

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 24-3 and adding Section 24-3.1A as follows:

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

7 Sec. 24-3. Unlawful transfer ~~sale~~ of firearms ~~Firearms~~.

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

10 (a) Transfers or possesses with intent to transfer  
11 ~~Sells or gives~~ any firearm of a size which may be concealed  
12 upon the person to any person he or she has reasonable  
13 cause to believe is under 18 years of age.

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

18 (b-5) Transfers or possesses with intent to transfer  
19 any firearm to a person he or she has reasonable cause to  
20 believe is under 18 years of age.

21 (c) Transfers or possesses with intent to transfer  
22 ~~Sells or gives~~ any firearm to any person he or she has  
23 reasonable cause to believe is a narcotic addict.

1           (d) Transfers or possesses with intent to transfer  
2 ~~Sells or gives~~ any firearm to any person he or she has  
3 reasonable cause to believe ~~who~~ has been convicted of a  
4 felony under the laws of this or any other jurisdiction.

5           (e) Transfers or possesses with intent to transfer  
6 ~~Sells or gives~~ any firearm to any person he or she has  
7 reasonable cause to believe ~~who~~ has been a patient in a  
8 mental hospital within the past 5 years.

9           (f) Transfers or possesses with intent to transfer  
10 ~~Sells or gives~~ any firearms to any person he or she knows  
11 or has reasonable cause to believe ~~who~~ is mentally  
12 retarded.

13           (g) Knowingly transfers ~~Delivers~~ any firearm of a size  
14 which may be concealed upon the person, incidental to a  
15 sale, without withholding delivery of such firearm for at  
16 least 72 hours after application for its purchase has been  
17 made, or delivers any rifle, shotgun or other long gun, or  
18 a stun gun or taser, incidental to a sale, without  
19 withholding delivery of such rifle, shotgun or other long  
20 gun, or a stun gun or taser for at least 24 hours after  
21 application for its purchase has been made. However, this  
22 paragraph (g) does not apply to: (1) the sale of a firearm  
23 to a law enforcement officer if the seller of the firearm  
24 knows that the person to whom he or she is selling the  
25 firearm is a law enforcement officer or the sale of a  
26 firearm to a person who desires to purchase a firearm for

1 use in promoting the public interest incident to his or her  
2 employment as a bank guard, armed truck guard, or other  
3 similar employment; (2) a mail order sale of a firearm to a  
4 nonresident of Illinois under which the firearm is mailed  
5 to a point outside the boundaries of Illinois; (3) the sale  
6 of a firearm to a nonresident of Illinois while at a  
7 firearm showing or display recognized by the Illinois  
8 Department of State Police; or (4) the sale of a firearm to  
9 a dealer licensed as a federal firearms dealer under  
10 Section 923 of the federal Gun Control Act of 1968 (18  
11 U.S.C. 923). For purposes of this paragraph (g),  
12 "application" means when the buyer and seller reach an  
13 agreement to purchase a firearm.

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

1           (i) Transfers or possesses with intent to transfer  
2 ~~Sells or gives~~ a firearm of any size to any person he or  
3 she knows or has reasonable cause to believe is under 18  
4 years of age who does not possess a valid Firearm Owner's  
5 Identification Card.

6           (i-5) While holding a license under the Federal Gun  
7 Control Act of 1968, transfers or possesses with intent to  
8 transfer more than one handgun to any person within any  
9 30-day period or transfers or possesses with intent to  
10 transfer a handgun to any person he or she knows or has  
11 reasonable cause to believe has received a handgun within  
12 the previous 30 days unless the receipt of multiple  
13 handguns is exempted under subsection (c) or (d) of Section  
14 24-3.1A. It is an affirmative defense to a violation of  
15 this subsection that the transferor in good faith relied on  
16 the records of the Department of State Police in concluding  
17 that the transferor had not transferred a handgun within  
18 the previous 30 days or that multiple purchases were  
19 authorized by subsection (b) of Section 24-3.1A, or relied  
20 in good faith on the records of a local law enforcement  
21 agency that the transfer was authorized by subsection (c)  
22 of Section 24-3.1A.

