



Rep. Dena M. Carli

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LRB097 19836 RLC 72859 a

1 AMENDMENT TO SENATE BILL 3489

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3489 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 1.1, 4, 8, and 10 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Has been adjudicated as a mental defective" means the  
9 person is the subject of a determination by a court, board,  
10 commission or other lawful authority that a person, as a result  
11 of marked subnormal intelligence, or mental illness, mental  
12 impairment, incompetency, condition, or disease:

13 (1) is a danger to himself, herself, or to others;

14 (2) lacks the mental capacity to manage his or her own  
15 affairs;

16 (3) is not guilty in a criminal case by reason of

1 insanity, mental disease or defect;

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

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

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

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

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

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

19 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
20 B-B gun which expels breakable paint balls containing  
21 washable marking colors;

22 (2) any device used exclusively for signalling or  
23 safety and required or recommended by the United States  
24 Coast Guard or the Interstate Commerce Commission;

25 (3) any device used exclusively for the firing of stud  
26 cartridges, explosive rivets or similar industrial

1 ammunition; and

2 (4) an antique firearm (other than a machine-gun)  
3 which, although designed as a weapon, the Department of  
4 State Police finds by reason of the date of its  
5 manufacture, value, design, and other characteristics is  
6 primarily a collector's item and is not likely to be used  
7 as a weapon.

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

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

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

18 "Gun show" means an event or function:

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

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

26 "Gun show" includes the entire premises provided for an

1 event or function, including parking areas for the event or  
2 function, that is sponsored to facilitate the purchase, sale,  
3 transfer, or exchange of firearms as described in this Section.

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

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

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

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

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

25 "Sanctioned competitive shooting event" means a shooting  
26 contest officially recognized by a national or state shooting

1 sport association, and includes any sight-in or practice  
2 conducted in conjunction with the event.

3 "Stun gun or taser" has the meaning ascribed to it in  
4 Section 24-1 of the Criminal Code of 2012 ~~1961~~.

5 (Source: P.A. 97-776, eff. 7-13-12.)

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's  
8 Identification Card must:

9 (1) Make application on blank forms prepared and  
10 furnished at convenient locations throughout the State by  
11 the Department of State Police, or by electronic means, if  
12 and when made available by the Department of State Police;  
13 and

14 (2) Submit evidence to the Department of State Police  
15 that:

16 (i) He or she is 21 years of age or over, or if he  
17 or she is under 21 years of age that he or she has the  
18 written consent of his or her parent or legal guardian  
19 to possess and acquire firearms and firearm ammunition  
20 and that he or she has never been convicted of a  
21 misdemeanor other than a traffic offense or adjudged  
22 delinquent, provided, however, that such parent or  
23 legal guardian is not an individual prohibited from  
24 having a Firearm Owner's Identification Card and files  
25 an affidavit with the Department as prescribed by the

1 Department stating that he or she is not an individual  
2 prohibited from having a Card;

3 (ii) He or she has not been convicted of a felony  
4 under the laws of this or any other jurisdiction;

5 (iii) He or she is not addicted to narcotics;

6 (iv) He or she has not been a patient in a mental  
7 institution within the past 5 years ~~and he or she has~~  
8 ~~not been adjudicated as a mental defective;~~

9 (v) He or she is not intellectually disabled;

10 (vi) He or she is not an alien who is unlawfully  
11 present in the United States under the laws of the  
12 United States;

13 (vii) He or she is not subject to an existing order  
14 of protection prohibiting him or her from possessing a  
15 firearm;

16 (viii) He or she has not been convicted within the  
17 past 5 years of battery, assault, aggravated assault,  
18 violation of an order of protection, or a substantially  
19 similar offense in another jurisdiction, in which a  
20 firearm was used or possessed;

21 (ix) He or she has not been convicted of domestic  
22 battery, aggravated domestic battery, or a  
23 substantially similar offense in another jurisdiction  
24 committed before, on or after January 1, 2012 (the  
25 effective date of Public Act 97-158). If the applicant  
26 knowingly and intelligently waives the right to have an

