



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2355

Introduced 2/14/2023, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

430 ILCS 65/Act title	
430 ILCS 65/1	from Ch. 38, par. 83-1
430 ILCS 65/1.1	
430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/3.1	from Ch. 38, par. 83-3.1
720 ILCS 5/24-3	from Ch. 38, par. 24-3

Amends the Firearm Owners Identification Card Act. Requires a person to have a currently valid Firearm Owner's Identification Card issued in his or her own name by the Illinois State Police in order to acquire or possess a flamethrower. Exempts certain military, law enforcement, and other specified persons. Defines flamethrower. Amends the Criminal Code of 2012. Provides that it is a Class 4 felony to deliver a flamethrower to a person, incidental to a sale, without withholding delivery of the flamethrower for at least 72 hours after application for its purchase has been made.

LRB103 26386 RLC 52749 b

1 AN ACT concerning safety.

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 the title of the Act and Sections 1, 1.1,
6 2, 3, and 3.1 as follows:

7 (430 ILCS 65/Act title)

8 An Act relating to the acquisition, possession and
9 transfer of firearms, firearm ammunition, stun guns, ~~and~~
10 tasers, and flamethrowers to provide a penalty for the
11 violation thereof and to make an appropriation in connection
12 therewith.

13 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

14 Sec. 1. It is hereby declared as a matter of legislative
15 determination that in order to promote and protect the health,
16 safety and welfare of the public, it is necessary and in the
17 public interest to provide a system of identifying persons who
18 are not qualified to acquire or possess firearms, firearm
19 ammunition, stun guns, ~~and~~ tasers, and flamethrowers within
20 the State of Illinois by the establishment of a system of
21 Firearm Owner's Identification Cards, thereby establishing a
22 practical and workable system by which law enforcement

1 authorities will be afforded an opportunity to identify those
2 persons who are prohibited by Section 24-3.1 of the Criminal
3 Code of 2012, from acquiring or possessing firearms and
4 firearm ammunition and who are prohibited by this Act from
5 acquiring stun guns, ~~and~~ tasers, and flamethrowers.

6 (Source: P.A. 97-1150, eff. 1-25-13.)

7 (430 ILCS 65/1.1)

8 Sec. 1.1. For purposes of this Act:

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

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

13 (2) determined by the Illinois State Police to be
14 addicted to narcotics based upon federal law or federal
15 guidelines.

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

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

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

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

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

8 (3.5) is guilty but mentally ill, as provided in
9 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

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

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

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

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

26 (11) is subject to involuntary admission as an

1 outpatient as defined in Section 1-119.1 of the Mental
2 Health and Developmental Disabilities Code;

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

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

8 "Clear and present danger" means a person who:

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

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

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

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

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

1 "Developmental disability" means a severe, chronic
2 disability of an individual that:

3 (1) is attributable to a mental or physical impairment
4 or combination of mental and physical impairments;

5 (2) is manifested before the individual attains age
6 22;

7 (3) is likely to continue indefinitely;

8 (4) results in substantial functional limitations in 3
9 or more of the following areas of major life activity:

10 (A) Self-care.

11 (B) Receptive and expressive language.

12 (C) Learning.

13 (D) Mobility.

14 (E) Self-direction.

15 (F) Capacity for independent living.

16 (G) Economic self-sufficiency; and

17 (5) reflects the individual's need for a combination
18 and sequence of special, interdisciplinary, or generic
19 services, individualized supports, or other forms of
20 assistance that are of lifelong or extended duration and
21 are individually planned and coordinated.

22 "Federally licensed firearm dealer" means a person who is
23 licensed as a federal firearms dealer under Section 923 of the
24 federal Gun Control Act of 1968 (18 U.S.C. 923).

25 "Firearm" means any device, by whatever name known, which
26 is designed to expel a projectile or projectiles by the action

1 of an explosion, expansion of gas or escape of gas; excluding,
2 however:

3 (1) any pneumatic gun, spring gun, paint ball gun, or
4 B-B gun which expels a single globular projectile not
5 exceeding .18 inch in diameter or which has a maximum
6 muzzle velocity of less than 700 feet per second;

7 (1.1) any pneumatic gun, spring gun, paint ball gun,
8 or B-B gun which expels breakable paint balls containing
9 washable marking colors;

10 (2) any device used exclusively for signaling or
11 safety and required or recommended by the United States
12 Coast Guard or the Interstate Commerce Commission;

13 (3) any device used exclusively for the firing of stud
14 cartridges, explosive rivets or similar industrial
15 ammunition; and

16 (4) an antique firearm (other than a machine-gun)
17 which, although designed as a weapon, the Illinois State
18 Police finds by reason of the date of its manufacture,
19 value, design, and other characteristics is primarily a
20 collector's item and is not likely to be used as a weapon.

