

# HB4720



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4720

by Rep. Natalie Phelps Finnie

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3

from Ch. 38, par. 24-3

Amends the Criminal Code of 2012. Provides that the 72 hour waiting period before delivery of a concealable firearm after application for its purchase has been made does not apply to a person who has been issued a valid license to carry a concealed handgun under the Firearm Concealed Carry Act. Effective immediately.

LRB100 16303 RLC 31427 b

A BILL FOR

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 as follows:

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

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

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

11 (a) Sells or gives any firearm of a size which may be  
12 concealed upon the person to any person under 18 years of  
13 age.

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

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

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

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

1            "Mental institution" means any hospital,  
2            institution, clinic, evaluation facility, mental  
3            health center, or part thereof, which is used primarily  
4            for the care or treatment of persons with mental  
5            illness.

6            "Patient in a mental institution" means the person  
7            was admitted, either voluntarily or involuntarily, to  
8            a mental institution for mental health treatment,  
9            unless the treatment was voluntary and solely for an  
10           alcohol abuse disorder and no other secondary  
11           substance abuse disorder or mental illness.

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

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 from  
5 a federally licensed firearms dealer to a nonresident of  
6 Illinois under which the firearm is mailed to a federally  
7 licensed firearms dealer outside the boundaries of  
8 Illinois; (3) the sale of a firearm to a nonresident of  
9 Illinois while at a firearm showing or display recognized  
10 by the Illinois Department of State Police; (4) the sale of  
11 a firearm to a dealer licensed as a federal firearms dealer  
12 under Section 923 of the federal Gun Control Act of 1968  
13 (18 U.S.C. 923); (4.1) the sale of a firearm to a person  
14 who has been issued a valid license to carry a concealed  
15 handgun under the Firearm Concealed Carry Act; or (5) the  
16 transfer or sale of any rifle, shotgun, or other long gun  
17 to a resident registered competitor or attendee or  
18 non-resident registered competitor or attendee by any  
19 dealer licensed as a federal firearms dealer under Section  
20 923 of the federal Gun Control Act of 1968 at competitive  
21 shooting events held at the World Shooting Complex  
22 sanctioned by a national governing body. For purposes of  
23 transfers or sales under subparagraph (5) of this paragraph  
24 (g), the Department of Natural Resources shall give notice  
25 to the Department of State Police at least 30 calendar days  
26 prior to any competitive shooting events at the World

1 Shooting Complex sanctioned by a national governing body.  
2 The notification shall be made on a form prescribed by the  
3 Department of State Police. The sanctioning body shall  
4 provide a list of all registered competitors and attendees  
5 at least 24 hours before the events to the Department of  
6 State Police. Any changes to the list of registered  
7 competitors and attendees shall be forwarded to the  
8 Department of State Police as soon as practicable. The  
9 Department of State Police must destroy the list of  
10 registered competitors and attendees no later than 30 days  
11 after the date of the event. Nothing in this paragraph (g)  
12 relieves a federally licensed firearm dealer from the  
13 requirements of conducting a NICS background check through  
14 the Illinois Point of Contact under 18 U.S.C. 922(t). For  
15 purposes of this paragraph (g), "application" means when  
16 the buyer and seller reach an agreement to purchase a  
17 firearm. For purposes of this paragraph (g), "national  
18 governing body" means a group of persons who adopt rules  
19 and formulate policy on behalf of a national firearm  
20 sporting organization.

21 (h) While holding any license as a dealer, importer,  
22 manufacturer or pawnbroker under the federal Gun Control  
23 Act of 1968, manufactures, sells or delivers to any  
24 unlicensed person a handgun having a barrel, slide, frame  
25 or receiver which is a die casting of zinc alloy or any  
26 other nonhomogeneous metal which will melt or deform at a

1 temperature of less than 800 degrees Fahrenheit. For  
2 purposes of this paragraph, (1) "firearm" is defined as in  
3 the Firearm Owners Identification Card Act; and (2)  
4 "handgun" is defined as a firearm designed to be held and  
5 fired by the use of a single hand, and includes a  
6 combination of parts from which such a firearm can be  
7 assembled.

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

11 (j) Sells or gives a firearm while engaged in the  
12 business of selling firearms at wholesale or retail without  
13 being licensed as a federal firearms dealer under Section  
14 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
15 In this paragraph (j):

16 A person "engaged in the business" means a person who  
17 devotes time, attention, and labor to engaging in the  
18 activity as a regular course of trade or business with the  
19 principal objective of livelihood and profit, but does not  
20 include a person who makes occasional repairs of firearms  
21 or who occasionally fits special barrels, stocks, or  
22 trigger mechanisms to firearms.