1 offense described in this clause (ix) tried by a jury,  
2 and by guilty plea or otherwise, results in a  
3 conviction for an offense in which a domestic  
4 relationship is not a required element of the offense  
5 but in which a determination of the applicability of 18  
6 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the  
7 Code of Criminal Procedure of 1963, an entry by the  
8 court of a judgment of conviction for that offense  
9 shall be grounds for denying the issuance of a Firearm  
10 Owner's Identification Card under this Section;

11 (x) (Blank);

12 (xi) He or she is not an alien who has been  
13 admitted to the United States under a non-immigrant  
14 visa (as that term is defined in Section 101(a)(26) of  
15 the Immigration and Nationality Act (8 U.S.C.  
16 1101(a)(26))), or that he or she is an alien who has  
17 been lawfully admitted to the United States under a  
18 non-immigrant visa if that alien is:

19 (1) admitted to the United States for lawful  
20 hunting or sporting purposes;

21 (2) an official representative of a foreign  
22 government who is:

23 (A) accredited to the United States  
24 Government or the Government's mission to an  
25 international organization having its  
26 headquarters in the United States; or

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

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

6 (4) a foreign law enforcement officer of a  
7 friendly foreign government entering the United  
8 States on official business; or

9 (5) one who has received a waiver from the  
10 Attorney General of the United States pursuant to  
11 18 U.S.C. 922(y)(3);

12 (xii) He or she is not a minor subject to a  
13 petition filed under Section 5-520 of the Juvenile  
14 Court Act of 1987 alleging that the minor is a  
15 delinquent minor for the commission of an offense that  
16 if committed by an adult would be a felony;

17 (xiii) He or she is not an adult who had been  
18 adjudicated a delinquent minor under the Juvenile  
19 Court Act of 1987 for the commission of an offense that  
20 if committed by an adult would be a felony; ~~and~~

21 (xiv) He or she is a resident of the State of  
22 Illinois; and

23 (xv) He or she has not been adjudicated as a mental  
24 defective; and

25 (3) Upon request by the Department of State Police,  
26 sign a release on a form prescribed by the Department of



1 State Police waiving any right to confidentiality and  
2 requesting the disclosure to the Department of State Police  
3 of limited mental health institution admission information  
4 from another state, the District of Columbia, any other  
5 territory of the United States, or a foreign nation  
6 concerning the applicant for the sole purpose of  
7 determining whether the applicant is or was a patient in a  
8 mental health institution and disqualified because of that  
9 status from receiving a Firearm Owner's Identification  
10 Card. No mental health care or treatment records may be  
11 requested. The information received shall be destroyed  
12 within one year of receipt.

13 (a-5) Each applicant for a Firearm Owner's Identification  
14 Card who is over the age of 18 shall furnish to the Department  
15 of State Police either his or her Illinois driver's license  
16 number or Illinois Identification Card number, except as  
17 provided in subsection (a-10).

18 (a-10) Each applicant for a Firearm Owner's Identification  
19 Card, who is employed as a law enforcement officer, an armed  
20 security officer in Illinois, or by the United States Military  
21 permanently assigned in Illinois and who is not an Illinois  
22 resident, shall furnish to the Department of State Police his  
23 or her driver's license number or state identification card  
24 number from his or her state of residence. The Department of  
25 State Police may promulgate rules to enforce the provisions of  
26 this subsection (a-10).

1           (a-15) If an applicant applying for a Firearm Owner's  
2 Identification Card moves from the residence address named in  
3 the application, he or she shall immediately notify in a form  
4 and manner prescribed by the Department of State Police of that  
5 change of address.

6           (a-20) Each applicant for a Firearm Owner's Identification  
7 Card shall furnish to the Department of State Police his or her  
8 photograph. An applicant who is 21 years of age or older  
9 seeking a religious exemption to the photograph requirement  
10 must furnish with the application an approved copy of United  
11 States Department of the Treasury Internal Revenue Service Form  
12 4029. In lieu of a photograph, an applicant regardless of age  
13 seeking a religious exemption to the photograph requirement  
14 shall submit fingerprints on a form and manner prescribed by  
15 the Department with his or her application.

