SYNOPSIS AS INTRODUCED:

Amends the Firearm Owners Identification Card Act. Provides that no person may acquire or possess an unfinished frame or receiver, unless otherwise exempted under the Act, without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police. Amends the Criminal Code of 2012. Adds the Undetectable and Untraceable Firearms Article to the Criminal Code of 2012 for offenses regarding undetectable and untraceable firearms. Provides that a person commits unlawful manufacture of an undetectable firearm if he or she knowingly manufactures, assembles, sells, offers to sell, or transfers an undetectable firearm. Unlawful manufacture of an undetectable firearm is a Class 2 felony. Provides that a person commits unlawful possession of an undetectable firearm if he or she knowingly possesses an undetectable firearm. Unlawful possession of an undetectable firearm is a Class 2 felony. Provides that a person also commits unlawful possession of an undetectable firearm if he or she knowingly possesses an undetectable firearm in a public building or possess an undetectable firearm with the intent to bring the undetectable firearm into or onto a public building. This offense is a Class 2 felony. Defines terms. Makes other changes.
AN ACT concerning firearms.

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

Section 1. This Act may be cited as the Undetectable and Untraceable Firearms Act.

Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 1, 1.1, 2, 3, 3.1, and 12 as follows:

Sec. 1. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms, firearm ammunition, unfinished frame or receiver, stun guns, and tasers within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24-3.1 of the Criminal Code of 2012, from acquiring or possessing firearms and firearm ammunition and who are prohibited by this
Act from acquiring stun guns and tasers.
(Source: P.A. 97-1150, eff. 1-25-13.)

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)
Sec. 1.1. In For purposes of this Act:

"Addicted to narcotics" means a person who has been:

(1) convicted of an offense involving the use or possession of cannabis, a controlled substance, or methamphetamine within the past year; or

(2) determined by the Department of State Police to be addicted to narcotics based upon federal law or federal guidelines.

"Addicted to narcotics" does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

"Adjudicated as a person with a mental disability" means the person is the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

(1) presents a clear and present danger to himself, herself, or to others;

(2) lacks the mental capacity to manage his or her own affairs or is adjudicated a person with a disability as
defined in Section 11a-2 of the Probate Act of 1975;

(3) is not guilty in a criminal case by reason of insanity, mental disease or defect;

(3.5) is guilty but mentally ill, as provided in Section 5-2-6 of the Unified Code of Corrections;

(4) is incompetent to stand trial in a criminal case;

(5) is not guilty by reason of lack of mental responsibility under Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b;

(6) is a sexually violent person under subsection (f) of Section 5 of the Sexually Violent Persons Commitment Act;

(7) is a sexually dangerous person under the Sexually Dangerous Persons Act;

(8) is unfit to stand trial under the Juvenile Court Act of 1987;

(9) is not guilty by reason of insanity under the Juvenile Court Act of 1987;

(10) is subject to involuntary admission as an inpatient as defined in Section 1-119 of the Mental Health and Developmental Disabilities Code;

(11) is subject to involuntary admission as an outpatient as defined in Section 1-119.1 of the Mental Health and Developmental Disabilities Code;

(12) is subject to judicial admission as set forth in Section 4-500 of the Mental Health and Developmental
Disabilities Code; or

(13) is subject to the provisions of the Interstate
Agreements on Sexually Dangerous Persons Act.

"Clear and present danger" means a person who:

(1) communicates a serious threat of physical violence
against a reasonably identifiable victim or poses a clear
and imminent risk of serious physical injury to himself,
herself, or another person as determined by a physician,
clinical psychologist, or qualified examiner; or

(2) demonstrates threatening physical or verbal
behavior, such as violent, suicidal, or assaultive
threats, actions, or other behavior, as determined by a
physician, clinical psychologist, qualified examiner,
school administrator, or law enforcement official.

"Clinical psychologist" has the meaning provided in
Section 1-103 of the Mental Health and Developmental
Disabilities Code.

"Controlled substance" means a controlled substance or
controlled substance analog as defined in the Illinois
Controlled Substances Act.

"Counterfeit" means to copy or imitate, without legal
authority, with intent to deceive.

