



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0575

Introduced 1/27/2005, by Rep. Robert S. Molaro

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/8	from Ch. 38, par. 83-8
720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-1.6	
720 ILCS 5/24-3	from Ch. 38, par. 24-3
720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1
720 ILCS 5/24-4.1 new	

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may revoke the Firearm Owner's Identification Card of a person who fails to report the loss or theft of a firearm to the Department within 72 hours after obtaining knowledge of the loss or theft. Amends the Criminal Code of 1961. Provides that the possession of each firearm in violation of various laws concerning the unlawful use of weapons, unlawful use or possession of firearms by a felon, unlawful possession of firearms or firearm ammunition, and aggravated unlawful use of a weapon constitutes a single and separate violation. Provides that the exemption from the waiting period for the sale of a firearm to a law enforcement officer applies only if the seller knew that the person to whom he or she was selling the firearm was a law enforcement officer. Provides that the application for the purchase of a firearm shall be in writing and shall state: (1) the name of the purchaser, (2) the purchaser's address, (3) that the purchaser has a valid Firearm Owner's Identification Card, and (4) that the firearm may be sold only to the person who initially made the written application for the firearm. Provides that if a person who possesses a valid Firearm Owner's Identification Card and who acquires a firearm thereafter loses the firearm, or if the firearm is stolen, the person must report the loss or theft to the Department of State Police within 72 hours after obtaining knowledge of the loss or theft. Provides that the failure to report the loss or theft is a petty offense for a first violation and a Class A misdemeanor for a second or subsequent violation. Effective immediately.

LRB094 06319 RLC 36394 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Section 8 as follows:

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

7 Sec. 8. The Department of State Police has authority to  
8 deny an application for or to revoke and seize a Firearm  
9 Owner's Identification Card previously issued under this Act  
10 only if the Department finds that the applicant or the person  
11 to whom such card was issued is or was at the time of issuance:

12 (a) A person under 21 years of age who has been convicted  
13 of a misdemeanor other than a traffic offense or adjudged  
14 delinquent;

15 (b) A person under 21 years of age who does not have the  
16 written consent of his parent or guardian to acquire and  
17 possess firearms and firearm ammunition, or whose parent or  
18 guardian has revoked such written consent, or where such parent  
19 or guardian does not qualify to have a Firearm Owner's  
20 Identification Card;

21 (c) A person convicted of a felony under the laws of this  
22 or any other jurisdiction;

23 (d) A person addicted to narcotics;

24 (e) A person who has been a patient of a mental institution  
25 within the past 5 years;

26 (f) A person whose mental condition is of such a nature  
27 that it poses a clear and present danger to the applicant, any  
28 other person or persons or the community;

29 For the purposes of this Section, "mental condition" means  
30 a state of mind manifested by violent, suicidal, threatening or  
31 assaultive behavior.

32 (g) A person who is mentally retarded;

1 (h) A person who intentionally makes a false statement in  
2 the Firearm Owner's Identification Card application;

3 (i) An alien who is unlawfully present in the United States  
4 under the laws of the United States;

5 (i-5) An alien who has been admitted to the United States  
6 under a non-immigrant visa (as that term is defined in Section  
7 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
8 1101(a)(26))), except that this subsection (i-5) does not apply  
9 to any alien who has been lawfully admitted to the United  
10 States under a non-immigrant visa if that alien is:

11 (1) admitted to the United States for lawful hunting or  
12 sporting purposes;

13 (2) an official representative of a foreign government  
14 who is:

15 (A) accredited to the United States Government or  
16 the Government's mission to an international  
17 organization having its headquarters in the United  
18 States; or

19 (B) en route to or from another country to which  
20 that alien is accredited;

21 (3) an official of a foreign government or  
22 distinguished foreign visitor who has been so designated by  
23 the Department of State;

24 (4) a foreign law enforcement officer of a friendly  
25 foreign government entering the United States on official  
26 business; or

27 (5) one who has received a waiver from the Attorney  
28 General of the United States pursuant to 18 U.S.C.  
29 922(y)(3);