16           (b) Each application form shall include the following  
17 statement printed in bold type: "Warning: Entering false  
18 information on an application for a Firearm Owner's  
19 Identification Card is punishable as a Class 2 felony in  
20 accordance with subsection (d-5) of Section 14 of the Firearm  
21 Owners Identification Card Act.".

22           (c) Upon such written consent, pursuant to Section 4,  
23 paragraph (a)(2)(i), the parent or legal guardian giving the  
24 consent shall be liable for any damages resulting from the  
25 applicant's use of firearms or firearm ammunition.

26           (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,

1 eff. 7-13-12; 97-1131, eff. 1-1-13.)

2 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

8 (a) A person under 21 years of age who has been convicted  
9 of a misdemeanor other than a traffic offense or adjudged  
10 delinquent;

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

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

19 (d) A person addicted to narcotics;

20 (e) A person who has been a patient of a mental institution  
21 within the past 5 years. An active law enforcement officer  
22 employed by a unit of government who is denied, revoked, or has  
23 his or her Firearm Owner's Identification Card seized under  
24 this subsection (e) may obtain relief as described in  
25 subsection (c-5) of Section 10 of this Act if the officer did

1 not act in a manner threatening to the officer, another person,  
2 or the public as determined by the treating clinical  
3 psychologist or physician, and the officer seeks mental health  
4 treatment ~~or has been adjudicated as a mental defective;~~

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

8 For the purposes of this Section, "mental condition" means  
9 a state of mind manifested by violent, suicidal, threatening or  
10 assaultive behavior.

11 (g) A person who is intellectually disabled;

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

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

16 (i-5) An alien who has been admitted to the United States  
17 under a non-immigrant visa (as that term is defined in Section  
18 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
19 1101(a)(26))), except that this subsection (i-5) does not apply  
20 to any alien who has been lawfully admitted to the United  
21 States under a non-immigrant visa if that alien is:

22 (1) admitted to the United States for lawful hunting or  
23 sporting purposes;

24 (2) an official representative of a foreign government  
25 who is:

26 (A) accredited to the United States Government or

1           the Government's mission to an international  
2           organization having its headquarters in the United  
3           States; or

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

6           (3) an official of a foreign government or  
7           distinguished foreign visitor who has been so designated by  
8           the Department of State;

9           (4) a foreign law enforcement officer of a friendly  
10          foreign government entering the United States on official  
11          business; or

12          (5) one who has received a waiver from the Attorney  
13          General of the United States pursuant to 18 U.S.C.  
14          922(y)(3);

15          (j) (Blank);

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

20          (l) A person who has been convicted of domestic battery,  
21          aggravated domestic battery, or a substantially similar  
22          offense in another jurisdiction committed before, on or after  
23          January 1, 2012 (the effective date of Public Act 97-158). If  
24          the applicant or person who has been previously issued a  
25          Firearm Owner's Identification Card under this Act knowingly  
26          and intelligently waives the right to have an offense described

1 in this paragraph (l) tried by a jury, and by guilty plea or  
2 otherwise, results in a conviction for an offense in which a  
3 domestic relationship is not a required element of the offense  
4 but in which a determination of the applicability of 18 U.S.C.  
5 922(g)(9) is made under Section 112A-11.1 of the Code of  
6 Criminal Procedure of 1963, an entry by the court of a judgment  
7 of conviction for that offense shall be grounds for denying an  
8 application for and for revoking and seizing a Firearm Owner's  
9 Identification Card previously issued to the person under this  
10 Act;

11 (m) (Blank);

12 (n) A person who is prohibited from acquiring or possessing  
13 firearms or firearm ammunition by any Illinois State statute or  
14 by federal law;

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

19 (p) An adult who had been adjudicated a delinquent minor  
20 under the Juvenile Court Act of 1987 for the commission of an  
21 offense that if committed by an adult would be a felony; ~~or~~

22 (q) A person who is not a resident of the State of  
23 Illinois, except as provided in subsection (a-10) of Section 4;  
24 or -

25 (r) A person who has been adjudicated as a mental  
26 defective.