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

24 (1) any ammunition exclusively designed for use with a
25 device used exclusively for signaling or safety and
26 required or recommended by the United States Coast Guard

1 or the Interstate Commerce Commission; and

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

5 "Gun show" means an event or function:

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

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

13 "Flamethrower" means any nonstationary and transportable
14 device designed or intended to emit or propel a burning stream
15 of combustible or flammable liquid a distance of at least 10
16 feet.

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

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

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

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

14 "Intellectual disability" means significantly subaverage
15 general intellectual functioning, existing concurrently with
16 deficits in adaptive behavior and manifested during the
17 developmental period, which is defined as before the age of
18 22, that adversely affects a child's educational performance.

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

22 "Mental health facility" means any licensed private
23 hospital or hospital affiliate, institution, or facility, or
24 part thereof, and any facility, or part thereof, operated by
25 the State or a political subdivision thereof which provides
26 treatment of persons with mental illness and includes all

1 hospitals, institutions, clinics, evaluation facilities,
2 mental health centers, colleges, universities, long-term care
3 facilities, and nursing homes, or parts thereof, which provide
4 treatment of persons with mental illness whether or not the
5 primary purpose is to provide treatment of persons with mental
6 illness.

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

10 "Noncitizen" means a person who is not a citizen of the
11 United States, but is a person who is a foreign-born person who
12 lives in the United States, has not been naturalized, and is
13 still a citizen of a foreign country.

14 "Patient" means:

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

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

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

3 "Protective order" means any orders of protection issued
4 under the Illinois Domestic Violence Act of 1986, stalking no
5 contact orders issued under the Stalking No Contact Order Act,
6 civil no contact orders issued under the Civil No Contact
7 Order Act, and firearms restraining orders issued under the
8 Firearms Restraining Order Act or a substantially similar
9 order issued by the court of another state, tribe, or United
10 States territory or military tribunal.

11 "Qualified examiner" has the meaning provided in Section
12 1-122 of the Mental Health and Developmental Disabilities
13 Code.

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

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

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

23 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
24 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
25 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

1 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

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

4 (a) (1) No person may acquire or possess any firearm, stun
5 gun, ~~or~~ taser, or flamethrower within this State without
6 having in his or her possession a Firearm Owner's
7 Identification Card previously issued in his or her name by
8 the Illinois State Police under the provisions of this Act.

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

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

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

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

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

24 (4) Members of bona fide veterans organizations which
25 receive firearms directly from the armed forces of the
26 United States, while using the firearms for ceremonial

1 purposes with blank ammunition;

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

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

11 (7) Nonresidents while on a firing or shooting range
12 recognized by the Illinois State Police; however, these
13 persons must at all other times and in all other places
14 have their firearms unloaded and enclosed in a case;

15 (8) Nonresidents while at a firearm showing or display
16 recognized by the Illinois State Police; however, at all
17 other times and in all other places these persons must
18 have their firearms unloaded and enclosed in a case;

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

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

23 (11) Unemancipated minors while in the custody and
24 immediate control of their parent or legal guardian or
25 other person in loco parentis to the minor if the parent or
26 legal guardian or other person in loco parentis to the

1 minor has a currently valid Firearm Owner's Identification
2 Card;

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

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

16 (14) Resident hunters who are properly authorized to
17 hunt and, while accompanied by a person who possesses a
18 valid Firearm Owner's Identification Card, hunt in an area
19 within a commercial club licensed under the Wildlife Code
20 where hunting is permitted and controlled; and

21 (15) A person who is otherwise eligible to obtain a
22 Firearm Owner's Identification Card under this Act and is
23 under the direct supervision of a holder of a Firearm
24 Owner's Identification Card who is 21 years of age or
25 older while the person is on a firing or shooting range or
26 is a participant in a firearms safety and training course

1 recognized by a law enforcement agency or a national,
2 statewide shooting sports organization.

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

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

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

21 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23.)

