



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

#### HB3634

Introduced 2/24/2011, by Rep. Harry Osterman

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.6	
720 ILCS 5/24-2	
720 ILCS 5/24-3	from Ch. 38, par. 24-3

Amends the Criminal Code of 1961. In provisions creating exemptions to the offenses of unlawful use of weapons and aggravated unlawful use of a weapon for transported weapons, requires the weapons to be "unloaded and enclosed in a firearm case, carrying box, shipping box, or other similar portable container designed for the safe transportation of firearms" (rather than "unloaded and enclosed in a case, firearm carrying box, shipping box, or other container"). Provides that it is a Class 1 felony to sell or give a firearm to a person whom the seller or giver knows is a street gang member. Effective immediately.

LRB097 08913 RLC 49045 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 Sections 24-1, 24-1.6, 24-2, and 24-3 as follows:

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

10 (1) Sells, manufactures, purchases, possesses or  
11 carries any bludgeon, black-jack, slung-shot, sand-club,  
12 sand-bag, metal knuckles or other knuckle weapon  
13 regardless of its composition, throwing star, or any knife,  
14 commonly referred to as a switchblade knife, which has a  
15 blade that opens automatically by hand pressure applied to  
16 a button, spring or other device in the handle of the  
17 knife, or a ballistic knife, which is a device that propels  
18 a knifelike blade as a projectile by means of a coil  
19 spring, elastic material or compressed gas; or

20 (2) Carries or possesses with intent to use the same  
21 unlawfully against another, a dagger, dirk, billy,  
22 dangerous knife, razor, stiletto, broken bottle or other  
23 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

2 (3) Carries on or about his person or in any vehicle, a  
3 tear gas gun projector or bomb or any object containing  
4 noxious liquid gas or substance, other than an object  
5 containing a non-lethal noxious liquid gas or substance  
6 designed solely for personal defense carried by a person 18  
7 years of age or older; or

8 (4) Carries or possesses in any vehicle or concealed on  
9 or about his person except when on his land or in his own  
10 abode, legal dwelling, or fixed place of business, or on  
11 the land or in the legal dwelling of another person as an  
12 invitee with that person's permission, any pistol,  
13 revolver, stun gun or taser or other firearm, except that  
14 this subsection (a) (4) does not apply to or affect  
15 transportation of weapons that meet one of the following  
16 conditions:

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

18 (ii) are not immediately accessible; or

19 (iii) are unloaded and enclosed in a firearm case,  
20 ~~firearm~~ carrying box, shipping box, or other similar  
21 portable container designed for the safe  
22 transportation of firearms by a person who has been  
23 issued a currently valid Firearm Owner's  
24 Identification Card; or

25 (5) Sets a spring gun; or

26 (6) Possesses any device or attachment of any kind

1 designed, used or intended for use in silencing the report  
2 of any firearm; or

3 (7) Sells, manufactures, purchases, possesses or  
4 carries:

5 (i) a machine gun, which shall be defined for the  
6 purposes of this subsection as any weapon, which  
7 shoots, is designed to shoot, or can be readily  
8 restored to shoot, automatically more than one shot  
9 without manually reloading by a single function of the  
10 trigger, including the frame or receiver of any such  
11 weapon, or sells, manufactures, purchases, possesses,  
12 or carries any combination of parts designed or  
13 intended for use in converting any weapon into a  
14 machine gun, or any combination or parts from which a  
15 machine gun can be assembled if such parts are in the  
16 possession or under the control of a person;

17 (ii) any rifle having one or more barrels less than  
18 16 inches in length or a shotgun having one or more  
19 barrels less than 18 inches in length or any weapon  
20 made from a rifle or shotgun, whether by alteration,  
21 modification, or otherwise, if such a weapon as  
22 modified has an overall length of less than 26 inches;  
23 or

24 (iii) any bomb, bomb-shell, grenade, bottle or  
25 other container containing an explosive substance of  
26 over one-quarter ounce for like purposes, such as, but

1 not limited to, black powder bombs and Molotov  
2 cocktails or artillery projectiles; or

3 (8) Carries or possesses any firearm, stun gun or taser  
4 or other deadly weapon in any place which is licensed to  
5 sell intoxicating beverages, or at any public gathering  
6 held pursuant to a license issued by any governmental body  
7 or any public gathering at which an admission is charged,  
8 excluding a place where a showing, demonstration or lecture  
9 involving the exhibition of unloaded firearms is  
10 conducted.