"Federally licensed firearm dealer" means a person who is
licensed as a federal firearms dealer under Section 923 of the

"Firearm" means any device, by whatever name known, which
is designed to expel a projectile or projectiles by the action
of an explosion, expansion of gas or escape of gas; excluding,
however:

(1) any pneumatic gun, spring gun, paint ball gun, or
B-B gun which expels a single globular projectile not
exceeding .18 inch in diameter or which has a maximum
muzzle velocity of less than 700 feet per second;
(1.1) any pneumatic gun, spring gun, paint ball gun,
or B-B gun which expels breakable paint balls containing
washable marking colors;
(2) any device used exclusively for signalling or
safety and required or recommended by the United States
Coast Guard or the Interstate Commerce Commission;
(3) any device used exclusively for the firing of stud
cartridges, explosive rivets or similar industrial
ammunition; and
(4) an antique firearm (other than a machine-gun)
which, although designed as a weapon, the Department of
State Police finds by reason of the date of its
manufacture, value, design, and other characteristics is
primarily a collector's item and is not likely to be used
as a weapon.

"Firearm ammunition" means any self-contained cartridge or
shotgun shell, by whatever name known, which is designed to be
used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a
device used exclusively for signalling or safety and
required or recommended by the United States Coast Guard
or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a
stud or rivet driver or other similar industrial
ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the
regular and normal course of business and where 50 or more
firearms are displayed, offered, or exhibited for sale,
transfer, or exchange; or

(2) at which not less than 10 gun show vendors
display, offer, or exhibit for sale, sell, transfer, or
exchange firearms.

"Gun show" includes the entire premises provided for an
event or function, including parking areas for the event or
function, that is sponsored to facilitate the purchase, sale,
transfer, or exchange of firearms as described in this
Section. Nothing in this definition shall be construed to
exclude a gun show held in conjunction with competitive
shooting events at the World Shooting Complex sanctioned by a
national governing body in which the sale or transfer of
firearms is authorized under subparagraph (5) of paragraph (g)
of subsection (A) of Section 24-3 of the Criminal Code of 2012.

Unless otherwise expressly stated, "gun show" does not
include training or safety classes, competitive shooting
events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Involuntarily admitted" has the meaning as prescribed in Sections 1-119 and 1-119.1 of the Mental Health and Developmental Disabilities Code.

"Mental health facility" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by the State or a political subdivision thereof which provide treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

"National governing body" means a group of persons who
adopt rules and formulate policy on behalf of a national firearm sporting organization.

"Patient" means:

(1) a person who is admitted as an inpatient or resident of a public or private mental health facility for mental health treatment under Chapter III of the Mental Health and Developmental Disabilities Code as an informal admission, a voluntary admission, a minor admission, an emergency admission, or an involuntary admission, unless the treatment was solely for an alcohol abuse disorder; or

(2) a person who voluntarily or involuntarily receives mental health treatment as an out-patient or is otherwise provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself, or to others.

"Person with a developmental disability" means a person with a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by persons with intellectual disabilities. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability. This disability results, in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:
(i) self-care;
(ii) receptive and expressive language;
(iii) learning;
(iv) mobility; or
(v) self-direction.

"Person with an intellectual disability" means a person with a significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

"Physician" has the meaning as defined in Section 1-120 of the Mental Health and Developmental Disabilities Code.

"Qualified examiner" has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"School administrator" means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 2012.

"Unfinished frame or receiver" means a frame or lower receiver blank, casting, or machined body that requires
further machining or molding to be used as part of a functional firearm which is designed and intended to be used in the assembly of a functional firearm. "Unfinished frame or receiver" does not include a piece of material that has had:

(1) its size or external shape altered solely to facilitate transportation or storage; or (2) solely its chemical composition altered.

(Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

(430 ILCS 65/2) (from Ch. 38, par. 83-2)

Sec. 2. Firearm Owner's Identification Card required; exceptions.

(a) (1) No person may acquire or possess any firearm, stun gun, unfinished frame or receiver, or taser within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.

(2) No person may acquire or possess firearm ammunition within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms, firearm ammunition, stun guns, and
tasers do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using the firearms for ceremonial purposes with blank ammunition;

(5) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(6) Those hunters exempt from obtaining a hunting license who are required to submit their Firearm Owner's Identification Card when hunting on Department of Natural Resources owned or managed sites;

(7) Nonresidents while on a firing or shooting range recognized by the Department of State Police; however, these persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;
(8) Nonresidents while at a firearm showing or display recognized by the Department of State Police; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents whose firearms are unloaded and enclosed in a case;

(10) Nonresidents who are currently licensed or registered to possess a firearm in their resident state;

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card;

(12) Color guards of bona fide veterans organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition;