22 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

23 (Text of Section before amendment by P.A. 102-237)

24 Sec. 3. (a) Except as provided in Section 3a, no person may
25 knowingly transfer, or cause to be transferred, any firearm,

1 firearm ammunition, stun gun, or taser to any person within
2 this State unless the transferee with whom he deals displays
3 either: (1) a currently valid Firearm Owner's Identification
4 Card which has previously been issued in his or her name by the
5 Illinois State Police under the provisions of this Act; or (2)
6 a currently valid license to carry a concealed firearm which
7 has previously been issued in his or her name by the Illinois
8 State Police under the Firearm Concealed Carry Act. In
9 addition, all firearm, stun gun, and taser transfers by
10 federally licensed firearm dealers are subject to Section 3.1.

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

17 (a-10) Notwithstanding item (2) of subsection (a) of this
18 Section, any person who is not a federally licensed firearm
19 dealer and who desires to transfer or sell a firearm or
20 firearms to any person who is not a federally licensed firearm
21 dealer shall, before selling or transferring the firearms,
22 contact a federal firearm license dealer under paragraph (1)
23 of subsection (a-15) of this Section to conduct the transfer
24 or the Illinois State Police with the transferee's or
25 purchaser's Firearm Owner's Identification Card number to
26 determine the validity of the transferee's or purchaser's

1 Firearm Owner's Identification Card under State and federal
2 law including the National Instant Criminal Background Check
3 System. This subsection shall not be effective until July 1,
4 2023. Until that date the transferor shall contact the
5 Illinois State Police with the transferee's or purchaser's
6 Firearm Owner's Identification Card number to determine the
7 validity of the card. The Illinois State Police may adopt
8 rules concerning the implementation of this subsection. The
9 Illinois State Police shall provide the seller or transferor
10 an approval number if the purchaser's Firearm Owner's
11 Identification Card is valid. Approvals issued by the Illinois
12 State Police for the purchase of a firearm pursuant to this
13 subsection are valid for 30 days from the date of issue.

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

16 (1) transfers that occur at the place of business of a
17 federally licensed firearm dealer, if the federally
18 licensed firearm dealer conducts a background check on the
19 prospective recipient of the firearm in accordance with
20 Section 3.1 of this Act and follows all other applicable
21 federal, State, and local laws as if he or she were the
22 seller or transferor of the firearm, although the dealer
23 is not required to accept the firearm into his or her
24 inventory. The purchaser or transferee may be required by
25 the federally licensed firearm dealer to pay a fee not to
26 exceed \$25 per firearm, which the dealer may retain as

1 compensation for performing the functions required under
2 this paragraph, plus the applicable fees authorized by
3 Section 3.1;

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

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

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

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

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

26 (7) transfers to a law enforcement or corrections

1 agency or a law enforcement or corrections officer acting
2 within the course and scope of his or her official duties;

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

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

9 (a-20) The Illinois State Police shall develop an
10 Internet-based system for individuals to determine the
11 validity of a Firearm Owner's Identification Card prior to the
12 sale or transfer of a firearm. The Illinois State Police shall
13 have the Internet-based system updated and available for use
14 by January 1, 2024. The Illinois State Police shall adopt
15 rules not inconsistent with this Section to implement this
16 system, but no rule shall allow the Illinois State Police to
17 retain records in contravention of State and federal law.

18 (a-25) On or before January 1, 2022, the Illinois State
19 Police shall develop an Internet-based system upon which the
20 serial numbers of firearms that have been reported stolen are
21 available for public access for individuals to ensure any
22 firearms are not reported stolen prior to the sale or transfer
23 of a firearm under this Section. The Illinois State Police
24 shall have the Internet-based system completed and available
25 for use by July 1, 2022. The Illinois State Police shall adopt
26 rules not inconsistent with this Section to implement this

1 system.

2 (b) Any person within this State who transfers or causes
3 to be transferred any firearm, stun gun, or taser shall keep a
4 record of such transfer for a period of 10 years from the date
5 of transfer. Any person within this State who receives any
6 firearm, stun gun, or taser pursuant to subsection (a-10)
7 shall provide a record of the transfer within 10 days of the
8 transfer to a federally licensed firearm dealer and shall not
9 be required to maintain a transfer record. The federally
10 licensed firearm dealer shall maintain the transfer record for
11 20 years from the date of receipt. A federally licensed
12 firearm dealer may charge a fee not to exceed \$25 to retain the
13 record. The record shall be provided and maintained in either
14 an electronic or paper format. The federally licensed firearm
15 dealer shall not be liable for the accuracy of any information
16 in the transfer record submitted pursuant to this Section.
17 Such records shall contain the date of the transfer; the
18 description, serial number or other information identifying
19 the firearm, stun gun, or taser if no serial number is
20 available; and, if the transfer was completed within this
21 State, the transferee's Firearm Owner's Identification Card
22 number and any approval number or documentation provided by
23 the Illinois State Police pursuant to subsection (a-10) of
24 this Section; if the transfer was not completed within this
25 State, the record shall contain the name and address of the
26 transferee. On or after January 1, 2006, the record shall