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

15 (9) Carries or possesses in a vehicle or on or about  
16 his person any pistol, revolver, stun gun or taser or  
17 firearm or ballistic knife, when he is hooded, robed or  
18 masked in such manner as to conceal his identity; or

19 (10) Carries or possesses on or about his person, upon  
20 any public street, alley, or other public lands within the  
21 corporate limits of a city, village or incorporated town,  
22 except when an invitee thereon or therein, for the purpose  
23 of the display of such weapon or the lawful commerce in  
24 weapons, or except when on his land or in his own abode,  
25 legal dwelling, or fixed place of business, or on the land  
26 or in the legal dwelling of another person as an invitee

1 with that person's permission, any pistol, revolver, stun  
2 gun or taser or other firearm, except that this subsection  
3 (a) (10) does not apply to or affect transportation of  
4 weapons that meet one of the following conditions:

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

6 (ii) are not immediately accessible; or

7 (iii) are unloaded and enclosed in a firearm case,  
8 ~~firearm~~ carrying box, shipping box, or other similar  
9 portable container designed for the safe  
10 transportation of firearms by a person who has been  
11 issued a currently valid Firearm Owner's  
12 Identification Card.

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

25 (11) Sells, manufactures or purchases any explosive  
26 bullet. For purposes of this paragraph (a) "explosive

1 bullet" means the projectile portion of an ammunition  
2 cartridge which contains or carries an explosive charge  
3 which will explode upon contact with the flesh of a human  
4 or an animal. "Cartridge" means a tubular metal case having  
5 a projectile affixed at the front thereof and a cap or  
6 primer at the rear end thereof, with the propellant  
7 contained in such tube between the projectile and the cap;  
8 or

9 (12) (Blank); or

10 (13) Carries or possesses on or about his or her person  
11 while in a building occupied by a unit of government, a  
12 billy club, other weapon of like character, or other  
13 instrument of like character intended for use as a weapon.  
14 For the purposes of this Section, "billy club" means a  
15 short stick or club commonly carried by police officers  
16 which is either telescopic or constructed of a solid piece  
17 of wood or other man-made material.

18 (b) Sentence. A person convicted of a violation of  
19 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
20 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
21 Class A misdemeanor. A person convicted of a violation of  
22 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
23 person convicted of a violation of subsection 24-1(a)(6) or  
24 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
25 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
26 Class 2 felony and shall be sentenced to a term of imprisonment

1 of not less than 3 years and not more than 7 years, unless the  
2 weapon is possessed in the passenger compartment of a motor  
3 vehicle as defined in Section 1-146 of the Illinois Vehicle  
4 Code, or on the person, while the weapon is loaded, in which  
5 case it shall be a Class X felony. A person convicted of a  
6 second or subsequent violation of subsection 24-1(a)(4),  
7 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
8 felony. The possession of each weapon in violation of this  
9 Section constitutes a single and separate violation.

10 (c) Violations in specific places.

11 (1) A person who violates subsection 24-1(a)(6) or  
12 24-1(a)(7) in any school, regardless of the time of day or  
13 the time of year, in residential property owned, operated  
14 or managed by a public housing agency or leased by a public  
15 housing agency as part of a scattered site or mixed-income  
16 development, in a public park, in a courthouse, on the real  
17 property comprising any school, regardless of the time of  
18 day or the time of year, on residential property owned,  
19 operated or managed by a public housing agency or leased by  
20 a public housing agency as part of a scattered site or  
21 mixed-income development, on the real property comprising  
22 any public park, on the real property comprising any  
23 courthouse, in any conveyance owned, leased or contracted  
24 by a school to transport students to or from school or a  
25 school related activity, in any conveyance owned, leased,  
26 or contracted by a public transportation agency, or on any



1 public way within 1,000 feet of the real property  
2 comprising any school, public park, courthouse, public  
3 transportation facility, or residential property owned,  
4 operated, or managed by a public housing agency or leased  
5 by a public housing agency as part of a scattered site or  
6 mixed-income development commits a Class 2 felony and shall  
7 be sentenced to a term of imprisonment of not less than 3  
8 years and not more than 7 years.

