

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Section 9.5 and by adding Section 9.7 as  
6 follows:

7 (430 ILCS 65/9.5)

8 Sec. 9.5. Revocation of Firearm Owner's Identification  
9 Card.

10 (a) A person who receives a revocation notice under Section  
11 9 of this Act shall, within 48 hours of receiving notice of the  
12 revocation:

13 (1) surrender his or her Firearm Owner's  
14 Identification Card to the local law enforcement agency  
15 where the person resides. The local law enforcement agency  
16 shall provide the person a receipt and transmit the Firearm  
17 Owner's Identification Card to the Department of State  
18 Police; and

19 (2) complete a Firearm Disposition Record on a form  
20 prescribed by the Department of State Police and place his  
21 or her firearms in the location or with the person reported  
22 in the Firearm Disposition Record. The form shall require  
23 the person to disclose:

1 (A) the make, model, and serial number of each  
2 firearm owned by or under the custody and control of  
3 the revoked person;

4 (B) the location where each firearm will be  
5 maintained during the prohibited term; and

6 (C) if any firearm will be transferred to the  
7 custody of another person, the name, address and  
8 Firearm Owner's Identification Card number of the  
9 transferee.

10 (b) The local law enforcement agency shall provide a copy  
11 of the Firearm Disposition Record to the person whose Firearm  
12 Owner's Identification Card has been revoked and to the  
13 Department of State Police. In addition, notice shall be given  
14 to the local State's Attorney where both the transferor and  
15 transferee live, via a copy of the Firearm Disposition Record.

16 (c) If the person whose Firearm Owner's Identification Card  
17 has been revoked fails to comply with the requirements of this  
18 Section, the sheriff or law enforcement agency where the person  
19 resides may petition the circuit court to issue a warrant to  
20 search for and seize the Firearm Owner's Identification Card  
21 and firearms in the possession or under the custody or control  
22 of the person whose Firearm Owner's Identification Card has  
23 been revoked.

24 (d) A violation of subsection (a) of this Section is a  
25 Class A misdemeanor.

26 (e) The observation of a Firearm Owner's Identification

1 Card in the possession of a person whose Firearm Owner's  
2 Identification Card has been revoked constitutes a sufficient  
3 basis for the arrest of that person for violation of this  
4 Section.

5 (f) Within 30 days after the effective date of this  
6 amendatory Act of the 98th General Assembly, the Department of  
7 State Police shall provide written notice of the requirements  
8 of this Section to persons whose Firearm Owner's Identification  
9 Cards have been revoked, suspended, or expired and who have  
10 failed to surrender their cards to the Department.

11 (g) A person whose Firearm Owner's Identification Card has  
12 been revoked and who received notice under subsection (f) shall  
13 comply with the requirements of this Section within 48 hours of  
14 receiving notice.

15 (Source: P.A. 98-63, eff. 7-9-13.)

16 (430 ILCS 65/9.7 new)

17 Sec. 9.7. Firearm disposition.

18 (a) The recipient of any firearm transferred by way of a  
19 Firearm Disposition Record form shall file with the Department  
20 of State Police, a sworn affidavit, attesting that the person:

21 (1) is aware of, and will abide by the current law  
22 regarding the unlawful transfer of a firearm;

23 (2) is aware of the penalties for violating the law as  
24 it pertains to unlawful transfer of a firearm;

25 (3) intends to retain possession of the firearm until

1 it is determined that the transferor is capable of  
2 possessing the firearm, or until a new person is chosen to  
3 hold the firearm; and

4 (4) inform the Department and the State's Attorney in  
5 the county in which he or she resides of any address or  
6 name change that occurs while the person possesses the  
7 firearm; however, the person shall be relieved of these  
8 duties once he or she has legally destroyed the firearm or  
9 lawfully transferred the firearm. Proof of legal  
10 destruction or lawful transfer shall be filed with the  
11 Department of State Police and notice given to the State's  
12 Attorney in the county in which he or she resides by  
13 written proof of the destruction or transfer of the  
14 firearm.

15 (b) The person shall provide notice to the State's Attorney  
16 in the county in which he or she resides via copy of the sworn  
17 affidavit, to demonstrate that the affidavit has been filed  
18 with the Department.