1 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
2 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

3 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

4 Sec. 10. Appeal to director; hearing; relief from firearm  
5 prohibitions.

6 (a) Whenever an application for a Firearm Owner's  
7 Identification Card is denied, whenever the Department fails to  
8 act on an application within 30 days of its receipt, or  
9 whenever such a Card is revoked or seized as provided for in  
10 Section 8 of this Act, the aggrieved party may appeal to the  
11 Director of State Police for a hearing upon such denial,  
12 revocation or seizure, unless the denial, revocation, or  
13 seizure was based upon a forcible felony, stalking, aggravated  
14 stalking, domestic battery, any violation of the Illinois  
15 Controlled Substances Act, the Methamphetamine Control and  
16 Community Protection Act, or the Cannabis Control Act that is  
17 classified as a Class 2 or greater felony, any felony violation  
18 of Article 24 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012, or any adjudication as a delinquent minor for the  
20 commission of an offense that if committed by an adult would be  
21 a felony, in which case the aggrieved party may petition the  
22 circuit court in writing in the county of his or her residence  
23 for a hearing upon such denial, revocation, or seizure.

24 (b) At least 30 days before any hearing in the circuit  
25 court, the petitioner shall serve the relevant State's Attorney

1 with a copy of the petition. The State's Attorney may object to  
2 the petition and present evidence. At the hearing the court  
3 shall determine whether substantial justice has been done.  
4 Should the court determine that substantial justice has not  
5 been done, the court shall issue an order directing the  
6 Department of State Police to issue a Card. However, the court  
7 shall not issue the order if the petitioner is otherwise  
8 prohibited from obtaining, possessing, or using a firearm under  
9 federal law.

10 (c) Any person prohibited from possessing a firearm under  
11 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 ~~1961~~ or  
12 acquiring a Firearm Owner's Identification Card under Section 8  
13 of this Act may apply to the Director of State Police or  
14 petition the circuit court in the county where the petitioner  
15 resides, whichever is applicable in accordance with subsection  
16 (a) of this Section, requesting relief from such prohibition  
17 and the Director or court may grant such relief if it is  
18 established by the applicant to the court's or Director's  
19 satisfaction that:

20 (0.05) when in the circuit court, the State's Attorney  
21 has been served with a written copy of the petition at  
22 least 30 days before any such hearing in the circuit court  
23 and at the hearing the State's Attorney was afforded an  
24 opportunity to present evidence and object to the petition;

25 (1) the applicant has not been convicted of a forcible  
26 felony under the laws of this State or any other



1 jurisdiction within 20 years of the applicant's  
2 application for a Firearm Owner's Identification Card, or  
3 at least 20 years have passed since the end of any period  
4 of imprisonment imposed in relation to that conviction;

5 (2) the circumstances regarding a criminal conviction,  
6 where applicable, the applicant's criminal history and his  
7 reputation are such that the applicant will not be likely  
8 to act in a manner dangerous to public safety;

9 (3) granting relief would not be contrary to the public  
10 interest; and

11 (4) granting relief would not be contrary to federal  
12 law.

13 (c-5) (1) An active law enforcement officer employed by  
14 a unit of government, who is denied, revoked, or Firearm  
15 Owner's Identification Card seized under subsection (e) of  
16 Section 8 of this Act may apply to the Director of State  
17 Police requesting relief if the officer did not act in a  
18 manner threatening to the officer, another person, or the  
19 public as determined by the treating clinical psychologist  
20 or physician, and as a result of his or her work is  
21 referred by the employer for or voluntarily seeks mental  
22 health evaluation or treatment by a licensed clinical  
23 psychologist, psychiatrist, or qualified examiner, and:

24 (A) the officer has not received treatment  
25 involuntarily at a mental institution, regardless of  
26 the length of admission; or has not been voluntarily

1           admitted to a mental institution for more than 30 days  
2           and not for more than one incident within the past 5  
3           years; and

4           (B) the officer has not left the mental institution  
5           against medical advice.