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

1 park, courthouse, public transportation facility, or  
2 residential property owned, operated, or managed by a  
3 public housing agency or leased by a public housing agency  
4 as part of a scattered site or mixed-income development  
5 commits a Class 3 felony.

6 (2) A person who violates subsection 24-1(a)(1),  
7 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
8 time of day or the time of year, in 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, in a public park, in a  
12 courthouse, on the real property comprising any school,  
13 regardless of the time of day or the time of year, on  
14 residential property owned, operated or managed by a public  
15 housing agency or leased by a public housing agency as part  
16 of a scattered site or mixed-income development, on the  
17 real property comprising any public park, on the real  
18 property comprising any courthouse, in any conveyance  
19 owned, leased or contracted by a school to transport  
20 students to or from school or a school related activity, in  
21 any conveyance owned, leased, or contracted by a public  
22 transportation agency, or on any public way within 1,000  
23 feet of the real property comprising any school, public  
24 park, courthouse, public transportation facility, or  
25 residential property owned, operated, or managed by a  
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development  
2 commits a Class 4 felony. "Courthouse" means any building  
3 that is used by the Circuit, Appellate, or Supreme Court of  
4 this State for the conduct of official business.

5 (3) Paragraphs (1), (1.5), and (2) of this subsection  
6 (c) shall not apply to law enforcement officers or security  
7 officers of such school, college, or university or to  
8 students carrying or possessing firearms for use in  
9 training courses, parades, hunting, target shooting on  
10 school ranges, or otherwise with the consent of school  
11 authorities and which firearms are transported unloaded  
12 enclosed in a suitable case, box, or transportation  
13 package.

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

17 (5) For the purposes of this subsection (c), "public  
18 transportation agency" means a public or private agency  
19 that provides for the transportation or conveyance of  
20 persons by means available to the general public, except  
21 for transportation by automobiles not used for conveyance  
22 of the general public as passengers; and "public  
23 transportation facility" means a terminal or other place  
24 where one may obtain public transportation.

25 (d) The presence in an automobile other than a public  
26 omnibus of any weapon, instrument or substance referred to in

1 subsection (a)(7) is prima facie evidence that it is in the  
2 possession of, and is being carried by, all persons occupying  
3 such automobile at the time such weapon, instrument or  
4 substance is found, except under the following circumstances:  
5 (i) if such weapon, instrument or instrumentality is found upon  
6 the person of one of the occupants therein; or (ii) if such  
7 weapon, instrument or substance is found in an automobile  
8 operated for hire by a duly licensed driver in the due, lawful  
9 and proper pursuit of his trade, then such presumption shall  
10 not apply to the driver.

11 (e) Exemptions. Crossbows, Common or Compound bows and  
12 Underwater Spearguns are exempted from the definition of  
13 ballistic knife as defined in paragraph (1) of subsection (a)  
14 of this Section.

15 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
16 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
17 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

18 (720 ILCS 5/24-1.6)

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

20 (a) A person commits the offense of aggravated unlawful use  
21 of a weapon when he or she knowingly:

22 (1) Carries on or about his or her person or in any  
23 vehicle or concealed on or about his or her person except  
24 when on his or her land or in his or her abode, legal  
25 dwelling, or fixed place of business, or on the land or in

1 the legal dwelling of another person as an invitee with  
2 that person's permission, any pistol, revolver, stun gun or  
3 taser or other firearm; or

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

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

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

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

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

24 (D) the person possessing the weapon was  
25 previously adjudicated a delinquent minor under the  
26 Juvenile Court Act of 1987 for an act that if committed

1 by an adult would be a felony; or

2 (E) the person possessing the weapon was engaged in  
3 a misdemeanor violation of the Cannabis Control Act, in  
4 a misdemeanor violation of the Illinois Controlled  
5 Substances Act, or in a misdemeanor violation of the  
6 Methamphetamine Control and Community Protection Act;  
7 or

8 (F) (blank); or

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

12 (H) the person possessing the weapon was engaged in  
13 the commission or attempted commission of a  
14 misdemeanor involving the use or threat of violence  
15 against the person or property of another; or

16 (I) the person possessing the weapon was under 21  
17 years of age and in possession of a handgun as defined  
18 in Section 24-3, unless the person under 21 is engaged  
19 in lawful activities under the Wildlife Code or  
20 described in subsection 24-2(b)(1), (b)(3), or  
21 24-2(f).