1 contain the date of application for transfer of the firearm.
2 On demand of a peace officer such transferor shall produce for
3 inspection such record of transfer. For any transfer pursuant
4 to subsection (a-10) of this Section, on the demand of a peace
5 officer, such transferee shall identify the federally licensed
6 firearm dealer maintaining the transfer record. If the
7 transfer or sale took place at a gun show, the record shall
8 include the unique identification number. Failure to record
9 the unique identification number or approval number is a petty
10 offense. For transfers of a firearm, stungun, or taser made on
11 or after January 18, 2019 (the effective date of Public Act
12 100-1178), failure by the private seller to maintain the
13 transfer records in accordance with this Section, or failure
14 by a transferee pursuant to subsection a-10 of this Section to
15 identify the federally licensed firearm dealer maintaining the
16 transfer record, is a Class A misdemeanor for the first
17 offense and a Class 4 felony for a second or subsequent offense
18 occurring within 10 years of the first offense and the second
19 offense was committed after conviction of the first offense.
20 Whenever any person who has not previously been convicted of
21 any violation of subsection (a-5), the court may grant
22 supervision pursuant to and consistent with the limitations of
23 Section 5-6-1 of the Unified Code of Corrections. A transferee
24 or transferor shall not be criminally liable under this
25 Section provided that he or she provides the Illinois State
26 Police with the transfer records in accordance with procedures

1 established by the Illinois State Police. The Illinois State
2 Police shall establish, by rule, a standard form on its
3 website.

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

15 (c) The provisions of this Section regarding the transfer
16 of firearm ammunition shall not apply to those persons
17 specified in paragraph (b) of Section 2 of this Act.

18 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
19 102-1116, eff. 1-10-23.)

20 (Text of Section after amendment by P.A. 102-237)

21 Sec. 3. (a) Except as provided in Section 3a, no person may
22 knowingly transfer, or cause to be transferred, any firearm,
23 firearm ammunition, stun gun, ~~or~~ taser, or flamethrower to any
24 person within this State unless the transferee with whom he
25 deals displays either: (1) a currently valid Firearm Owner's

1 Identification Card which has previously been issued in his or
2 her name by the Illinois State Police under the provisions of
3 this Act; or (2) a currently valid license to carry a concealed
4 firearm which has previously been issued in his or her name by
5 the Illinois State Police under the Firearm Concealed Carry
6 Act. In addition, all firearm, stun gun, ~~and~~ taser, and
7 flamethrower transfers by federally licensed firearm dealers
8 are subject to Section 3.1.

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

15 (a-10) Notwithstanding item (2) of subsection (a) of this
16 Section, any person who is not a federally licensed firearm
17 dealer and who desires to transfer or sell a firearm or
18 firearms to any person who is not a federally licensed firearm
19 dealer shall, before selling or transferring the firearms,
20 contact a federal firearm license dealer under paragraph (1)
21 of subsection (a-15) of this Section to conduct the transfer
22 or the Illinois State Police with the transferee's or
23 purchaser's Firearm Owner's Identification Card number to
24 determine the validity of the transferee's or purchaser's
25 Firearm Owner's Identification Card under State and federal
26 law, including the National Instant Criminal Background Check

1 System. This subsection shall not be effective until July 1,
2 2023. Until that date the transferor shall contact the
3 Illinois State Police with the transferee's or purchaser's
4 Firearm Owner's Identification Card number to determine the
5 validity of the card. The Illinois State Police may adopt
6 rules concerning the implementation of this subsection. The
7 Illinois State Police shall provide the seller or transferor
8 an approval number if the purchaser's Firearm Owner's
9 Identification Card is valid. Approvals issued by the Illinois
10 State Police for the purchase of a firearm pursuant to this
11 subsection are valid for 30 days from the date of issue.

