber.

10 "Assault weapon" does not include:

11 (1) any firearm that:

12 (A) is manually operated by bolt, pump, lever, or slide  
13 action;

14 (B) is an unserviceable firearm or has been made  
15 permanently inoperable;

16 (C) is an antique firearm;

17 (D) uses rimfire ammunition or cartridges; or

18 (E) has been excluded as an assault weapon in a  
19 Department of Natural Resources rule. The Department of  
20 Natural Resources shall have the authority to adopt rules  
21 to further define exclusions of assault weapon types under  
22 this Section, provided the make, model, and caliber of the  
23 firearm excluded has a viable application to hunting game  
24 and conforms to accepted hunting principles of fair chase.

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

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

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

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

5 (A) A person commits the offense of unlawful sale or  
6 delivery of firearms when he or she knowingly does any of the  
7 following:

8 (a) Sells or gives any firearm of a size which may be  
9 concealed upon the person to any person under 18 years of  
10 age.

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

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

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

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

21 "Mental institution" means any hospital,  
22 institution, clinic, evaluation facility, mental  
23 health center, or part thereof, which is used primarily  
24 for the care or treatment of persons with mental  
25 illness.

1 "Patient in a mental institution" means the person  
2 was admitted, either voluntarily or involuntarily, to  
3 a mental institution for mental health treatment,  
4 unless the treatment was voluntary and solely for an  
5 alcohol abuse disorder and no other secondary  
6 substance abuse disorder or mental illness.

7 (f) Sells or gives any firearms to any person who is a  
8 person with an intellectual disability.

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

1 a federally licensed firearms dealer to a nonresident of  
2 Illinois under which the firearm is mailed to a federally  
3 licensed firearms dealer outside the boundaries of  
4 Illinois; (3) the sale of a firearm, which is not an  
5 assault weapon, to a nonresident of Illinois while at a  
6 firearm showing or display recognized by the Illinois  
7 Department of State Police; (4) the sale of a firearm to a  
8 dealer licensed as a federal firearms dealer under Section  
9 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923);  
10 or (5) the transfer or sale of any rifle, shotgun, or other  
11 long gun to a resident registered competitor or attendee or  
12 non-resident registered competitor or attendee by any  
13 dealer licensed as a federal firearms dealer under Section  
14 923 of the federal Gun Control Act of 1968 at competitive  
15 shooting events held at the World Shooting Complex  
16 sanctioned by a national governing body. For purposes of  
17 transfers or sales under subparagraph (5) of this paragraph  
18 (g), the Department of Natural Resources shall give notice  
19 to the Department of State Police at least 30 calendar days  
20 prior to any competitive shooting events at the World  
21 Shooting Complex sanctioned by a national governing body.  
22 The notification shall be made on a form prescribed by the  
23 Department of State Police. The sanctioning body shall  
24 provide a list of all registered competitors and attendees  
25 at least 24 hours before the events to the Department of  
26 State Police. Any changes to the list of registered

1 competitors and attendees shall be forwarded to the  
2 Department of State Police as soon as practicable. The  
3 Department of State Police must destroy the list of  
4 registered competitors and attendees no later than 30 days  
5 after the date of the event. Nothing in this paragraph (g)  
6 relieves a federally licensed firearm dealer from the  
7 requirements of conducting a NICS background check through  
8 the Illinois Point of Contact under 18 U.S.C. 922(t). For  
9 purposes of this paragraph (g), "application" means when  
10 the buyer and seller reach an agreement to purchase a  
11 firearm. For purposes of this paragraph (g), "national  
12 governing body" means a group of persons who adopt rules  
13 and formulate policy on behalf of a national firearm  
14 sporting organization.