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

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

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

1           (ii) are not immediately accessible; or  
2           (iii) are unloaded and enclosed in a firearm case,  
3           ~~firearm~~ carrying box, shipping box, or other similar  
4           portable container designed for the safe  
5           transportation of firearms by a person who has been  
6           issued a currently valid Firearm Owner's  
7           Identification Card.

8           (d) Sentence.

9           (1) Aggravated unlawful use of a weapon is a Class 4  
10          felony; a second or subsequent offense is a Class 2 felony  
11          for which the person shall be sentenced to a term of  
12          imprisonment of not less than 3 years and not more than 7  
13          years.

14          (2) Except as otherwise provided in paragraphs (3) and  
15          (4) of this subsection (d), a first offense of aggravated  
16          unlawful use of a weapon committed with a firearm by a  
17          person 18 years of age or older where the factors listed in  
18          both items (A) and (C) of paragraph (3) of subsection (a)  
19          are present is a Class 4 felony, for which the person shall  
20          be sentenced to a term of imprisonment of not less than one  
21          year and not more than 3 years.

22          (3) Aggravated unlawful use of a weapon by a person who  
23          has been previously convicted of a felony in this State or  
24          another jurisdiction is a Class 2 felony for which the  
25          person shall be sentenced to a term of imprisonment of not  
26          less than 3 years and not more than 7 years.

1           (4) Aggravated unlawful use of a weapon while wearing  
2           or in possession of body armor as defined in Section 33F-1  
3           by a person who has not been issued a valid Firearms  
4           Owner's Identification Card in accordance with Section 5 of  
5           the Firearm Owners Identification Card Act is a Class X  
6           felony.

7           (e) The possession of each firearm in violation of this  
8           Section constitutes a single and separate violation.

9           (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;  
10          96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

11          (720 ILCS 5/24-2)

12          Sec. 24-2. Exemptions.

13          (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
14          24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
15          the following:

16                 (1) Peace officers, and any person summoned by a peace  
17                 officer to assist in making arrests or preserving the  
18                 peace, while actually engaged in assisting such officer.

19                 (2) Wardens, superintendents and keepers of prisons,  
20                 penitentiaries, jails and other institutions for the  
21                 detention of persons accused or convicted of an offense,  
22                 while in the performance of their official duty, or while  
23                 commuting between their homes and places of employment.

24                 (3) Members of the Armed Services or Reserve Forces of  
25                 the United States or the Illinois National Guard or the



1 Reserve Officers Training Corps, while in the performance  
2 of their official duty.

3 (4) Special agents employed by a railroad or a public  
4 utility to perform police functions, and guards of armored  
5 car companies, while actually engaged in the performance of  
6 the duties of their employment or commuting between their  
7 homes and places of employment; and watchmen while actually  
8 engaged in the performance of the duties of their  
9 employment.

10 (5) Persons licensed as private security contractors,  
11 private detectives, or private alarm contractors, or  
12 employed by an agency certified by the Department of  
13 Professional Regulation, if their duties include the  
14 carrying of a weapon under the provisions of the Private  
15 Detective, Private Alarm, Private Security, Fingerprint  
16 Vendor, and Locksmith Act of 2004, while actually engaged  
17 in the performance of the duties of their employment or  
18 commuting between their homes and places of employment,  
19 provided that such commuting is accomplished within one  
20 hour from departure from home or place of employment, as  
21 the case may be. Persons exempted under this subdivision  
22 (a)(5) shall be required to have completed a course of  
23 study in firearms handling and training approved and  
24 supervised by the Department of Professional Regulation as  
25 prescribed by Section 28 of the Private Detective, Private  
26 Alarm, Private Security, Fingerprint Vendor, and Locksmith

1 Act of 2004, prior to becoming eligible for this exemption.  
2 The Department of Professional Regulation shall provide  
3 suitable documentation demonstrating the successful  
4 completion of the prescribed firearms training. Such  
5 documentation shall be carried at all times when such  
6 persons are in possession of a concealable weapon.