30 (j) A person who is subject to an existing order of  
31 protection prohibiting him or her from possessing a firearm;

32 (k) A person who has been convicted within the past 5 years  
33 of battery, assault, aggravated assault, violation of an order  
34 of protection, or a substantially similar offense in another  
35 jurisdiction, in which a firearm was used or possessed;

36 (l) A person who has been convicted of domestic battery or

1 a substantially similar offense in another jurisdiction  
2 committed on or after January 1, 1998;

3 (m) A person who has been convicted within the past 5 years  
4 of domestic battery or a substantially similar offense in  
5 another jurisdiction committed before January 1, 1998;

6 (n) A person who is prohibited from acquiring or possessing  
7 firearms or firearm ammunition by any Illinois State statute or  
8 by federal law;

9 (o) A minor subject to a petition filed under Section 5-520  
10 of the Juvenile Court Act of 1987 alleging that the minor is a  
11 delinquent minor for the commission of an offense that if  
12 committed by an adult would be a felony; or

13 (p) An adult who had been adjudicated a delinquent minor  
14 under the Juvenile Court Act of 1987 for the commission of an  
15 offense that if committed by an adult would be a felony.

16 The Department of State Police may revoke and seize a  
17 Firearm Owner's Identification Card previously issued under  
18 this Act of a person who fails to report the loss or theft of a  
19 firearm to the Department within 72 hours after obtaining  
20 knowledge of the loss or theft.

21 (Source: P.A. 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

22 Section 10. The Criminal Code of 1961 is amended by  
23 changing Sections 24-1, 24-1.1, 24-1.6, 24-3, and 24-3.1 and by  
24 adding Section 24-4.1 as follows:

25 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

26 Sec. 24-1. Unlawful Use of Weapons.

27 (a) A person commits the offense of unlawful use of weapons  
28 when he knowingly:

29 (1) Sells, manufactures, purchases, possesses or  
30 carries any bludgeon, black-jack, slung-shot, sand-club,  
31 sand-bag, metal knuckles, throwing star, or any knife,  
32 commonly referred to as a switchblade knife, which has a  
33 blade that opens automatically by hand pressure applied to  
34 a button, spring or other device in the handle of the

1 knife, or a ballistic knife, which is a device that propels  
2 a knifelike blade as a projectile by means of a coil  
3 spring, elastic material or compressed gas; or

4 (2) Carries or possesses with intent to use the same  
5 unlawfully against another, a dagger, dirk, billy,  
6 dangerous knife, razor, stiletto, broken bottle or other  
7 piece of glass, stun gun or taser or any other dangerous or  
8 deadly weapon or instrument of like character; or

9 (3) Carries on or about his person or in any vehicle, a  
10 tear gas gun projector or bomb or any object containing  
11 noxious liquid gas or substance, other than an object  
12 containing a non-lethal noxious liquid gas or substance  
13 designed solely for personal defense carried by a person 18  
14 years of age or older; or

15 (4) Carries or possesses in any vehicle or concealed on  
16 or about his person except when on his land or in his own  
17 abode or fixed place of business ~~a any~~ pistol, revolver,  
18 stun gun or taser or other firearm, except that this  
19 subsection (a) (4) does not apply to or affect  
20 transportation of weapons that meet one of the following  
21 conditions:

22 (i) are broken down in a non-functioning state; or

23 (ii) are not immediately accessible; or

24 (iii) are unloaded and enclosed in a case, firearm  
25 carrying box, shipping box, or other container by a  
26 person who has been issued a currently valid Firearm  
27 Owner's Identification Card; or

28 (5) Sets a spring gun; or

29 (6) Possesses any device or attachment of any kind  
30 designed, used or intended for use in silencing the report  
31 of any firearm; or

32 (7) Sells, manufactures, purchases, possesses or  
33 carries:

34 (i) a machine gun, which shall be defined for the  
35 purposes of this subsection as any weapon, which  
36 shoots, is designed to shoot, or can be readily