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner's Identification Card and while in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled, but in no instance upon sites owned or managed by the Department of Natural
(14) Resident hunters who are properly authorized to hunt and, while accompanied by a person who possesses a valid Firearm Owner's Identification Card, hunt in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled;

(15) A person who is otherwise eligible to obtain a Firearm Owner's Identification Card under this Act and is under the direct supervision of a holder of a Firearm Owner's Identification Card who is 21 years of age or older while the person is on a firing or shooting range or is a participant in a firearms safety and training course recognized by a law enforcement agency or a national, statewide shooting sports organization; and

(16) Competitive shooting athletes whose competition firearms are sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting in connection with such athletes' training for and participation in shooting competitions at the 2016 Olympic and Paralympic Games and sanctioned test events leading up to the 2016 Olympic and Paralympic Games.

(c) The provisions of this Section regarding the acquisition and possession of firearms, firearm ammunition, stun guns, and tasers do not apply to law enforcement officials of this or any other jurisdiction, while engaged in
the operation of their official duties.

   (c-5) The provisions of paragraphs (1) and (2) of subsection (a) of this Section regarding the possession of firearms and firearm ammunition do not apply to the holder of a valid concealed carry license issued under the Firearm Concealed Carry Act who is in physical possession of the concealed carry license.

   (c-10) The provisions of this Section regarding the possession of unfinished frames or receivers do not apply to a federally licensed firearm dealer if:

   (1) the unfinished frame or receiver is an unfinished part within a manufacturing process that includes serialization where the name of the manufacturer and an individual serial number is conspicuously placed on the unfinished frame or receiver in accordance with the procedures for the serialization of a firearm in 18 U.S.C. 923(i) and pertinent regulations, including, but not limited to, 27 CFR 478.92; and

   (2) the federally licensed firearm dealer maintains records relating to the unfinished frame or receiver in accordance with the procedures for recording keeping related to firearms under 18 U.S.C. 923(g) and all pertinent regulations, including, but not limited to, 27 CFR Part 478, Subpart H.

(d) Any person who becomes a resident of this State, who is not otherwise prohibited from obtaining, possessing, or using
a firearm or firearm ammunition, shall not be required to have
a Firearm Owner's Identification Card to possess firearms or
firearms ammunition until 60 calendar days after he or she
obtains an Illinois driver's license or Illinois
Identification Card.

(Source: P.A. 99-29, eff. 7-10-15.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may
knowingly transfer, or cause to be transferred, any firearm,
firearm ammunition, unfinished frames or receivers, stun gun,
or taser to any person within this State unless the transferee
with whom he deals displays either: (1) a currently valid
Firearm Owner's Identification Card which has previously been
issued in his or her name by the Department of State Police
under the provisions of this Act; or (2) a currently valid
license to carry a concealed firearm which has previously been
issued in his or her name by the Department of State Police
under the Firearm Concealed Carry Act. In addition, all
firearm, stun gun, and taser transfers by federally licensed
firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm
dealer and who desires to transfer or sell a firearm while that
person is on the grounds of a gun show must, before selling or
transferring the firearm, request the Department of State
Police to conduct a background check on the prospective
recipient of the firearm in accordance with Section 3.1.

(a-10) Notwithstanding item (2) of subsection (a) of this Section, any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm or firearms to any person who is not a federally licensed firearm dealer shall, before selling or transferring the firearms, contact the Department of State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the validity of the transferee's or purchaser's Firearm Owner's Identification Card. This subsection shall not be effective until January 1, 2014. The Department of State Police may adopt rules concerning the implementation of this subsection. The Department of State Police shall provide the seller or transferor an approval number if the purchaser's Firearm Owner's Identification Card is valid. Approvals issued by the Department for the purchase of a firearm pursuant to this subsection are valid for 30 days from the date of issue.

(a-15) The provisions of subsection (a-10) of this Section do not apply to:

(1) transfers that occur at the place of business of a federally licensed firearm dealer, if the federally licensed firearm dealer conducts a background check on the prospective recipient of the firearm in accordance with Section 3.1 of this Act and follows all other applicable federal, State, and local laws as if he or she were the seller or transferor of the firearm, although the dealer
is not required to accept the firearm into his or her
inventory. The purchaser or transferee may be required by
the federally licensed firearm dealer to pay a fee not to exceed $10 per firearm, which the dealer may retain as
compensation for performing the functions required under
this paragraph, plus the applicable fees authorized by
Section 3.1;