7 (6) Any person regularly employed in a commercial or  
8 industrial operation as a security guard for the protection  
9 of persons employed and private property related to such  
10 commercial or industrial operation, while actually engaged  
11 in the performance of his or her duty or traveling between  
12 sites or properties belonging to the employer, and who, as  
13 a security guard, is a member of a security force of at  
14 least 5 persons registered with the Department of  
15 Professional Regulation; provided that such security guard  
16 has successfully completed a course of study, approved by  
17 and supervised by the Department of Professional  
18 Regulation, consisting of not less than 40 hours of  
19 training that includes the theory of law enforcement,  
20 liability for acts, and the handling of weapons. A person  
21 shall be considered eligible for this exemption if he or  
22 she has completed the required 20 hours of training for a  
23 security officer and 20 hours of required firearm training,  
24 and has been issued a firearm control card by the  
25 Department of Professional Regulation. Conditions for the  
26 renewal of firearm control cards issued under the

1 provisions of this Section shall be the same as for those  
2 cards issued under the provisions of the Private Detective,  
3 Private Alarm, Private Security, Fingerprint Vendor, and  
4 Locksmith Act of 2004. Such firearm control card shall be  
5 carried by the security guard at all times when he or she  
6 is in possession of a concealable weapon.

7 (7) Agents and investigators of the Illinois  
8 Legislative Investigating Commission authorized by the  
9 Commission to carry the weapons specified in subsections  
10 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
11 any investigation for the Commission.

12 (8) Persons employed by a financial institution for the  
13 protection of other employees and property related to such  
14 financial institution, while actually engaged in the  
15 performance of their duties, commuting between their homes  
16 and places of employment, or traveling between sites or  
17 properties owned or operated by such financial  
18 institution, provided that any person so employed has  
19 successfully completed a course of study, approved by and  
20 supervised by the Department of Professional Regulation,  
21 consisting of not less than 40 hours of training which  
22 includes theory of law enforcement, liability for acts, and  
23 the handling of weapons. A person shall be considered to be  
24 eligible for this exemption if he or she has completed the  
25 required 20 hours of training for a security officer and 20  
26 hours of required firearm training, and has been issued a

1 firearm control card by the Department of Professional  
2 Regulation. Conditions for renewal of firearm control  
3 cards issued under the provisions of this Section shall be  
4 the same as for those issued under the provisions of the  
5 Private Detective, Private Alarm, Private Security,  
6 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm  
7 control card shall be carried by the person so trained at  
8 all times when such person is in possession of a  
9 concealable weapon. For purposes of this subsection,  
10 "financial institution" means a bank, savings and loan  
11 association, credit union or company providing armored car  
12 services.

13 (9) Any person employed by an armored car company to  
14 drive an armored car, while actually engaged in the  
15 performance of his duties.

16 (10) Persons who have been classified as peace officers  
17 pursuant to the Peace Officer Fire Investigation Act.

18 (11) Investigators of the Office of the State's  
19 Attorneys Appellate Prosecutor authorized by the board of  
20 governors of the Office of the State's Attorneys Appellate  
21 Prosecutor to carry weapons pursuant to Section 7.06 of the  
22 State's Attorneys Appellate Prosecutor's Act.

23 (12) Special investigators appointed by a State's  
24 Attorney under Section 3-9005 of the Counties Code.

25 (12.5) Probation officers while in the performance of  
26 their duties, or while commuting between their homes,

1 places of employment or specific locations that are part of  
2 their assigned duties, with the consent of the chief judge  
3 of the circuit for which they are employed.

4 (13) Court Security Officers while in the performance  
5 of their official duties, or while commuting between their  
6 homes and places of employment, with the consent of the  
7 Sheriff.

8 (13.5) A person employed as an armed security guard at  
9 a nuclear energy, storage, weapons or development site or  
10 facility regulated by the Nuclear Regulatory Commission  
11 who has completed the background screening and training  
12 mandated by the rules and regulations of the Nuclear  
13 Regulatory Commission.