6           (2) The Director of State Police shall grant expedited  
7           relief to active law enforcement officers described in  
8           paragraph (1) of this subsection (c-5) upon a determination  
9           by the Director that the officer's possession of a firearm  
10           does not present a threat to themselves, others, or public  
11           safety. The Director shall act on the request for relief  
12           within 30 business days of receipt of:

13           (A) a notarized statement from the officer in the  
14           form prescribed by the Director detailing the  
15           circumstances that led to the hospitalization;

16           (B) all documentation regarding the admission,  
17           evaluation, treatment and discharge from the treating  
18           licensed clinical psychologist or psychiatrist of the  
19           officer;

20           (C) a psychological fitness for duty evaluation of  
21           the person completed after the time of discharge; and

22           (D) written confirmation in the form prescribed by  
23           the Director from the treating licensed clinical  
24           psychologist or psychiatrist that the provisions set  
25           forth in paragraph (1) of this subsection (c-5) have  
26           been met, the person successfully completed treatment,

1           and their professional opinion regarding the person's  
2           ability to possess firearms.

3           (3) Officers eligible for the expedited relief in  
4           paragraph (2) of this subsection (c-5) have the burden of  
5           proof on eligibility and must provide all information  
6           required. The Director may not consider granting expedited  
7           relief until the proof and information is received.

8           (4) "Clinical psychologist", "psychiatrist", and  
9           "qualified examiner" shall have the same meaning as  
10           provided in Chapter 1 of the Mental Health and  
11           Developmental Disabilities Code.

12           (d) When a minor is adjudicated delinquent for an offense  
13           which if committed by an adult would be a felony, the court  
14           shall notify the Department of State Police.

15           (e) The court shall review the denial of an application or  
16           the revocation of a Firearm Owner's Identification Card of a  
17           person who has been adjudicated delinquent for an offense that  
18           if committed by an adult would be a felony if an application  
19           for relief has been filed at least 10 years after the  
20           adjudication of delinquency and the court determines that the  
21           applicant should be granted relief from disability to obtain a  
22           Firearm Owner's Identification Card. If the court grants  
23           relief, the court shall notify the Department of State Police  
24           that the disability has been removed and that the applicant is  
25           eligible to obtain a Firearm Owner's Identification Card.

26           (f) Any person who is subject to the disabilities of 18

1 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act  
2 of 1968 because of an adjudication or commitment that occurred  
3 under the laws of this State or who was determined to be  
4 subject to the provisions of subsections (e), (f), or (g) of  
5 Section 8 of this Act may apply to the Department of State  
6 Police requesting relief from that prohibition. The Director  
7 shall grant the relief if it is established by a preponderance  
8 of the evidence that the person will not be likely to act in a  
9 manner dangerous to public safety and that granting relief  
10 would not be contrary to the public interest. In making this  
11 determination, the Director shall receive evidence concerning  
12 (i) the circumstances regarding the firearms disabilities from  
13 which relief is sought; (ii) the petitioner's mental health and  
14 criminal history records, if any; (iii) the petitioner's  
15 reputation, developed at a minimum through character witness  
16 statements, testimony, or other character evidence; and (iv)  
17 changes in the petitioner's condition or circumstances since  
18 the disqualifying events relevant to the relief sought. If  
19 relief is granted under this subsection or by order of a court  
20 under this Section, the Director shall as soon as practicable  
21 but in no case later than 15 business days, update, correct,  
22 modify, or remove the person's record in any database that the  
23 Department of State Police makes available to the National  
24 Instant Criminal Background Check System and notify the United  
25 States Attorney General that the basis for the record being  
26 made available no longer applies. The Department of State

1 Police shall adopt rules for the administration of this  
2 subsection (f).

3 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13.)

4 Section 10. The Criminal Code of 2012 is amended by  
5 changing Sections 24-3 and 24-3.1 as follows:

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

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

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

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

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

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

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

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

24 "Mental institution" means any hospital,

1           institution, clinic, evaluation facility, mental  
2           health center, or part thereof, which is used primarily  
3           for the care or treatment of persons with mental  
4           illness.