(2) transfers as a bona fide gift to the transferor's
husband, wife, son, daughter, stepson, stepdaughter,
father, mother, stepfather, stepmother, brother, sister,
nephew, niece, uncle, aunt, grandfather, grandmother,
grandson, granddaughter, father-in-law, mother-in-law,
son-in-law, or daughter-in-law;

(3) transfers by persons acting pursuant to operation
of law or a court order;

(4) transfers on the grounds of a gun show under
subsection (a-5) of this Section;

(5) the delivery of a firearm by its owner to a
gunsmith for service or repair, the return of the firearm
to its owner by the gunsmith, or the delivery of a firearm
by a gunsmith to a federally licensed firearms dealer for
service or repair and the return of the firearm to the
gunsmith;

(6) temporary transfers that occur while in the home
of the unlicensed transferee, if the unlicensed transferee
is not otherwise prohibited from possessing firearms and
the unlicensed transferee reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee;

(7) transfers to a law enforcement or corrections agency or a law enforcement or corrections officer acting within the course and scope of his or her official duties;

(8) transfers of firearms that have been rendered permanently inoperable to a nonprofit historical society, museum, or institutional collection; and

(9) transfers to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of this Act.

(a-20) The Department of State Police shall develop an Internet-based system for individuals to determine the validity of a Firearm Owner's Identification Card prior to the sale or transfer of a firearm. The Department shall have the Internet-based system completed and available for use by July 1, 2015. The Department shall adopt rules not inconsistent with this Section to implement this system.

(b) Any person within this State who transfers or causes to be transferred any firearm, stun gun, or taser shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm, stun gun, or taser if no serial number is available; and, if the transfer was completed within
this State, the transferee's Firearm Owner's Identification
Card number and any approval number or documentation provided
by the Department of State Police pursuant to subsection
(a-10) of this Section; if the transfer was not completed
within this State, the record shall contain the name and
address of the transferee. On or after January 1, 2006, the
record shall contain the date of application for transfer of
the firearm. On demand of a peace officer such transferor
shall produce for inspection such record of transfer. If the
transfer or sale took place at a gun show, the record shall
include the unique identification number. Failure to record
the unique identification number or approval number is a petty
offense. For transfers of a firearm, stun gun, or taser made on
or after the effective date of this amendatory Act of the 100th
General Assembly, failure by the private seller to maintain
the transfer records in accordance with this Section is a
Class A misdemeanor for the first offense and a Class 4 felony
for a second or subsequent offense. A transferee shall not be
criminally liable under this Section provided that he or she
provides the Department of State Police with the transfer
records in accordance with procedures established by the
Department. The Department shall establish, by rule, a
standard form on its website.

(b-5) Any resident may purchase ammunition from a person
within or outside of Illinois if shipment is by United States
mail or by a private express carrier authorized by federal law
to ship ammunition. Any resident purchasing ammunition within
or outside the State of Illinois must provide the seller with a
copy of his or her valid Firearm Owner's Identification Card
or valid concealed carry license and either his or her
Illinois driver's license or Illinois State Identification
Card prior to the shipment of the ammunition. The ammunition
may be shipped only to an address on either of those 2
documents.

(c) The provisions of this Section regarding the transfer
of firearm ammunition shall not apply to those persons
specified in paragraph (b) of Section 2 of this Act.
(Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)
Sec. 3.1. Dial up system.
(a) The Department of State Police shall provide a dial up
telephone system or utilize other existing technology which
shall be used by any federally licensed firearm dealer, gun
show promoter, or gun show vendor who is to transfer a firearm,
stun gun, unfinished frame or receiver, or taser under the
provisions of this Act. The Department of State Police may
utilize existing technology which allows the caller to be
charged a fee not to exceed $2. Fees collected by the
Department of State Police shall be deposited in the State
Police Services Fund and used to provide the service.
(b) Upon receiving a request from a federally licensed
firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 2012 regarding the delivery of firearms, stun guns, unfinished frames or receivers, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, unfinished frame or receiver, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 2012, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer; and

(2) provide the licensee, gun show promoter, or gun show vendor with the number.

(d) Approvals issued by the Department of State Police for
the purchase of a firearm are valid for 30 days from the date of issue.

(e) (1) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(2) The Department of State Police and the Department of Human Services shall, in accordance with State and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the State. The Department of State Police shall report the name, date of birth, and physical description of any person prohibited from possessing a firearm pursuant to the Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.

(3) The Department of State Police shall provide notice of the disqualification of a person under subsection (b) of this Section or the revocation of a person's Firearm Owner's Identification Card under Section 8 or Section 8.2 of this Act, and the reason for the disqualification or revocation, to all law enforcement agencies with jurisdiction to assist with the seizure of the person's Firearm Owner's Identification Card.