14 (14) Manufacture, transportation, or sale of weapons  
15 to persons authorized under subdivisions (1) through  
16 (13.5) of this subsection to possess those weapons.

17 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
18 24-1.6 do not apply to or affect any of the following:

19 (1) Members of any club or organization organized for  
20 the purpose of practicing shooting at targets upon  
21 established target ranges, whether public or private, and  
22 patrons of such ranges, while such members or patrons are  
23 using their firearms on those target ranges.

24 (2) Duly authorized military or civil organizations  
25 while parading, with the special permission of the  
26 Governor.

1           (3) Hunters, trappers or fishermen with a license or  
2 permit while engaged in hunting, trapping or fishing.

3           (4) Transportation of weapons that are broken down in a  
4 non-functioning state or are not immediately accessible.

5           (5) Carrying or possessing any pistol, revolver, stun  
6 gun or taser or other firearm on the land or in the legal  
7 dwelling of another person as an invitee with that person's  
8 permission.

9           (c) Subsection 24-1(a)(7) does not apply to or affect any  
10 of the following:

11           (1) Peace officers while in performance of their  
12 official duties.

13           (2) Wardens, superintendents and keepers of prisons,  
14 penitentiaries, jails and other institutions for the  
15 detention of persons accused or convicted of an offense.

16           (3) Members of the Armed Services or Reserve Forces of  
17 the United States or the Illinois National Guard, while in  
18 the performance of their official duty.

19           (4) Manufacture, transportation, or sale of machine  
20 guns to persons authorized under subdivisions (1) through  
21 (3) of this subsection to possess machine guns, if the  
22 machine guns are broken down in a non-functioning state or  
23 are not immediately accessible.

24           (5) Persons licensed under federal law to manufacture  
25 any weapon from which 8 or more shots or bullets can be  
26 discharged by a single function of the firing device, or

1       ammunition for such weapons, and actually engaged in the  
2       business of manufacturing such weapons or ammunition, but  
3       only with respect to activities which are within the lawful  
4       scope of such business, such as the manufacture,  
5       transportation, or testing of such weapons or ammunition.  
6       This exemption does not authorize the general private  
7       possession of any weapon from which 8 or more shots or  
8       bullets can be discharged by a single function of the  
9       firing device, but only such possession and activities as  
10      are within the lawful scope of a licensed manufacturing  
11      business described in this paragraph.

12       During transportation, such weapons shall be broken  
13      down in a non-functioning state or not immediately  
14      accessible.

15       (6) The manufacture, transport, testing, delivery,  
16      transfer or sale, and all lawful commercial or experimental  
17      activities necessary thereto, of rifles, shotguns, and  
18      weapons made from rifles or shotguns, or ammunition for  
19      such rifles, shotguns or weapons, where engaged in by a  
20      person operating as a contractor or subcontractor pursuant  
21      to a contract or subcontract for the development and supply  
22      of such rifles, shotguns, weapons or ammunition to the  
23      United States government or any branch of the Armed Forces  
24      of the United States, when such activities are necessary  
25      and incident to fulfilling the terms of such contract.

26       The exemption granted under this subdivision (c)(6)

1 shall also apply to any authorized agent of any such  
2 contractor or subcontractor who is operating within the  
3 scope of his employment, where such activities involving  
4 such weapon, weapons or ammunition are necessary and  
5 incident to fulfilling the terms of such contract.

6 During transportation, any such weapon shall be broken  
7 down in a non-functioning state, or not immediately  
8 accessible.

9 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
10 possession or carrying of a black-jack or slung-shot by a peace  
11 officer.

12 (e) Subsection 24-1(a)(8) does not apply to any owner,  
13 manager or authorized employee of any place specified in that  
14 subsection nor to any law enforcement officer.

15 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
16 Section 24-1.6 do not apply to members of any club or  
17 organization organized for the purpose of practicing shooting  
18 at targets upon established target ranges, whether public or  
19 private, while using their firearms on those target ranges.

20 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply  
21 to:

22 (1) Members of the Armed Services or Reserve Forces of  
23 the United States or the Illinois National Guard, while in  
24 the performance of their official duty.

25 (2) Bonafide collectors of antique or surplus military  
26 ordinance.