1 restored to shoot, automatically more than one shot  
2 without manually reloading by a single function of the  
3 trigger, including the frame or receiver of any such  
4 weapon, or sells, manufactures, purchases, possesses,  
5 or carries any combination of parts designed or  
6 intended for use in converting any weapon into a  
7 machine gun, or any combination or parts from which a  
8 machine gun can be assembled if such parts are in the  
9 possession or under the control of a person;

10 (ii) any rifle having one or more barrels less than  
11 16 inches in length or a shotgun having one or more  
12 barrels less than 18 inches in length or any weapon  
13 made from a rifle or shotgun, whether by alteration,  
14 modification, or otherwise, if such a weapon as  
15 modified has an overall length of less than 26 inches;  
16 or

17 (iii) any bomb, bomb-shell, grenade, bottle or  
18 other container containing an explosive substance of  
19 over one-quarter ounce for like purposes, such as, but  
20 not limited to, black powder bombs and Molotov  
21 cocktails or artillery projectiles; or

22 (8) Carries or possesses any firearm, stun gun or taser  
23 or other deadly weapon in any place which is licensed to  
24 sell intoxicating beverages, or at any public gathering  
25 held pursuant to a license issued by any governmental body  
26 or any public gathering at which an admission is charged,  
27 excluding a place where a showing, demonstration or lecture  
28 involving the exhibition of unloaded firearms is  
29 conducted.

30 This subsection (a) (8) does not apply to any auction or  
31 raffle of a firearm held pursuant to a license or permit  
32 issued by a governmental body, nor does it apply to persons  
33 engaged in firearm safety training courses; or

34 (9) Carries or possesses in a vehicle or on or about  
35 his person any pistol, revolver, stun gun or taser or  
36 firearm or ballistic knife, when he is hooded, robed or

1 masked in such manner as to conceal his identity; or

2 (10) Carries or possesses on or about his person, upon  
3 any public street, alley, or other public lands within the  
4 corporate limits of a city, village or incorporated town,  
5 except when an invitee thereon or therein, for the purpose  
6 of the display of such weapon or the lawful commerce in  
7 weapons, or except when on his land or in his own abode or  
8 fixed place of business, ~~a any~~ pistol, revolver, stun gun  
9 or taser or other firearm, except that this subsection (a)  
10 (10) does not apply to or affect transportation of weapons  
11 that meet one of the following conditions:

12 (i) are broken down in a non-functioning state; or

13 (ii) are not immediately accessible; or

14 (iii) are unloaded and enclosed in a case, firearm  
15 carrying box, shipping box, or other container by a  
16 person who has been issued a currently valid Firearm  
17 Owner's Identification Card.

18 A "stun gun or taser", as used in this paragraph (a)  
19 means (i) any device which is powered by electrical  
20 charging units, such as, batteries, and which fires one or  
21 several barbs attached to a length of wire and which, upon  
22 hitting a human, can send out a current capable of  
23 disrupting the person's nervous system in such a manner as  
24 to render him incapable of normal functioning or (ii) any  
25 device which is powered by electrical charging units, such  
26 as batteries, and which, upon contact with a human or  
27 clothing worn by a human, can send out current capable of  
28 disrupting the person's nervous system in such a manner as  
29 to render him incapable of normal functioning; or

30 (11) Sells, manufactures or purchases any explosive  
31 bullet. For purposes of this paragraph (a) "explosive  
32 bullet" means the projectile portion of an ammunition  
33 cartridge which contains or carries an explosive charge  
34 which will explode upon contact with the flesh of a human  
35 or an animal. "Cartridge" means a tubular metal case having  
36 a projectile affixed at the front thereof and a cap or

1 primer at the rear end thereof, with the propellant  
2 contained in such tube between the projectile and the cap;  
3 or

4 (12) (Blank).

5 (b) Sentence. A person convicted of a violation of  
6 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or  
7 subsection 24-1(a)(11) commits a Class A misdemeanor. A person  
8 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)  
9 commits a Class 4 felony; a person convicted of a violation of  
10 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a  
11 Class 3 felony. A person convicted of a violation of subsection  
12 24-1(a)(7)(i) commits a Class 2 felony, unless the weapon is  
13 possessed in the passenger compartment of a motor vehicle as  
14 defined in Section 1-146 of the Illinois Vehicle Code, or on  
15 the person, while the weapon is loaded, in which case it shall  
16 be a Class X felony. A person convicted of a second or  
17 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),  
18 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The  
19 possession of each firearm in violation of subsection  
20 24-1(a)(4) or subsection 24-1(a)(10) constitutes a single and  
21 separate violation.