23           (j) Transfers or possesses with intent to transfer  
24 ~~Sells or gives~~ a firearm while engaged in the business of  
25 selling firearms at wholesale or retail without being  
26 licensed as a federal firearms dealer under Section 923 of

1 the federal Gun Control Act of 1968 (18 U.S.C. 923). In  
2 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 intents,  
14 such as improving or liquidating a personal firearms  
15 collection; however, proof of profit shall not be required  
16 as to a person who engages in the regular and repetitive  
17 purchase and disposition of firearms for criminal purposes  
18 or terrorism.

19 (k) Transfers ~~Sells or transfers~~ ownership of a firearm  
20 to a person who does not display to the seller or  
21 transferor of the firearm a currently valid Firearm Owner's  
22 Identification Card that has previously been issued in the  
23 transferee's name by the Department of State Police under  
24 the provisions of the Firearm Owners Identification Card  
25 Act. This paragraph (k) does not apply to the transfer of a  
26 firearm to a person who is exempt from the requirement of

1           possessing a Firearm Owner's Identification Card under  
2           Section 2 of the Firearm Owners Identification Card Act.  
3           For the purposes of this Section, a currently valid Firearm  
4           Owner's Identification Card means (i) a Firearm Owner's  
5           Identification Card that has not expired or (ii) if the  
6           transferor is licensed as a federal firearms dealer under  
7           Section 923 of the federal Gun Control Act of 1968 (18  
8           U.S.C. 923), an approval number issued in accordance with  
9           Section 3.1 of the Firearm Owners Identification Card Act  
10          shall be proof that the Firearm Owner's Identification Card  
11          was valid.

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

22          (B-5) As used in this Section, "transfer" means the actual  
23          or attempted transfer of a firearm or firearm ammunition, with  
24          or without consideration, but does not include the lease of a  
25          firearm, or the provision of ammunition specifically for that  
26          firearm, if the firearm and the ammunition are to be used on

1 the lessor's premises, and does not include any transfer of  
2 possession when the transferor maintains supervision and  
3 control over the firearm or ammunition.

4 (B-10) It is an affirmative defense to a violation of  
5 paragraph (i-5) of subsection (A) that the transfer or  
6 possession with intent to transfer of a firearm was to a  
7 transferee who received the firearm as an heir, legatee, or  
8 beneficiary of or in a similar capacity to a deceased person  
9 who had owned the firearm. Nothing in this paragraph (B-10)  
10 makes lawful any transfer or possession with intent to transfer  
11 of a firearm, or any other possession or use of a firearm, in  
12 violation of any law, other than paragraph (i-5) of subsection  
13 (A), or in violation of any municipal or county ordinance.

14 (C) Sentence.

15 (1) Any person convicted of unlawful transfer ~~sale~~ of  
16 firearms in violation of paragraph (c), (e), (f), (g), or  
17 (h) of subsection (A) commits a Class 4 felony. A person  
18 convicted of a violation of subsection (i-5) of subsection  
19 (A) of this Section commits a Class A misdemeanor for a  
20 first offense and a Class 4 felony for a second or  
21 subsequent offense.

22 (2) Any person convicted of unlawful transfer ~~sale~~ of  
23 firearms in violation of paragraph (b), (b-5), or (i) of  
24 subsection (A) commits a Class 3 felony.

25 (3) Any person convicted of unlawful transfer ~~sale~~ of  
26 firearms in violation of paragraph (a) of subsection (A)

1 commits a Class 2 felony.

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

24 (5) Any person convicted of unlawful transfer ~~sale~~ of  
25 firearms in violation of paragraph (a) or (i) of subsection  
26 (A) in residential property owned, operated, or managed by

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

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

18 (7) Any person convicted of unlawful transfer ~~sale~~ of  
19 firearms in violation of paragraph (k) of subsection (A)  
20 commits a Class 4 felony. A third or subsequent conviction  
21 for a violation of paragraph (k) of subsection (A) is a  
22 Class 1 felony.

23 (8) A person 18 years of age or older convicted of  
24 unlawful transfer ~~sale~~ of firearms in violation of  
25 paragraph (a) or (i) of subsection (A), when the firearm  
26 that was sold or given to another person under 18 years of

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

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

9 (D) For purposes of this Section:

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

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

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

23 (Source: P.A. 95-331, eff. 8-21-07; 95-735, eff. 7-16-08;  
24 96-190, eff. 1-1-10.)