(f) The Department of State Police shall adopt rules not inconsistent with this Section to implement this system.
Sec. 12. The provisions of this Act shall not apply to the passing or transfer of any firearm, or firearm ammunition, or unfinished frame or receiver upon the death of the owner thereof to his or her heir or legatee or to the passing or transfer of any firearm or firearm ammunition incident to any legal proceeding or action until 60 days after such passing or transfer.

Section 10. The Criminal Code of 2012 is amended by changing Section 24-3 and by adding Article 24.3 as follows:

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

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

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

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

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

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

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

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

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

(g) Delivers any firearm or unfinished frame or receiver, incidental to a sale, without withholding delivery of the firearm or unfinished frame or receiver for at least 72 hours after application for its purchase has been made, or delivers a stun gun or taser, incidental to a sale, without withholding delivery of the stun gun or
taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm from a federally licensed firearms dealer to a nonresident of Illinois under which the firearm is mailed to a federally licensed firearms dealer outside the boundaries of Illinois; (3) (blank); (4) the sale of a firearm or unfinished frame or receiver to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or sale of any rifle, shotgun, or other long gun to a resident registered competitor or attendee or non-resident registered competitor or attendee by any dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 at competitive shooting events held at the World Shooting Complex sanctioned by a national governing body. For purposes of transfers or sales under subparagraph (5) of this paragraph (g), the Department of Natural Resources shall
give notice to the Department of State Police at least 30
calendar days prior to any competitive shooting events at
the World Shooting Complex sanctioned by a national
governing body. The notification shall be made on a form
prescribed by the Department of State Police. The
sanctioning body shall provide a list of all registered
competitors and attendees at least 24 hours before the
events to the Department of State Police. Any changes to
the list of registered competitors and attendees shall be
forwarded to the Department of State Police as soon as
practicable. The Department of State Police must destroy
the list of registered competitors and attendees no later
than 30 days after the date of the event. Nothing in this
paragraph (g) relieves a federally licensed firearm dealer
from the requirements of conducting a NICS background
check through the Illinois Point of Contact under 18
U.S.C. 922(t). For purposes of this paragraph (g),
"application" means when the buyer and seller reach an
agreement to purchase a firearm. For purposes of this
paragraph (g), "national governing body" means a group of
persons who adopt rules and formulate policy on behalf of
a national firearm sporting organization.

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

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

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

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

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

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

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

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

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

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

(C) Sentence.

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

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

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

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

(5) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned,
operated, or managed by a public housing agency or leased
by a public housing agency as part of a scattered site or
mixed-income development commits a Class 2 felony.

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

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

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

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

(D) In For purposes of this Section:

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

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

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

(Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

(720 ILCS 5(Art. 24.3 heading new)

ARTICLE 24.3. UNDETECTABLE AND UNTRACEABLE FIREARMS
Sec. 24.3-1. Definitions. In this Article:

"Additive manufacturing" means a manufacturing process in which the material is added in order to produce the product, including, but not limited to, three-dimensional printing, in which layers of material are laid down in succession.

"Downloadable firearm" means a firearm manufactured or produced using additive manufacturing.

"Downloadable firearm code" means digital instructions in the form of computer-aided design files or other code or instructions stored and displayed in an electronic format as a digital model that may be used to manufacture or produce a firearm, firearm receiver, magazine, or firearm component using additive manufacturing.

"Unfinished frame or receiver" has the same meaning ascribed to the term in Section 1.1 of the Firearm Owners Identification Card Act.

"Undetectable firearm" means a firearm that can operate while in a form that is not detectable as the security exemplar as defined in 18 U.S.C. 922(p)(2)(C).

"Untraceable firearm" means an un-serialized downloadable firearm or an un-serialized firearm manufactured, assembled, or produced using an unfinished frame or receiver.
Sec. 24.3-2. Unlawful manufacture of an undetectable firearm.

(a) A person commits unlawful manufacture of an undetectable firearm if he or she knowingly manufactures, assembles, sells, offers to sell, or transfers an undetectable firearm.

(b) Sentence. Unlawful manufacture of an undetectable firearm is a Class 2 felony.

(720 ILCS 5/24.3-3 new)

Sec. 24.3-3. Unlawful possession of an undetectable firearm.

(a) A person commits unlawful possession of an undetectable firearm if he or she knowingly possesses an undetectable firearm.