22 (c) Violations in specific places.

23 (1) A person who violates subsection 24-1(a)(6) or  
24 24-1(a)(7) in any school, regardless of the time of day or  
25 the time of year, in residential property owned, operated  
26 or managed by a public housing agency or leased by a public  
27 housing agency as part of a scattered site or mixed-income  
28 development, in a public park, in a courthouse, on the real  
29 property comprising any school, regardless of the time of  
30 day or the time of year, on residential property owned,  
31 operated or managed by a public housing agency or leased by  
32 a public housing agency as part of a scattered site or  
33 mixed-income development, on the real property comprising  
34 any public park, on the real property comprising any  
35 courthouse, in any conveyance owned, leased or contracted  
36 by a school to transport students to or from school or a



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

7 (1.5) A person who violates subsection 24-1(a)(4),  
8 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
9 time of day or the time of year, in residential property  
10 owned, operated, or managed by a public housing agency or  
11 leased by a public housing agency as part of a scattered  
12 site or mixed-income development, in a public park, in a  
13 courthouse, on the real property comprising any school,  
14 regardless of the time of day or the time of year, on  
15 residential property owned, operated, or managed by a  
16 public housing agency or leased by a public housing agency  
17 as part of a scattered site or mixed-income development, on  
18 the real property comprising any public park, on the real  
19 property comprising any courthouse, in any conveyance  
20 owned, leased, or contracted by a school to transport  
21 students to or from school or a school related activity, or  
22 on any public way within 1,000 feet of the real property  
23 comprising any school, public park, courthouse, or  
24 residential property owned, operated, or managed by a  
25 public housing agency or leased by a public housing agency  
26 as part of a scattered site or mixed-income development  
27 commits a Class 3 felony.

28 (2) A person who violates subsection 24-1(a)(1),  
29 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
30 time of day or the time of year, in residential property  
31 owned, operated or managed by a public housing agency or  
32 leased by a public housing agency as part of a scattered  
33 site or mixed-income development, in a public park, in a  
34 courthouse, on the real property comprising any school,  
35 regardless of the time of day or the time of year, on  
36 residential property owned, operated or managed by a public

1 housing agency or leased by a public housing agency as part  
2 of a scattered site or mixed-income development, on the  
3 real property comprising any public park, on the real  
4 property comprising any courthouse, in any conveyance  
5 owned, leased or contracted by a school to transport  
6 students to or from school or a school related activity, or  
7 on any public way within 1,000 feet of the real property  
8 comprising any school, public park, courthouse, or  
9 residential property owned, operated, or managed by a  
10 public housing agency or leased by a public housing agency  
11 as part of a scattered site or mixed-income development  
12 commits a Class 4 felony. "Courthouse" means any building  
13 that is used by the Circuit, Appellate, or Supreme Court of  
14 this State for the conduct of official business.

15 (3) Paragraphs (1), (1.5), and (2) of this subsection  
16 (c) shall not apply to law enforcement officers or security  
17 officers of such school, college, or university or to  
18 students carrying or possessing firearms for use in  
19 training courses, parades, hunting, target shooting on  
20 school ranges, or otherwise with the consent of school  
21 authorities and which firearms are transported unloaded  
22 enclosed in a suitable case, box, or transportation  
23 package.

24 (4) For the purposes of this subsection (c), "school"  
25 means any public or private elementary or secondary school,  
26 community college, college, or university.

27 (d) The presence in an automobile other than a public  
28 omnibus of any weapon, instrument or substance referred to in  
29 subsection (a)(7) is prima facie evidence that it is in the  
30 possession of, and is being carried by, all persons occupying  
31 such automobile at the time such weapon, instrument or  
32 substance is found, except under the following circumstances:  
33 (i) if such weapon, instrument or instrumentality is found upon  
34 the person of one of the occupants therein; or (ii) if such  
35 weapon, instrument or substance is found in an automobile  
36 operated for hire by a duly licensed driver in the due, lawful

1 and proper pursuit of his trade, then such presumption shall  
2 not apply to the driver.

