

1                                    AMENDMENT TO HOUSE BILL 903

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 903 by replacing  
3 everything after the enacting clause with the following:

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

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

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

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

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

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

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

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

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

1 years.

2 (f) Sells or gives any firearms to any person who  
3 is mentally retarded.

4 (g) Delivers any firearm of a size which may be  
5 concealed upon the person, incidental to a sale, without  
6 withholding delivery of such firearm for at least 72  
7 hours after application for its purchase has been made,  
8 or delivers any rifle, shotgun or other long gun,  
9 incidental to a sale, without withholding delivery of  
10 such rifle, shotgun or other long gun for at least 24  
11 hours after application for its purchase has been made.  
12 However, this paragraph (g) does not apply to: (1) the  
13 sale of a firearm to a law enforcement officer or a  
14 person who desires to purchase a firearm for use in  
15 promoting the public interest incident to his or her  
16 employment as a bank guard, armed truck guard, or other  
17 similar employment; (2) a mail order sale of a firearm to  
18 a nonresident of Illinois under which the firearm is  
19 mailed to a point outside the boundaries of Illinois; (3)  
20 the sale of a firearm to a nonresident of Illinois while  
21 at a firearm showing or display recognized by the  
22 Illinois Department of State Police; or (4) the sale of a  
23 firearm to a dealer licensed under the Federal Firearms  
24 Act of the United States.

25 (h) While holding any license as a dealer,  
26 importer, manufacturer or pawnbroker under the federal  
27 Gun Control Act of 1968, manufactures, sells or delivers  
28 to any unlicensed person a handgun having a barrel,  
29 slide, frame or receiver which is a die casting of zinc  
30 alloy or any other nonhomogeneous metal which will melt  
31 or deform at a temperature of less than 800 degrees  
32 Fahrenheit. For purposes of this paragraph, (1)  
33 "firearm" is defined as in the Firearm Owners  
34 Identification Card Act; and (2) "handgun" is defined as

1 a firearm designed to be held and fired by the use of a  
2 single hand, and includes a combination of parts from  
3 which such a firearm can be assembled.

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

7 (j) While holding any license as a dealer,  
8 importer, manufacturer, or pawnbroker under the federal  
9 Gun Control Act of 1968, sells or gives a firearm to any  
10 Illinois resident 18 years of age or over who does not  
11 possess and display a valid Firearm Owner's  
12 Identification Card.

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

24 (B-5) Paragraph (j) of subsection (A) does not apply to  
25 any person who is not prohibited under State or federal law  
26 from owning or possessing a firearm if the person is  
27 participating in a firearms safety, training, or education  
28 course.

29 (C) Sentence.

30 (1) Any person convicted of unlawful sale of  
31 firearms in violation of any of paragraphs (c) through  
32 (h) and (j) of subsection (A) commits a Class 4 felony.

33 (2) Any person convicted of unlawful sale of  
34 firearms in violation of paragraph (b) or (i) of

1 subsection (A) commits a Class 3 felony.

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

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

28 (5) Any person convicted of unlawful sale of  
29 firearms in violation of paragraph (a) or (i) of  
30 subsection (A) in residential property owned, operated,  
31 or managed by a public housing agency or leased by a  
32 public housing agency as part of a scattered site or  
33 mixed-income development, in a public park, in a  
34 courthouse, on residential property owned, operated, or

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

11 (D) For purposes of this Section:

12 "School" means a public or private elementary or  
13 secondary school, community college, college, or university.

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

18 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;  
19 91-696, eff. 4-13-00.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."