23 "With the principal objective of livelihood and  
24 profit" means that the intent underlying the sale or  
25 disposition of firearms is predominantly one of obtaining  
26 livelihood and pecuniary gain, as opposed to other intents,

1       such as improving or liquidating a personal firearms  
2       collection; however, proof of profit shall not be required  
3       as to a person who engages in the regular and repetitive  
4       purchase and disposition of firearms for criminal purposes  
5       or terrorism.

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

26               (1) In addition to the other requirements of this

1 paragraph (k), all persons who are not federally  
2 licensed firearms dealers must also have complied with  
3 subsection (a-10) of Section 3 of the Firearm Owners  
4 Identification Card Act by determining the validity of  
5 a purchaser's Firearm Owner's Identification Card.

6 (2) All sellers or transferors who have complied  
7 with the requirements of subparagraph (1) of this  
8 paragraph (k) shall not be liable for damages in any  
9 civil action arising from the use or misuse by the  
10 transferee of the firearm transferred, except for  
11 willful or wanton misconduct on the part of the seller  
12 or transferor.

13 (1) Not being entitled to the possession of a firearm,  
14 delivers the firearm, knowing it to have been stolen or  
15 converted. It may be inferred that a person who possesses a  
16 firearm with knowledge that its serial number has been  
17 removed or altered has knowledge that the firearm is stolen  
18 or converted.

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



1 if that firearm was legally held or acquired within 6 months  
2 after the enactment of that Public Act.

3 (C) Sentence.

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

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

10 (3) Any person convicted of unlawful sale or delivery  
11 of firearms in violation of paragraph (a) of subsection (A)  
12 commits a Class 2 felony.

13 (4) Any person convicted of unlawful sale or delivery  
14 of 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 property  
17 comprising a school, at a school related activity, or on or  
18 within 1,000 feet of any conveyance owned, leased, or  
19 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. Any person  
23 convicted of a second or subsequent violation of unlawful  
24 sale or delivery of firearms in violation of paragraph (a),  
25 (b), or (i) of subsection (A) in any school, on the real  
26 property comprising a school, within 1,000 feet of the real

1 property comprising a school, at a school related activity,  
2 or on or within 1,000 feet of any conveyance owned, leased,  
3 or contracted by a school or school district to transport  
4 students to or from school or a school related activity,  
5 regardless of the time of day or time of year at which the  
6 offense was committed, commits a Class 1 felony for which  
7 the sentence shall be a term of imprisonment of no less  
8 than 5 years and no more than 15 years.

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

25 (6) Any person convicted of unlawful sale or delivery  
26 of firearms in violation of paragraph (j) of subsection (A)

1 commits a Class A misdemeanor. A second or subsequent  
2 violation is a Class 4 felony.

3 (7) Any person convicted of unlawful sale or delivery  
4 of firearms in violation of paragraph (k) of subsection (A)  
5 commits a Class 4 felony, except that a violation of  
6 subparagraph (1) of paragraph (k) of subsection (A) shall  
7 not be punishable as a crime or petty offense. A third or  
8 subsequent conviction for a violation of paragraph (k) of  
9 subsection (A) is a Class 1 felony.

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

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

22 (10) Any person convicted of unlawful sale or delivery  
23 of firearms in violation of paragraph (1) of subsection (A)  
24 commits a Class 2 felony if the delivery is of one firearm.  
25 Any person convicted of unlawful sale or delivery of  
26 firearms in violation of paragraph (1) of subsection (A)

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

1 years if the delivery is of 31 or more firearms at the same  
2 time or within a 5 year period.

3 (D) For purposes of this Section:

4 "School" means a public or private elementary or secondary  
5 school, community college, college, or university.

6 "School related activity" means any sporting, social,  
7 academic, or other activity for which students' attendance or  
8 participation is sponsored, organized, or funded in whole or in  
9 part by a school or school district.

10 (E) A prosecution for a violation of paragraph (k) of  
11 subsection (A) of this Section may be commenced within 6 years  
12 after the commission of the offense. A prosecution for a  
13 violation of this Section other than paragraph (g) of  
14 subsection (A) of this Section may be commenced within 5 years  
15 after the commission of the offense defined in the particular  
16 paragraph.

17 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;  
18 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.