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

11           (f) Sells or gives any firearms to any person who is  
12           intellectually disabled.

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

1 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, manufactures, sells or delivers to any  
17 unlicensed person a handgun having a barrel, slide, frame  
18 or receiver which is a die casting of zinc alloy or any  
19 other nonhomogeneous metal which will melt or deform at a  
20 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) Sells or gives a firearm of any size to any person  
2           under 18 years of age who does not possess a valid Firearm  
3           Owner's Identification Card.

4           (j) Sells or gives a firearm while engaged in the  
5           business of selling firearms at wholesale or retail without  
6           being licensed as a federal firearms dealer under Section  
7           923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
8           In this paragraph (j):

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

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

25          (k) Sells or transfers ownership of a firearm to a  
26          person who does not display to the seller or transferor of



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

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

24 (B) Paragraph (h) of subsection (A) does not include  
25 firearms sold within 6 months after enactment of Public Act  
26 78-355 (approved August 21, 1973, effective October 1, 1973),

1 nor is any firearm legally owned or possessed by any citizen or  
2 purchased by any citizen within 6 months after the enactment of  
3 Public Act 78-355 subject to confiscation or seizure under the  
4 provisions of that Public Act. Nothing in Public Act 78-355  
5 shall be construed to prohibit the gift or trade of any firearm  
6 if that firearm was legally held or acquired within 6 months  
7 after the enactment of that Public Act.

8 (C) Sentence.

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

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

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

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

1 offense was committed, commits a Class 1 felony. Any person  
2 convicted of a second or subsequent violation of unlawful  
3 sale or delivery of firearms in violation of paragraph (a),  
4 (b), or (i) of subsection (A) in any school, on the real  
5 property comprising a school, within 1,000 feet of the real  
6 property comprising a school, at a school related activity,  
7 or on or within 1,000 feet of any conveyance owned, leased,  
8 or 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 for which  
12 the sentence shall be a term of imprisonment of no less  
13 than 5 years and no more than 15 years.

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

1           operated, or managed by a public housing agency or leased  
2           by a public housing agency as part of a scattered site or  
3           mixed-income development commits a Class 2 felony.

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

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

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

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

25          (10) Any person convicted of unlawful sale or delivery  
26          of firearms in violation of paragraph (l) of subsection (A)

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

1 paragraph (l) of subsection (A) commits a Class X felony  
2 for which he or she shall be sentenced to a term of  
3 imprisonment of not less than 6 years and not more than 60  
4 years if the delivery is of 31 or more firearms at the same  
5 time or within a 5 year period.

6 (D) For purposes of this Section:

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

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

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

20 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,  
21 eff. 1-1-12; 97-813, eff. 7-13-12.)

22 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

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

25 (a) A person commits the offense of unlawful possession of

1 firearms or firearm ammunition when:

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

5 (2) He is under 21 years of age, has been convicted of  
6 a misdemeanor other than a traffic offense or adjudged  
7 delinquent and has any firearms or firearm ammunition in  
8 his possession; or

9 (3) He is a narcotic addict and has any firearms or  
10 firearm ammunition in his possession; or

11 (4) He has been a patient in a mental institution  
12 ~~hospital~~ within the past 5 years and has any firearms or  
13 firearm ammunition in his possession. For purposes of this  
14 paragraph (4):

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

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

26 (5) He is intellectually disabled and has any firearms

1 or firearm ammunition in his possession; or

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

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

11 (b) Sentence.

12 Unlawful possession of firearms, other than handguns, and  
13 firearm ammunition is a Class A misdemeanor. Unlawful  
14 possession of handguns is a Class 4 felony. The possession of  
15 each firearm or firearm ammunition in violation of this Section  
16 constitutes a single and separate violation.

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

24 (Source: P.A. 97-227, eff. 1-1-12.)

25 Section 99. Effective date. This Act takes effect June 1,



1 2013.".