19 Section 10. The Criminal Code of 2012 is amended by  
20 changing Section 24-3 as follows:

21 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

23 (A) A person commits the offense of unlawful sale or  
24 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, incidental to a sale, without  
4 withholding delivery of such firearm for at least 72 hours  
5 after application for its purchase has been made, or  
6 delivers any rifle, shotgun or other long gun, or a stun  
7 gun or taser, incidental to a sale, without withholding  
8 delivery of such rifle, shotgun or other long gun, or a  
9 stun gun or taser for at least 24 hours after application  
10 for its purchase has been made. However, this paragraph (g)  
11 does not apply to: (1) the sale of a firearm to a law  
12 enforcement officer if the seller of the firearm knows that  
13 the person to whom he or she is selling the firearm is a  
14 law enforcement officer or the sale of a firearm to a  
15 person who desires to purchase a firearm for use in  
16 promoting the public interest incident to his or her  
17 employment as a bank guard, armed truck guard, or other  
18 similar employment; (2) a mail order sale of a firearm from  
19 a federally licensed firearms dealer to a nonresident of  
20 Illinois under which the firearm is mailed to a federally  
21 licensed firearms dealer outside the boundaries of  
22 Illinois; (3) the sale of a firearm to a nonresident of  
23 Illinois while at a firearm showing or display recognized  
24 by the Illinois Department of State Police; (4) the sale of  
25 a firearm to a dealer licensed as a federal firearms dealer  
26 under Section 923 of the federal Gun Control Act of 1968

1 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,  
2 shotgun, or other long gun to a resident registered  
3 competitor or attendee or non-resident registered  
4 competitor or attendee by any dealer licensed as a federal  
5 firearms dealer under Section 923 of the federal Gun  
6 Control Act of 1968 at competitive shooting events held at  
7 the World Shooting Complex sanctioned by a national  
8 governing body. For purposes of transfers or sales under  
9 subparagraph (5) of this paragraph (g), the Department of  
10 Natural Resources shall give notice to the Department of  
11 State Police at least 30 calendar days prior to any  
12 competitive shooting events at the World Shooting Complex  
13 sanctioned by a national governing body. The notification  
14 shall be made on a form prescribed by the Department of  
15 State Police. The sanctioning body shall provide a list of  
16 all registered competitors and attendees at least 24 hours  
17 before the events to the Department of State Police. Any  
18 changes to the list of registered competitors and attendees  
19 shall be forwarded to the Department of State Police as  
20 soon as practicable. The Department of State Police must  
21 destroy the list of registered competitors and attendees no  
22 later than 30 days after the date of the event. Nothing in  
23 this paragraph (g) relieves a federally licensed firearm  
24 dealer from the requirements of conducting a NICS  
25 background check through the Illinois Point of Contact  
26 under 18 U.S.C. 922(t). For purposes of this paragraph (g),

1 "application" means when the buyer and seller reach an  
2 agreement to purchase a firearm. For purposes of this  
3 paragraph (g), "national governing body" means a group of  
4 persons who adopt rules and formulate policy on behalf of a  
5 national firearm sporting organization.

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

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

22 (j) Sells or gives a firearm while engaged in the  
23 business of selling firearms at wholesale or retail without  
24 being licensed as a federal firearms dealer under Section  
25 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
26 In this paragraph (j):

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

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

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

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

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

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

24 (1) Not being entitled to the possession of a firearm,  
25 delivers the firearm, knowing it to have been stolen or  
26 converted. It may be inferred that a person who possesses a

1           firearm with knowledge that its serial number has been  
2           removed or altered has knowledge that the firearm is stolen  
3           or converted.

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

14          (C) Sentence.

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

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

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

24               (4) Any person convicted of unlawful sale or delivery  
25               of firearms in violation of paragraph (a), (b), or (i) of  
26               subsection (A) in any school, on the real property

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

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

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

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

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

21 (8) A person 18 years of age or older convicted of  
22 unlawful sale or delivery of firearms in violation of  
23 paragraph (a) or (i) of subsection (A), when the firearm  
24 that was sold or given to another person under 18 years of  
25 age was used in the commission of or attempt to commit a  
26 forcible felony, shall be fined or imprisoned, or both, not

1 to exceed the maximum provided for the most serious  
2 forcible felony so committed or attempted by the person  
3 under 18 years of age who was sold or given the firearm.

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

7 (10) Any person convicted of unlawful sale or delivery  
8 of firearms in violation of paragraph (l) of subsection (A)  
9 commits a Class 2 felony if the delivery is of one firearm.

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

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

14 (D) For purposes of this Section:

15 "School" means a public or private elementary or secondary  
16 school, community college, college, or university.

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

21 (E) A prosecution for a violation of paragraph (k) of  
22 subsection (A) of this Section may be commenced within 6 years  
23 after the commission of the offense. A prosecution for a  
24 violation of this Section other than paragraph (g) of  
25 subsection (A) of this Section may be commenced within 5 years  
26 after the commission of the offense defined in the particular

1 paragraph.

2 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;

3 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)