(b) A person commits unlawful possession of an undetectable firearm if he or she knowingly possesses an undetectable firearm in a public building or possess an undetectable firearm with the intent to bring the undetectable firearm into or onto a public building.

(c) Sentence. Unlawful possession of an undetectable firearm is a Class 2 felony.

(720 ILCS 5/24.3-4 new)

Sec. 24.3-4. Unlawful manufacture of a downloadable firearm.
(a) A person commits unlawful manufacture of a downloadable firearm if he or she knowingly manufactures, assembles, sells, offers to sell, or transfers a downloadable firearm unless:

(1) the person has a federal license to manufacture firearms;

(2) the name of the manufacturer and an individual serial number is conspicuously placed on the frame or receiver in accordance with the procedures for the serialization of a firearm in 18 U.S.C. § 923(j) and all regulations, including, but not limited, to 27 CFR 478.92; and

(3) the person maintains records relating to the downloadable firearm under the procedures for recordkeeping related to firearms in 18 U.S.C. 923(g) and all regulations, including, but not limited, to 27 CFR Part 478, Subpart H.

(b) Sentence. Unlawful manufacture of a downloadable firearm is a Class 2 felony.

(720 ILCS 5/24.3-5 new)

Sec. 24.3-5. Unlawful distribution of a downloadable firearm code.

(a) A person commits unlawful distribution of a downloadable firearm code if he or she knowingly distributes a downloadable firearm code to another person or persons, or
makes a downloadable firearm code available that it can be accessed and downloaded by one or more persons, unless:

(1) the distribution is to a specific person;

(2) the distributor requests a criminal history check on the distributee in accordance with the procedures in the Firearm Owners Identification Card Act for the sale of a firearm;

(3) the distributor receives a unique approval number;

(4) the distributor completes and files all records required by the Firearm Owners Identification Card Act in the case of the sale of a firearm; and

(5) the firearm for which the downloadable firearm code provides instructions is not prohibited under State or federal law, including, but not limited to, State prohibitions on undetectable firearms.

(b) Sentence. Unlawful distribution of a downloadable firearm code is a Class 2 felony.

(720 ILCS 5/24.3-6 new)

Sec. 24.3-6. Unlawful manufacture of an untraceable firearm.

(a) A person commits unlawful manufacture of an untraceable firearm if he or she knowingly manufactures, assembles, sells, offers to sell, or transfers an untraceable firearm.

(b) Sentence. Unlawful manufacture of an untraceable
firearm is a Class 2 felony.

(720 ILCS 5/24.3-7 new)

Sec. 24.3-7. Unlawful possession of an untraceable firearm.

(a) A person commits unlawful possession of an untraceable firearm if he or she knowingly possesses an untraceable firearm.

(b) Sentence. Unlawful possession of an untraceable firearm is a Class 2 felony.
INDEX

Statutes amended in order of appearance

<table>
<thead>
<tr>
<th></th>
<th>Statute Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>430 ILCS 65/1</td>
<td>from Ch. 38, par. 83-1</td>
</tr>
<tr>
<td>4</td>
<td>430 ILCS 65/1.1</td>
<td>from Ch. 38, par. 83-1.1</td>
</tr>
<tr>
<td>5</td>
<td>430 ILCS 65/2</td>
<td>from Ch. 38, par. 83-2</td>
</tr>
<tr>
<td>6</td>
<td>430 ILCS 65/3</td>
<td>from Ch. 38, par. 83-3</td>
</tr>
<tr>
<td>7</td>
<td>430 ILCS 65/3.1</td>
<td>from Ch. 38, par. 83-3.1</td>
</tr>
<tr>
<td>8</td>
<td>430 ILCS 65/12</td>
<td>from Ch. 38, par. 83-12</td>
</tr>
<tr>
<td>9</td>
<td>720 ILCS 5/24-3</td>
<td>from Ch. 38, par. 24-3</td>
</tr>
<tr>
<td>10</td>
<td>720 ILCS 5/Art. 24.3</td>
<td>heading new</td>
</tr>
<tr>
<td>12</td>
<td>720 ILCS 5/24.3-1 new</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>720 ILCS 5/24.3-2 new</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>720 ILCS 5/24.3-3 new</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>720 ILCS 5/24.3-4 new</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>720 ILCS 5/24.3-5 new</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>720 ILCS 5/24.3-6 new</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>720 ILCS 5/24.3-7 new</td>
<td></td>
</tr>
</tbody>
</table>