3 (e) Exemptions. Crossbows, Common or Compound bows and  
4 Underwater Spearguns are exempted from the definition of  
5 ballistic knife as defined in paragraph (1) of subsection (a)  
6 of this Section.

7 (Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99;  
8 91-690, eff. 4-13-00.)

9 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

10 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
11 Felons or Persons in the Custody of the Department of  
12 Corrections Facilities.

13 (a) It is unlawful for a person to knowingly possess on or  
14 about his person or on his land or in his own abode or fixed  
15 place of business a ~~any~~ weapon prohibited under Section 24-1 of  
16 this Act or a ~~any~~ firearm or any firearm ammunition if the  
17 person has been convicted of a felony under the laws of this  
18 State or any other jurisdiction. This Section shall not apply  
19 if the person has been granted relief by the Director of the  
20 Department of State Police under Section 10 of the Firearm  
21 Owners Identification Card Act.

22 (b) It is unlawful for any person confined in a penal  
23 institution, which is a facility of the Illinois Department of  
24 Corrections, to possess a ~~any~~ weapon prohibited under Section  
25 24-1 of this Code or a ~~any~~ firearm or firearm ammunition,  
26 regardless of the intent with which he possesses it.

27 (c) It shall be an affirmative defense to a violation of  
28 subsection (b), that such possession was specifically  
29 authorized by rule, regulation, or directive of the Illinois  
30 Department of Corrections or order issued pursuant thereto.

31 (d) The defense of necessity is not available to a person  
32 who is charged with a violation of subsection (b) of this  
33 Section.

34 (e) Sentence. Violation of this Section by a person not  
35 confined in a penal institution shall be a Class 3 felony for

1 which the person, if sentenced to a term of imprisonment, shall  
2 be sentenced to no less than 2 years and no more than 10 years.  
3 Violation of this Section by a person not confined in a penal  
4 institution who has been convicted of a forcible felony, a  
5 felony violation of Article 24 of this Code or of the Firearm  
6 Owners Identification Card Act, stalking or aggravated  
7 stalking, or a Class 2 or greater felony under the Illinois  
8 Controlled Substances Act or the Cannabis Control Act is a  
9 Class 2 felony for which the person, if sentenced to a term of  
10 imprisonment, shall be sentenced to not less than 3 years and  
11 not more than 14 years. Violation of this Section by a person  
12 who is on parole or mandatory supervised release is a Class 2  
13 felony for which the person, if sentenced to a term of  
14 imprisonment, shall be sentenced to not less than 3 years and  
15 not more than 14 years. Violation of this Section by a person  
16 not confined in a penal institution is a Class X felony when  
17 the firearm possessed is a machine gun. Any person who violates  
18 this Section while confined in a penal institution, which is a  
19 facility of the Illinois Department of Corrections, is guilty  
20 of a Class 1 felony, if he possesses any weapon prohibited  
21 under Section 24-1 of this Code regardless of the intent with  
22 which he possesses it, a Class X felony if he possesses any  
23 firearm, firearm ammunition or explosive, and a Class X felony  
24 for which the offender shall be sentenced to not less than 12  
25 years and not more than 50 years when the firearm possessed is  
26 a machine gun. A violation of this Section while wearing or in  
27 possession of body armor as defined in Section 33F-1 is a Class  
28 X felony punishable by a term of imprisonment of not less than  
29 10 years and not more than 40 years. The possession of each  
30 firearm or firearm ammunition in violation of this Section  
31 constitutes a single and separate violation.

32 (Source: P.A. 93-906, eff. 8-11-04.)