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

14 (1) transfers that occur at the place of business of a
15 federally licensed firearm dealer, if the federally
16 licensed firearm dealer conducts a background check on the
17 prospective recipient of the firearm in accordance with
18 Section 3.1 of this Act and follows all other applicable
19 federal, State, and local laws as if he or she were the
20 seller or transferor of the firearm, although the dealer
21 is not required to accept the firearm into his or her
22 inventory. The purchaser or transferee may be required by
23 the federally licensed firearm dealer to pay a fee not to
24 exceed \$25 per firearm, which the dealer may retain as
25 compensation for performing the functions required under
26 this paragraph, plus the applicable fees authorized by

1 Section 3.1;

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

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

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

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

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

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

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

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

7 (a-20) The Illinois State Police shall develop an
8 Internet-based system for individuals to determine the
9 validity of a Firearm Owner's Identification Card prior to the
10 sale or transfer of a firearm. The Illinois State Police shall
11 have the Internet-based system updated and available for use
12 by January 1, 2024. The Illinois State Police shall adopt
13 rules not inconsistent with this Section to implement this
14 system; but no rule shall allow the Illinois State Police to
15 retain records in contravention of State and federal law.

16 (a-25) On or before January 1, 2022, the Illinois State
17 Police shall develop an Internet-based system upon which the
18 serial numbers of firearms that have been reported stolen are
19 available for public access for individuals to ensure any
20 firearms are not reported stolen prior to the sale or transfer
21 of a firearm under this Section. The Illinois State Police
22 shall have the Internet-based system completed and available
23 for use by July 1, 2022. The Illinois State Police shall adopt
24 rules not inconsistent with this Section to implement this
25 system.

26 (b) Any person within this State who transfers or causes

1 to be transferred any firearm, stun gun, ~~or~~ taser, or
2 flamethrower shall keep a record of such transfer for a period
3 of 10 years from the date of transfer. Any person within this
4 State who receives any firearm, stun gun, ~~or~~ taser, or
5 flamethrower pursuant to subsection (a-10) shall provide a
6 record of the transfer within 10 days of the transfer to a
7 federally licensed firearm dealer and shall not be required to
8 maintain a transfer record. The federally licensed firearm
9 dealer shall maintain the transfer record for 20 years from
10 the date of receipt. A federally licensed firearm dealer may
11 charge a fee not to exceed \$25 to retain the record. The record
12 shall be provided and maintained in either an electronic or
13 paper format. The federally licensed firearm dealer shall not
14 be liable for the accuracy of any information in the transfer
15 record submitted pursuant to this Section. Such records shall
16 contain the date of the transfer; the description, serial
17 number or other information identifying the firearm, stun gun,
18 ~~or~~ taser, or flamethrower if no serial number is available;
19 and, if the transfer was completed within this State, the
20 transferee's Firearm Owner's Identification Card number and
21 any approval number or documentation provided by the Illinois
22 State Police pursuant to subsection (a-10) of this Section; if
23 the transfer was not completed within this State, the record
24 shall contain the name and address of the transferee. On or
25 after January 1, 2006, the record shall contain the date of
26 application for transfer of the firearm. On demand of a peace

1 officer such transferor shall produce for inspection such
2 record of transfer. For any transfer pursuant to subsection
3 (a-10) of this Section, on the demand of a peace officer, such
4 transferee shall identify the federally licensed firearm
5 dealer maintaining the transfer record. If the transfer or
6 sale took place at a gun show, the record shall include the
7 unique identification number. Failure to record the unique
8 identification number or approval number is a petty offense.
9 For transfers of a firearm, stun gun, or taser made on or after
10 January 18, 2019 (the effective date of Public Act 100-1178),
11 or the transfer of a flamethrower made on or after the
12 effective date of this amendatory Act of the 103rd General
13 Assembly, failure by the private seller to maintain the
14 transfer records in accordance with this Section, or failure
15 by a transferee pursuant to subsection a-10 of this Section to
16 identify the federally licensed firearm dealer maintaining the
17 transfer record, is a Class A misdemeanor for the first
18 offense and a Class 4 felony for a second or subsequent offense
19 occurring within 10 years of the first offense and the second
20 offense was committed after conviction of the first offense.
21 Whenever any person who has not previously been convicted of
22 any violation of subsection (a-5), the court may grant
23 supervision pursuant to and consistent with the limitations of
24 Section 5-6-1 of the Unified Code of Corrections. A transferee
25 or transferor shall not be criminally liable under this
26 Section provided that he or she provides the Illinois State

1 Police with the transfer records in accordance with procedures
2 established by the Illinois State Police. The Illinois State
3 Police shall establish, by rule, a standard form on its
4 website.

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

16 (c) The provisions of this Section regarding the transfer
17 of firearm ammunition shall not apply to those persons
18 specified in paragraph (b) of Section 2 of this Act.