25 (720 ILCS 5/24-3.1A new)

1       Sec. 24-3.1A. Unlawful acquisition of handguns.

2       (a) Except as exempted in subsections (b) and (c), it is  
3 unlawful for any person other than a person holding a license  
4 under the Federal Gun Control Act of 1968, as amended, to  
5 acquire more than one handgun within any 30-day period.

6       (b) Acquisitions in excess of one handgun within a 30-day  
7 period may be made upon completion of an enhanced background  
8 check, as described in this Section, by special application to  
9 the Department of State Police listing the number and type of  
10 handguns to be acquired and transferred for lawful business or  
11 personal use, in a collector series, for collections, as a bulk  
12 purchase from estate sales, and for similar purposes. The  
13 application must be signed under oath by the applicant on forms  
14 provided by the Department of State Police, must state the  
15 purpose for the acquisition above the limit, and must require  
16 satisfactory proof of residency and identity. The application  
17 is in addition to the firearms transfer report required by the  
18 Bureau of Alcohol, Tobacco and Firearms (ATF). The Director of  
19 State Police shall adopt rules, under the Illinois  
20 Administrative Procedure Act, for the implementation of an  
21 application process for acquisitions of handguns above the  
22 limit.

23       Upon being satisfied that these requirements have been met,  
24 the Department of State Police must forthwith issue to the  
25 applicant a nontransferable certificate that is valid for 7  
26 days from the date of issue. The certificate must be

1 surrendered to the transferor by the prospective transferee  
2 before the consummation of the transfer and must be kept on  
3 file at the transferor's place of business for inspection as  
4 provided in Section 24-4. Upon request of any local law  
5 enforcement agency, and under its rules, the Department of  
6 State Police may certify the local law enforcement agency to  
7 serve as its agent to receive applications and, upon  
8 authorization by the Department of State Police, issue  
9 certificates forthwith under this Section. Applications and  
10 certificates issued under this Section must be maintained as  
11 records by the Department of State Police, and made available  
12 to local law enforcement agencies.

13 (c) This Section does not apply to:

14 (1) A law enforcement agency;

15 (2) State and local correctional agencies and  
16 departments;

17 (3) The acquisition of antique firearms as defined by  
18 paragraph (4) of Section 1.1 of the Firearm Owners  
19 Identification Card Act; or

20 (4) A person whose handgun is stolen or irretrievably  
21 lost who deems it essential that the handgun be replaced  
22 immediately. The person may acquire another handgun, even  
23 if the person has previously acquired a handgun within a  
24 30-day period, if: (i) the person provides the firearms  
25 transferor with a copy of the official police report or a  
26 summary of the official police report, on forms provided by

1 the Department of State Police, from the law enforcement  
2 agency that took the report of the lost or stolen handgun;  
3 (ii) the official police report or summary of the official  
4 police report contains the name and address of the handgun  
5 owner, the description and serial number of the handgun,  
6 the location of the loss or theft, the date of the loss or  
7 theft, and the date the loss or theft was reported to the  
8 law enforcement agency; and (iii) the date of the loss or  
9 theft as reflected on the official police report or summary  
10 of the official police report occurred within 30 days of  
11 the person's attempt to replace the handgun. The firearms  
12 transferor must attach a copy of the official police report  
13 or summary of the official police report to the original  
14 copy of the form provided by the Department of State Police  
15 completed for the transaction, retain it for the period  
16 prescribed by the Department of State Police, and forward a  
17 copy of the documents to the Department of State Police.  
18 The documents must be maintained by the Department of State  
19 Police and made available to local law enforcement  
20 agencies.

21 (d) For the purposes of this Section, "acquisition" does  
22 not include the exchange or replacement of a handgun by a  
23 transferor for a handgun transferred from the transferor by the  
24 same person seeking the exchange or replacement within the  
25 30-day period immediately preceding the date of exchange or  
26 replacement.

1       (e) The exemptions set forth in subsections (b) and (c) are  
2       affirmative defenses to a violation of subsection (a).

3       (f) A violation of this Section is a Class A misdemeanor  
4       for a first offense and a Class 4 felony for a second or  
5       subsequent offense.