33 (720 ILCS 5/24-1.6)

34 Sec. 24-1.6. Aggravated unlawful use of a weapon.

35 (a) A person commits the offense of aggravated unlawful use

1 of a weapon when he or she knowingly:

2 (1) Carries on or about his or her person or in any  
3 vehicle or concealed on or about his or her person except  
4 when on his or her land or in his or her abode or fixed  
5 place of business a ~~any~~ pistol, revolver, stun gun or taser  
6 or other firearm; or

7 (2) Carries or possesses on or about his or her person,  
8 upon any public street, alley, or other public lands within  
9 the corporate limits of a city, village or incorporated  
10 town, except when an invitee thereon or therein, for the  
11 purpose of the display of such weapon or the lawful  
12 commerce in weapons, or except when on his or her own land  
13 or in his or her own abode or fixed place of business, a  
14 ~~any~~ pistol, revolver, stun gun or taser or other firearm;  
15 and

16 (3) One of the following factors is present:

17 (A) the firearm possessed was uncased, loaded and  
18 immediately accessible at the time of the offense; or

19 (B) the firearm possessed was uncased, unloaded  
20 and the ammunition for the weapon was immediately  
21 accessible at the time of the offense; or

22 (C) the person possessing the firearm has not been  
23 issued a currently valid Firearm Owner's  
24 Identification Card; or

25 (D) the person possessing the weapon was  
26 previously adjudicated a delinquent minor under the  
27 Juvenile Court Act of 1987 for an act that if committed  
28 by an adult would be a felony; or

29 (E) the person possessing the weapon was engaged in  
30 a misdemeanor violation of the Cannabis Control Act or  
31 in a misdemeanor violation of the Illinois Controlled  
32 Substances Act; or

33 (F) the person possessing the weapon is a member of  
34 a street gang or is engaged in street gang related  
35 activity, as defined in Section 10 of the Illinois  
36 Streetgang Terrorism Omnibus Prevention Act; or

1 (G) the person possessing the weapon had a order of  
2 protection issued against him or her within the  
3 previous 2 years; or

4 (H) the person possessing the weapon was engaged in  
5 the commission or attempted commission of a  
6 misdemeanor involving the use or threat of violence  
7 against the person or property of another; or

8 (I) the person possessing the weapon was under 21  
9 years of age and in possession of a handgun as defined  
10 in Section 24-3, unless the person under 21 is engaged  
11 in lawful activities under the Wildlife Code or  
12 described in subsection 24-2(b)(1), (b)(3), or  
13 24-2(f).

14 (b) "Stun gun or taser" as used in this Section has the  
15 same definition given to it in Section 24-1 of this Code.

16 (c) This Section does not apply to or affect the  
17 transportation or possession of weapons that:

18 (i) are broken down in a non-functioning state; or

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm  
21 carrying box, shipping box, or other container by a  
22 person who has been issued a currently valid Firearm  
23 Owner's Identification Card.

24 (d) Sentence. Aggravated unlawful use of a weapon is a  
25 Class 4 felony; a second or subsequent offense is a Class 2  
26 felony. Aggravated unlawful use of a weapon by a person who has  
27 been previously convicted of a felony in this State or another  
28 jurisdiction is a Class 2 felony. Aggravated unlawful use of a  
29 weapon while wearing or in possession of body armor as defined  
30 in Section 33F-1 by a person who has not been issued a valid  
31 Firearms Owner's Identification Card in accordance with  
32 Section 5 of the Firearm Owners Identification Card Act is a  
33 Class X felony. The possession of each firearm in violation of  
34 this Section constitutes a single and separate violation.

35 (Source: P.A. 93-906, eff. 8-11-04.)

1 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

2 Sec. 24-3. Unlawful Sale of Firearms.

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

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

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

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

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

15 (e) Sells or gives any firearm to any person who has  
16 been a patient in a mental hospital within the past 5  
17 years.

18 (f) Sells or gives any firearms to any person who is  
19 mentally retarded.