19 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
20 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

21 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

22 Sec. 3.1. Firearm Transfer Inquiry Program.

23 (a) The Illinois State Police shall provide a dial up
24 telephone system or utilize other existing technology which
25 shall be used by any federally licensed firearm dealer, gun

1 show promoter, or gun show vendor who is to transfer a firearm,
2 stun gun, ~~or~~ taser, or flamethrower under the provisions of
3 this Act. The Illinois State Police may utilize existing
4 technology which allows the caller to be charged a fee not to
5 exceed \$2. Fees collected by the Illinois State Police shall
6 be deposited in the State Police Firearm Services Fund and
7 used to provide the service.

8 (b) Upon receiving a request from a federally licensed
9 firearm dealer, gun show promoter, or gun show vendor, the
10 Illinois State Police shall immediately approve or, within the
11 time period established by Section 24-3 of the Criminal Code
12 of 2012 regarding the delivery of firearms, stun guns, ~~and~~
13 tasers, and flamethrowers notify the inquiring dealer, gun
14 show promoter, or gun show vendor of any objection that would
15 disqualify the transferee from acquiring or possessing a
16 firearm, stun gun, ~~or~~ taser, or flamethrower. In conducting
17 the inquiry, the Illinois State Police shall initiate and
18 complete an automated search of its criminal history record
19 information files and those of the Federal Bureau of
20 Investigation, including the National Instant Criminal
21 Background Check System, and of the files of the Department of
22 Human Services relating to mental health and developmental
23 disabilities to obtain any felony conviction or patient
24 hospitalization information which would disqualify a person
25 from obtaining or require revocation of a currently valid
26 Firearm Owner's Identification Card.

1 (b-5) By January 1, 2023, the Illinois State Police shall
2 by rule provide a process for the automatic renewal of the
3 Firearm Owner's Identification Card of a person at the time of
4 an inquiry in subsection (b). Persons eligible for this
5 process must have a set of fingerprints on file with their
6 applications under either subsection (a-25) of Section 4 or
7 the Firearm Concealed Carry Act.

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

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

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

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

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

21 (2) The Illinois State Police and the Department of Human
22 Services shall, in accordance with State and federal law
23 regarding confidentiality, enter into a memorandum of
24 understanding with the Federal Bureau of Investigation for the
25 purpose of implementing the National Instant Criminal
26 Background Check System in the State. The Illinois State

1 Police shall report the name, date of birth, and physical
2 description of any person prohibited from possessing a firearm
3 pursuant to the Firearm Owners Identification Card Act or 18
4 U.S.C. 922(g) and (n) to the National Instant Criminal
5 Background Check System Index, Denied Persons Files.

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

14 (f) The Illinois State Police shall adopt rules not
15 inconsistent with this Section to implement this system.

16 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
17 102-813, eff. 5-13-22.)

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

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

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

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

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

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

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

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

25 "Application ~~,"application"~~ means when the buyer
26 and seller reach an agreement to purchase a firearm.

1 ~~For purposes of this paragraph (g), "national~~

2 "Flamethrower" has the meaning ascribed to it in
3 Section 1.1 of the Firearm Owners Identification Card
4 Act.

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

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

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

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

1 Section 923 of the federal Gun Control Act of 1968 (18
2 U.S.C. 923). In this paragraph (j):

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

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

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

1 transferee's name by the Illinois State Police under the
2 Firearm Concealed Carry Act. This paragraph (k) does not
3 apply to the transfer of a firearm to a person who is
4 exempt from the requirement of possessing a Firearm
5 Owner's Identification Card under Section 2 of the Firearm
6 Owners Identification Card Act. For the purposes of this
7 Section, a currently valid Firearm Owner's Identification
8 Card or license to carry a concealed firearm means receipt
9 of an approval number issued in accordance with subsection
10 (a-10) of Section 3 or Section 3.1 of the Firearm Owners
11 Identification Card Act.

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

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

25 (1) Not being entitled to the possession of a firearm,
26 delivers the firearm, knowing it to have been stolen or

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

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

15 (C) Sentence.

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

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

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

25 (4) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (a), (b), or (i) of

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

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

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

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

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

24 (8) A person 18 years of age or older convicted of
25 unlawful sale or delivery of firearms in violation of
26 paragraph (a) or (i) of subsection (A), when the firearm

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

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

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

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

17 (D) For purposes of this Section:

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

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

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

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

5 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
6 102-813, eff. 5-13-22.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.