

1 AN ACT to amend the Criminal Code of 1961 by changing
2 Section 24-3.

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

5 Section 5. The Criminal Code of 1961 is amended by
6 changing Section 24-3 as follows:

7 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

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

25 (f) Sells or gives any firearms to any person who
26 is mentally retarded.

27 (g) Delivers any firearm of a size which may be
28 concealed upon the person, incidental to a sale, without
29 withholding delivery of such firearm for at least 72
30 hours after application for its purchase has been made,
31 or delivers any rifle, shotgun or other long gun,

1 incidental to a sale, without withholding delivery of
2 such rifle, shotgun or other long gun for at least 24
3 hours after application for its purchase has been made.
4 However, this paragraph (g) does not apply to: (1) the
5 sale of a firearm to a law enforcement officer or a
6 person who desires to purchase a firearm for use in
7 promoting the public interest incident to his or her
8 employment as a bank guard, armed truck guard, or other
9 similar employment; (2) a mail order sale of a firearm to
10 a nonresident of Illinois under which the firearm is
11 mailed to a point outside the boundaries of Illinois; (3)
12 the sale of a firearm to a nonresident of Illinois while
13 at a firearm showing or display recognized by the
14 Illinois Department of State Police; or (4) the sale of a
15 firearm to a dealer licensed as a federal firearms dealer
16 under Section 923 of the federal Gun Control Act of 1968
17 (18 U.S.C. 923) ~~under--the-Federal-Firearms-Act-of-the~~
18 ~~United-States.~~

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

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

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

6 A person "engaged in the business" means a person
7 who devotes time, attention, and labor to engaging in the
8 activity as a regular course of trade or business with
9 the principal objective of livelihood and profit, but
10 does not include a person who makes occasional repairs of
11 firearms or who occasionally fits special barrels,
12 stocks, or 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
17 intents, such as improving or liquidating a personal
18 firearms collection; however, proof of profit shall not
19 be required as to a person who engages in the regular and
20 repetitive purchase and disposition of firearms for
21 criminal purposes or terrorism.

22 (B) Paragraph (h) of subsection (A) does not include
23 firearms sold within 6 months after enactment of Public Act
24 78-355 (approved August 21, 1973, effective October 1, 1973),
25 nor is any firearm legally owned or possessed by any citizen
26 or purchased by any citizen within 6 months after the
27 enactment of Public Act 78-355 subject to confiscation or
28 seizure under the provisions of that Public Act. Nothing in
29 Public Act 78-355 shall be construed to prohibit the gift or
30 trade of any firearm if that firearm was legally held or
31 acquired within 6 months after the enactment of that Public
32 Act.

33 (C) Sentence.

34 (1) Any person convicted of unlawful sale of

1 firearms in violation of any of paragraphs (c) through
2 (h) or (j) of subsection (A) commits a Class 4 felony.

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

6 (3) Any person convicted of unlawful sale of
7 firearms in violation of paragraph (a) of subsection (A)
8 commits a Class 2 felony.

9 (4) Any person convicted of unlawful sale of
10 firearms in violation of paragraph (a), (b), or (i) of
11 subsection (A) in any school, on the real property
12 comprising a school, within 1,000 feet of the real
13 property comprising a school, at a school related
14 activity, or on or within 1,000 feet of any conveyance
15 owned, leased, or contracted by a school or school
16 district to transport students to or from school or a
17 school related activity, regardless of the time of day or
18 time of year at which the offense was committed, commits
19 a Class 1 felony. Any person convicted of a second or
20 subsequent violation of unlawful sale of firearms in
21 violation of paragraph (a), (b), or (i) of subsection (A)
22 in any school, on the real property comprising a school,
23 within 1,000 feet of the real property comprising a
24 school, at a school related activity, or on or within
25 1,000 feet of any conveyance owned, leased, or contracted
26 by a school or school district to transport students to
27 or from school or a school related activity, regardless
28 of the time of day or time of year at which the offense
29 was committed, commits a Class 1 felony for which the
30 sentence shall be a term of imprisonment of no less than
31 5 years and no more than 15 years.

32 (5) Any person convicted of unlawful sale of
33 firearms in violation of paragraph (a) or (i) of
34 subsection (A) in residential property owned, operated,

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

15 (D) For purposes of this Section:

16 "School" means a public or private elementary or
17 secondary school, community college, college, or university.

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

22 (E) No unit of local government, including a home rule
23 unit, may regulate the purchase or sale of firearms in a
24 manner inconsistent with this Section. This Section is a
25 limitation under subsection (i) of Section 6 of Article VII
26 of the Illinois Constitution on the concurrent exercise by
27 home rule units of powers and functions exercised by the
28 State.

29 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;
30 91-696, eff. 4-13-00.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.