1           (3) Laboratories having a department of forensic  
2 ballistics, or specializing in the development of  
3 ammunition or explosive ordinance.

4           (4) Commerce, preparation, assembly or possession of  
5 explosive bullets by manufacturers of ammunition licensed  
6 by the federal government, in connection with the supply of  
7 those organizations and persons exempted by subdivision  
8 (g)(1) of this Section, or like organizations and persons  
9 outside this State, or the transportation of explosive  
10 bullets to any organization or person exempted in this  
11 Section by a common carrier or by a vehicle owned or leased  
12 by an exempted manufacturer.

13           (g-5) Subsection 24-1(a)(6) does not apply to or affect  
14 persons licensed under federal law to manufacture any device or  
15 attachment of any kind designed, used, or intended for use in  
16 silencing the report of any firearm, firearms, or ammunition  
17 for those firearms equipped with those devices, and actually  
18 engaged in the business of manufacturing those devices,  
19 firearms, or ammunition, but only with respect to activities  
20 that are within the lawful scope of that business, such as the  
21 manufacture, transportation, or testing of those devices,  
22 firearms, or ammunition. This exemption does not authorize the  
23 general private possession of any device or attachment of any  
24 kind designed, used, or intended for use in silencing the  
25 report of any firearm, but only such possession and activities  
26 as are within the lawful scope of a licensed manufacturing

1 business described in this subsection (g-5). During  
2 transportation, those devices shall be detached from any weapon  
3 or not immediately accessible.

4 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
5 24-1.6 do not apply to or affect any parole agent or parole  
6 supervisor who meets the qualifications and conditions  
7 prescribed in Section 3-14-1.5 of the Unified Code of  
8 Corrections.

9 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
10 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
11 athlete's possession, transport on official Olympic and  
12 Paralympic transit systems established for athletes, or use of  
13 competition firearms sanctioned by the International Olympic  
14 Committee, the International Paralympic Committee, the  
15 International Shooting Sport Federation, or USA Shooting in  
16 connection with such athlete's training for and participation  
17 in shooting competitions at the 2016 Olympic and Paralympic  
18 Games and sanctioned test events leading up to the 2016 Olympic  
19 and Paralympic Games.

20 (h) An information or indictment based upon a violation of  
21 any subsection of this Article need not negative any exemptions  
22 contained in this Article. The defendant shall have the burden  
23 of proving such an exemption.

24 (i) Nothing in this Article shall prohibit, apply to, or  
25 affect the transportation, carrying, or possession, of any  
26 pistol or revolver, stun gun, taser, or other firearm consigned

1 to a common carrier operating under license of the State of  
2 Illinois or the federal government, where such transportation,  
3 carrying, or possession is incident to the lawful  
4 transportation in which such common carrier is engaged; and  
5 nothing in this Article shall prohibit, apply to, or affect the  
6 transportation, carrying, or possession of any pistol,  
7 revolver, stun gun, taser, or other firearm, not the subject of  
8 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
9 this Article, which is unloaded and enclosed in a firearm case,  
10 ~~firearm~~ carrying box, shipping box, or other similar portable  
11 container designed for the safe transportation of firearms, by  
12 the possessor of a valid Firearm Owners Identification Card.

13 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;  
14 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;  
15 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

16 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

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

8 (f) Sells or gives any firearms to any person who is  
9 mentally retarded.

10 (g) Delivers any firearm of a size which may be  
11 concealed upon the person, incidental to a sale, without  
12 withholding delivery of such firearm for at least 72 hours  
13 after application for its purchase has been made, or  
14 delivers any rifle, shotgun or other long gun, or a stun  
15 gun or taser, incidental to a sale, without withholding  
16 delivery of such rifle, shotgun or other long gun, or a  
17 stun gun or taser for at least 24 hours after application  
18 for its purchase has been made. However, this paragraph (g)  
19 does not apply to: (1) the sale of a firearm to a law  
20 enforcement officer if the seller of the firearm knows that  
21 the person to whom he or she is selling the firearm is a  
22 law enforcement officer or the sale of a firearm to a  
23 person who desires to purchase a firearm for use in  
24 promoting the public interest incident to his or her  
25 employment as a bank guard, armed truck guard, or other  
26 similar employment; (2) a mail order sale of a firearm to a

