

1 AN ACT in relation to 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  
5 changing Section 24-3 and adding Section 24-3.1A as follows:

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

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

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

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

15 (b) Transfers or possesses with intent to transfer  
16 ~~Sells--or--gives~~ any firearm to a person he or she has  
17 reasonable cause to believe is under 18 years of age; or  
18 under 21 years of age who has been convicted of a  
19 misdemeanor other than a traffic offense or adjudged  
20 delinquent.

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

24 (d) Transfers or possesses with intent to transfer  
25 ~~Sells-or-gives~~ any firearm to any person he or she has  
26 reasonable cause to believe who has been convicted of a  
27 felony under the laws of this or any other jurisdiction.

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

1           (f) Transfers or possesses with intent to transfer  
2           Sells-~~or-gives~~ any firearms to any person he or she knows  
3           or has reasonable cause to believe who is mentally  
4           retarded.

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

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

1 Identification Card Act; and (2) "handgun" is defined as  
2 a firearm designed to be held and fired by the use of a  
3 single hand, and includes a combination of parts from  
4 which such a firearm can be assembled.

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

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

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

1 acquired within 6 months after the enactment of that Public  
2 Act.

3 (B-5) As used in this Section, "transfer" means the  
4 actual or attempted transfer of a firearm or firearm  
5 ammunition, with or without consideration, but does not  
6 include the lease of a firearm, or the provision of  
7 ammunition specifically for that firearm, if the firearm and  
8 the ammunition are to be used on the lessor's premises, and  
9 does not include any transfer of possession when the  
10 transferor maintains supervision and control over the firearm  
11 or ammunition.

12 (B-10) It is an affirmative defense to a violation of  
13 paragraph (i-5) of subsection (A) that the transfer or  
14 possession with intent to transfer of a firearm was to a  
15 transferee who received the firearm as an heir, legatee, or  
16 beneficiary of or in a similar capacity to a deceased person  
17 who had owned the firearm. Nothing in this paragraph (B-10)  
18 makes lawful any transfer or possession with intent to  
19 transfer of a firearm, or any other possession or use of a  
20 firearm, in violation of any law, other than paragraph (i-5)  
21 of subsection (A), or in violation of any municipal or county  
22 ordinance.

23 (C) Sentence.

24 (1) Any person convicted of unlawful transfer sale  
25 of firearms in violation of any of paragraph (c), (e),  
26 (f), (g), or paragraphs-(e)-through (h) of subsection (A)  
27 commits a Class 4 felony. A person convicted of a  
28 violation of subsection (i-5) of subsection (A) of this  
29 Section commits a Class A misdemeanor for a first offense  
30 and a Class 4 felony for a second or subsequent offense.

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

34 (3) Any person convicted of unlawful transfer sale

1 of firearms in violation of paragraph (a) of subsection  
2 (A) commits a Class 2 felony.

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

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

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

10 (6) A person convicted of unlawful transfer of  
 11 firearms in violation of paragraph (d) of subsection (A)  
 12 commits a Class 2 felony.

13 (D) For purposes of this Section:

14 "School" means a public or private elementary or  
 15 secondary school, community college, college, or university.

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

20 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;  
 21 91-696, eff. 4-13-00.)

22 (720 ILCS 5/24-3.1A new)

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

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

28 (b) Acquisitions in excess of one handgun within a  
 29 30-day period may be made upon completion of an enhanced  
 30 background check, as described in this Section, by special  
 31 application to the Department of State Police listing the  
 32 number and type of handguns to be acquired and transferred  
 33 for lawful business or personal use, in a collector series,

1 for collections, as a bulk purchase from estate sales, and  
2 for similar purposes. The application must be signed under  
3 oath by the applicant on forms provided by the Department of  
4 State Police, must state the purpose for the acquisition  
5 above the limit, and must require satisfactory proof of  
6 residency and identity. The application is in addition to  
7 the firearms transfer report required by the Bureau of  
8 Alcohol, Tobacco and Firearms (ATF). The Director of State  
9 Police shall adopt rules, under the Illinois Administrative  
10 Procedure Act, for the implementation of an application  
11 process for acquisitions of handguns above the limit.

12 Upon being satisfied that these requirements have been  
13 met, the Department of State Police must forthwith issue to  
14 the applicant a nontransferable certificate that is valid for  
15 7 days from the date of issue. The certificate must be  
16 surrendered to the transferor by the prospective transferee  
17 before the consummation of the transfer and must be kept on  
18 file at the transferor's place of business for inspection as  
19 provided in Section 24-4. Upon request of any local law  
20 enforcement agency, and under its rules, the Department of  
21 State Police may certify the local law enforcement agency to  
22 serve as its agent to receive applications and, upon  
23 authorization by the Department of State Police, issue  
24 certificates forthwith under this Section. Applications and  
25 certificates issued under this Section must be maintained as  
26 records by the Department of State Police, and made available  
27 to local law enforcement agencies.

28 (c) This Section does not apply to:

29 (1) A law enforcement agency;

30 (2) State and local correctional agencies and  
31 departments;

32 (3) The acquisition of antique firearms as defined  
33 by paragraph (4) of Section 1.1 of the Firearm Owners  
34 Identification Card Act; or

1           (4) A person whose handgun is stolen or  
2 irretrievably lost who deems it essential that the  
3 handgun be replaced immediately. The person may acquire  
4 another handgun, even if the person has previously  
5 acquired a handgun within a 30-day period, if: (i) the  
6 person provides the firearms transferor with a copy of  
7 the official police report or a summary of the official  
8 police report, on forms provided by the Department of  
9 State Police, from the law enforcement agency that took  
10 the report of the lost or stolen handgun; (ii) the  
11 official police report or summary of the official police  
12 report contains the name and address of the handgun  
13 owner, the description and serial number of the handgun,  
14 the location of the loss or theft, the date of the loss  
15 or theft, and the date the loss or theft was reported to  
16 the law enforcement agency; and (iii) the date of the  
17 loss or theft as reflected on the official police report  
18 or summary of the official police report occurred within  
19 30 days of the person's attempt to replace the handgun.  
20 The firearms transferor must attach a copy of the  
21 official police report or summary of the official police  
22 report to the original copy of the form provided by the  
23 Department of State Police completed for the transaction,  
24 retain it for the period prescribed by the Department of  
25 State Police, and forward a copy of the documents to the  
26 Department of State Police. The documents must be  
27 maintained by the Department of State Police and made  
28 available to local law enforcement agencies.

29           (d) For the purposes of this Section, "acquisition" does  
30 not include the exchange or replacement of a handgun by a  
31 transferor for a handgun transferred from the transferor by  
32 the same person seeking the exchange or replacement within  
33 the 30-day period immediately preceding the date of exchange  
34 or replacement.



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

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