20 (g) Delivers any firearm of a size which may be  
21 concealed upon the person, incidental to a sale, without  
22 withholding delivery of such firearm for at least 72 hours  
23 after application for its purchase has been made, or  
24 delivers any rifle, shotgun or other long gun, incidental  
25 to a sale, without withholding delivery of such rifle,  
26 shotgun or other long gun for at least 24 hours after  
27 application for its purchase has been made. The application  
28 shall be in writing and shall state: (1) the name of the  
29 purchaser, (2) the purchaser's address, (3) that the  
30 purchaser has a valid Firearm Owner's Identification Card,  
31 and (4) that the firearm may be sold only to the person who  
32 initially made the written application for the firearm.

33 However, this paragraph (g) does not apply to: (1) the sale  
34 of a firearm to a law enforcement officer if the seller of  
35 the firearm knows that the person to whom he or she is  
36 selling the firearm is a law enforcement officer or the

1       sale of a firearm to a person who desires to purchase a  
2       firearm for use in promoting the public interest incident  
3       to his or her employment as a bank guard, armed truck  
4       guard, or other similar employment; (2) a mail order sale  
5       of a firearm to a nonresident of Illinois under which the  
6       firearm is mailed to a point outside the boundaries of  
7       Illinois; (3) the sale of a firearm to a nonresident of  
8       Illinois while at a firearm showing or display recognized  
9       by the Illinois Department of State Police; or (4) the sale  
10      of a firearm to a dealer licensed as a federal firearms  
11      dealer under Section 923 of the federal Gun Control Act of  
12      1968 (18 U.S.C. 923).

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

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

29           (j) Sells or gives a firearm while engaged in the  
30      business of selling firearms at wholesale or retail without  
31      being licensed as a federal firearms dealer under Section  
32      923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
33      In this paragraph (j):

34           A person "engaged in the business" means a person who  
35      devotes time, attention, and labor to engaging in the  
36      activity as a regular course of trade or business with the



1 principal objective of livelihood and profit, but does not  
2 include a person who makes occasional repairs of firearms  
3 or who occasionally fits special barrels, stocks, or  
4 trigger mechanisms to firearms.

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

14 (k) Sells or transfers ownership of a firearm to a  
15 person who does not display to the seller or transferor of  
16 the firearm a currently valid Firearm Owner's  
17 Identification Card that has previously been issued in the  
18 transferee's name by the Department of State Police under  
19 the provisions of the Firearm Owners Identification Card  
20 Act. This paragraph (k) does not apply to the transfer of a  
21 firearm to a person who is exempt from the requirement of  
22 possessing a Firearm Owner's Identification Card under  
23 Section 2 of the Firearm Owners Identification Card Act.  
24 For the purposes of this Section, a currently valid Firearm  
25 Owner's Identification Card means (i) a Firearm Owner's  
26 Identification Card that has not expired or (ii) if the  
27 transferor is licensed as a federal firearms dealer under  
28 Section 923 of the federal Gun Control Act of 1968 (18  
29 U.S.C. 923), an approval number issued in accordance with  
30 Section 3.1 of the Firearm Owners Identification Card Act  
31 shall be proof that the Firearm Owner's Identification Card  
32 was valid.

33 (B) Paragraph (h) of subsection (A) does not include  
34 firearms sold within 6 months after enactment of Public Act  
35 78-355 (approved August 21, 1973, effective October 1, 1973),  
36 nor is any firearm legally owned or possessed by any citizen or

1 purchased by any citizen within 6 months after the enactment of  
2 Public Act 78-355 subject to confiscation or seizure under the  
3 provisions of that Public Act. Nothing in Public Act 78-355  
4 shall be construed to prohibit the gift or trade of any firearm  
5 if that firearm was legally held or acquired within 6 months  
6 after the enactment of that Public Act.

7 (C) Sentence.

8 (1) Any person convicted of unlawful sale of firearms  
9 in violation of any of paragraphs (c) through (h) of  
10 subsection (A) commits a Class 4 felony.