1 nonresident of Illinois under which the firearm is mailed  
2 to a point outside the boundaries of Illinois; (3) the sale  
3 of a firearm to a nonresident of Illinois while at a  
4 firearm showing or display recognized by the Illinois  
5 Department of State Police; or (4) the sale of a firearm to  
6 a dealer licensed as a federal firearms dealer under  
7 Section 923 of the federal Gun Control Act of 1968 (18  
8 U.S.C. 923). For purposes of this paragraph (g),  
9 "application" means when the buyer and seller reach an  
10 agreement to purchase a firearm.

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

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

1           (j) Sells or gives a firearm while engaged in the  
2 business of selling firearms at wholesale or retail without  
3 being licensed as a federal firearms dealer under Section  
4 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
5 In this paragraph (j):

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

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

22           (k) Sells or transfers ownership of a firearm to a  
23 person who does not display to the seller or transferor of  
24 the firearm a currently valid Firearm Owner's  
25 Identification Card that has previously been issued in the  
26 transferee's name by the Department of State Police under

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

15 (l) Sells or gives any firearm to any person whom the  
16 seller or giver knows is a street gang member. For purposes  
17 of this paragraph (l): "street gang member" has the meaning  
18 ascribed to the term "street gang member" in Section 10 of  
19 the Illinois Streetgang Terrorism Omnibus Prevention Act.

20 (B) Paragraph (h) of subsection (A) does not include  
21 firearms sold within 6 months after enactment of Public Act  
22 78-355 (approved August 21, 1973, effective October 1, 1973),  
23 nor is any firearm legally owned or possessed by any citizen or  
24 purchased by any citizen within 6 months after the enactment of  
25 Public Act 78-355 subject to confiscation or seizure under the  
26 provisions of that Public Act. Nothing in Public Act 78-355

1 shall be construed to prohibit the gift or trade of any firearm  
2 if that firearm was legally held or acquired within 6 months  
3 after the enactment of that Public Act.

4 (C) Sentence.

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

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

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

14 (4) Any person convicted of unlawful sale of firearms  
15 in violation of paragraph (a), (b), or (i) of subsection  
16 (A) in any school, on the real property comprising a  
17 school, within 1,000 feet of the real property comprising a  
18 school, at a school related activity, or on or within 1,000  
19 feet of any conveyance owned, leased, or contracted by a  
20 school or school district to transport students to or from  
21 school or a school related activity, regardless of the time  
22 of day or time of year at which the offense was committed,  
23 commits a Class 1 felony. Any person convicted of a second  
24 or subsequent violation of unlawful sale of firearms in  
25 violation of paragraph (a), (b), or (i) of subsection (A)  
26 in any school, on the real property comprising a school,



1 within 1,000 feet of the real property comprising a school,  
2 at a school related activity, or on or within 1,000 feet of  
3 any conveyance owned, leased, or contracted by a school or  
4 school district to transport students to or from school or  
5 a school related activity, regardless of the time of day or  
6 time of year at which the offense was committed, commits a  
7 Class 1 felony for which the sentence shall be a term of  
8 imprisonment of no less than 5 years and no more than 15  
9 years.

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

26 (6) Any person convicted of unlawful sale of firearms

1 in violation of paragraph (j) of subsection (A) commits a  
2 Class A misdemeanor. A second or subsequent violation is a  
3 Class 4 felony.

4 (7) Any person convicted of unlawful sale of firearms  
5 in violation of paragraph (k) of subsection (A) commits a  
6 Class 4 felony. A third or subsequent conviction for a  
7 violation of paragraph (k) of subsection (A) is a Class 1  
8 felony.

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

18 (9) Any person convicted of unlawful sale of firearms  
19 in violation of paragraph (d) of subsection (A) commits a  
20 Class 3 felony.

21 (10) Any person convicted of unlawful sale of firearms  
22 in violation of paragraph (l) of subsection (A) commits a  
23 Class 1 felony.

24 (D) For purposes of this Section:

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

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

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

12 (Source: P.A. 95-331, eff. 8-21-07; 95-735, eff. 7-16-08;  
13 96-190, eff. 1-1-10.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.