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 either: (1) 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; or (2) a currently valid license to carry a concealed  
7 firearm that has previously been issued in the transferee's  
8 name by the Department of State Police under the Firearm  
9 Concealed Carry Act. This paragraph (k) does not apply to  
10 the transfer of a firearm to a person who is exempt from  
11 the requirement of possessing a Firearm Owner's  
12 Identification Card under Section 2 of the Firearm Owners  
13 Identification Card Act. For the purposes of this Section,  
14 a currently valid Firearm Owner's Identification Card  
15 means (i) a Firearm Owner's Identification Card that has  
16 not expired or (ii) an approval number issued in accordance  
17 with subsection (a-10) of subsection 3 or Section 3.1 of  
18 the Firearm Owners Identification Card Act shall be proof  
19 that the Firearm Owner's Identification Card was valid.

20 (1) In addition to the other requirements of this  
21 paragraph (k), all persons who are not federally  
22 licensed firearms dealers must also have complied with  
23 subsection (a-10) of Section 3 of the Firearm Owners  
24 Identification Card Act by determining the validity of  
25 a purchaser's Firearm Owner's Identification Card.

26 (2) All sellers or transferors who have complied

1 with the requirements of subparagraph (1) of this  
2 paragraph (k) shall not be liable for damages in any  
3 civil action arising from the use or misuse by the  
4 transferee of the firearm transferred, except for  
5 willful or wanton misconduct on the part of the seller  
6 or transferor.

7 (1) Not being entitled to the possession of a firearm,  
8 delivers the firearm, knowing it to have been stolen or  
9 converted. It may be inferred that a person who possesses a  
10 firearm with knowledge that its serial number has been  
11 removed or altered has knowledge that the firearm is stolen  
12 or converted.

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

23 (C) Sentence.

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

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

4           (3) Any person convicted of unlawful sale or delivery  
5 of firearms in violation of paragraph (a) of subsection (A)  
6 commits a Class 2 felony.

7           (4) Any person convicted of unlawful sale or delivery  
8 of firearms in violation of paragraph (a), (b), or (i) of  
9 subsection (A) in any school, on the real property  
10 comprising a school, within 1,000 feet of the real property  
11 comprising a school, at a school related activity, or on or  
12 within 1,000 feet of any conveyance owned, leased, or  
13 contracted by a school or school district to transport  
14 students to or from school or a school related activity,  
15 regardless of the time of day or time of year at which the  
16 offense was committed, commits a Class 1 felony. Any person  
17 convicted of a second or subsequent violation of unlawful  
18 sale or delivery of firearms in violation of paragraph (a),  
19 (b), or (i) of subsection (A) in any school, on the real  
20 property comprising a school, within 1,000 feet of the real  
21 property comprising a school, at a school related activity,  
22 or on or within 1,000 feet of any conveyance owned, leased,  
23 or contracted by a school or school district to transport  
24 students to or from school or a school related activity,  
25 regardless of the time of day or time of year at which the  
26 offense was committed, commits a Class 1 felony for which

1 the sentence shall be a term of imprisonment of no less  
2 than 5 years and no more than 15 years.

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

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

23 (7) Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (k) of subsection (A)  
25 commits a Class 4 felony, except that a violation of  
26 subparagraph (1) of paragraph (k) of subsection (A) shall

1 not be punishable as a crime or petty offense. A third or  
2 subsequent conviction for a violation of paragraph (k) of  
3 subsection (A) is a Class 1 felony.

4 (8) A person 18 years of age or older convicted of  
5 unlawful sale or delivery of firearms in violation of  
6 paragraph (a) or (i) of subsection (A), when the firearm  
7 that was sold or given to another person under 18 years of  
8 age was used in the commission of or attempt to commit a  
9 forcible felony, shall be fined or imprisoned, or both, not  
10 to exceed the maximum provided for the most serious  
11 forcible felony so committed or attempted by the person  
12 under 18 years of age who was sold or given the firearm.

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

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

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

23 (D) For purposes of this Section:

24 "School" means a public or private elementary or secondary  
25 school, community college, college, or university.

26 "School related activity" means any sporting, social,

1 academic, or other activity for which students' attendance or  
2 participation is sponsored, organized, or funded in whole or in  
3 part by a school or school district.

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

11 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;  
12 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."