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

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

17 (4) Any person convicted of unlawful sale of firearms  
18 in violation of paragraph (a), (b), or (i) of subsection  
19 (A) in any school, on the real property comprising a  
20 school, within 1,000 feet of the real property comprising a  
21 school, at a school related activity, or on or within 1,000  
22 feet of any conveyance owned, leased, or contracted by a  
23 school or school district to transport students to or from  
24 school or a school related activity, regardless of the time  
25 of day or time of year at which the offense was committed,  
26 commits a Class 1 felony. Any person convicted of a second  
27 or subsequent violation of unlawful sale of firearms in  
28 violation of paragraph (a), (b), or (i) of subsection (A)  
29 in any school, on the real property comprising a school,  
30 within 1,000 feet of the real property comprising a school,  
31 at a school related activity, or on or within 1,000 feet of  
32 any conveyance owned, leased, or contracted by a school or  
33 school district to transport students to or from school or  
34 a school related activity, regardless of the time of day or  
35 time of year at which the offense was committed, commits a  
36 Class 1 felony for which the sentence shall be a term of

1 imprisonment of no less than 5 years and no more than 15  
2 years.

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

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

23 (7) Any person convicted of unlawful sale of firearms  
24 in violation of paragraph (k) of subsection (A) commits a  
25 Class 4 felony. A third or subsequent conviction for a  
26 violation of paragraph (k) of subsection (A) is a Class 1  
27 felony.

28 (D) For purposes of this Section:

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

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

35 (E) A prosecution for a violation of paragraph (k) of  
36 subsection (A) of this Section may be commenced within 6 years

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

6 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04.)

7 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

8 Sec. 24-3.1. Unlawful possession of firearms and firearm  
9 ammunition.

10 (a) A person commits the offense of unlawful possession of  
11 firearms or firearm ammunition when:

12 (1) He is under 18 years of age and has in his  
13 possession a ~~any~~ firearm of a size which may be concealed  
14 upon the person; or

15 (2) He is under 21 years of age, has been convicted of  
16 a misdemeanor other than a traffic offense or adjudged  
17 delinquent and has a firearm ~~any firearms~~ or firearm  
18 ammunition in his possession; or

19 (3) He is a narcotic addict and has a firearm ~~any~~  
20 ~~firearms~~ or firearm ammunition in his possession; or

21 (4) He has been a patient in a mental hospital within  
22 the past 5 years and has a firearm ~~any firearms~~ or firearm  
23 ammunition in his possession; or

24 (5) He is mentally retarded and has a firearm ~~any~~  
25 ~~firearms~~ or firearm ammunition in his possession; or

26 (6) He has in his possession any explosive bullet.

27 For purposes of this paragraph "explosive bullet" means the  
28 projectile portion of an ammunition cartridge which contains or  
29 carries an explosive charge which will explode upon contact  
30 with the flesh of a human or an animal. "Cartridge" means a  
31 tubular metal case having a projectile affixed at the front  
32 thereof and a cap or primer at the rear end thereof, with the  
33 propellant contained in such tube between the projectile and  
34 the cap; or

35 (b) Sentence.

1 Unlawful possession of firearms, other than handguns, and  
2 firearm ammunition is a Class A misdemeanor. Unlawful  
3 possession of handguns is a Class 4 felony. The possession of  
4 each firearm or firearm ammunition in violation of this Section  
5 constitutes a single and separate violation.

6 (c) Nothing in paragraph (1) of subsection (a) of this  
7 Section prohibits a person under 18 years of age from  
8 participating in any lawful recreational activity with a  
9 firearm such as, but not limited to, practice shooting at  
10 targets upon established public or private target ranges or  
11 hunting, trapping, or fishing in accordance with the Wildlife  
12 Code or the Fish and Aquatic Life Code.

13 (Source: P.A. 91-696, eff. 4-13-00; 92-839, eff. 8-22-02.)

14 (720 ILCS 5/24-4.1 new)

15 Sec. 24-4.1. Report of lost or stolen firearms.

16 (a) If a person who possesses a valid Firearm Owner's  
17 Identification Card and who possesses or acquires a firearm  
18 thereafter loses or misplaces the firearm, or if the firearm is  
19 stolen from the person, the person must report the loss or  
20 theft to the Department of State Police within 72 hours after  
21 obtaining knowledge of the loss or theft.

22 (b) Sentence. A person who violates this Section is guilty  
23 of a petty offense for a first violation. A second or  
24 subsequent violation of this Section is a Class A misdemeanor.

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.