

1 AN ACT concerning firearms.

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

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Section 3 as follows:

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

7 Sec. 3. (a) Except as provided in Section 3a, no person  
8 within this State may knowingly transfer, or cause to be  
9 transferred, any firearm or any firearm ammunition to any  
10 person within this State unless the transferee with whom he  
11 deals displays a currently valid Firearm Owner's  
12 Identification Card which has previously been issued in his  
13 name by the Department of State Police under the provisions  
14 of this Act. In addition, all firearm transfers by federally  
15 licensed firearm dealers are subject to Section 3.1. Even if  
16 the transferee displays a valid Firearm Owner's  
17 Identification Card, no person may knowingly transfer or  
18 cause to be transferred, any firearm or firearm ammunition at  
19 a time when he or she knows, or reasonably should know, that  
20 the transferee is an intoxicated person. For the purposes of  
21 this subsection, "intoxicated person" has the meaning  
22 ascribed to it by Section 1-10 of the Alcoholism and Other  
23 Drug Abuse and Dependency Act.

24 (b) Any person within this State who transfers or causes  
25 to be transferred any firearm shall keep a record of such  
26 transfer for a period of 10 years from the date of transfer.  
27 Such record shall contain the date of the transfer; the  
28 description, serial number or other information identifying  
29 the firearm if no serial number is available; and, if the  
30 transfer was completed within this State, the transferee's  
31 Firearm Owner's Identification Card number. On demand of a

1 peace officer such transferor shall produce for inspection  
2 such record of transfer.

3 (c) The provisions of this Section regarding the  
4 transfer of firearm ammunition shall not apply to those  
5 persons specified in paragraph (b) of Section 2 of this Act.  
6 (Source: P.A. 87-299.)

7 Section 10. The Criminal Code of 1961 is amended by  
8 changing Section 24-3 as follows:

9 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)  
10 Sec. 24-3. Unlawful Sale of Firearms.

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

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

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

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

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

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

27 (f) Sells or gives any firearms to any person who  
28 is mentally retarded.

29 (g) Delivers any firearm of a size which may be  
30 concealed upon the person, incidental to a sale, without  
31 withholding delivery of such firearm for at least 72  
32 hours after application for its purchase has been made,

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

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

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

34 (j) Sells or gives any firearms to a person when he

1 or she knows or reasonably should know, at the time of  
2 the sale or gift, that the person is an intoxicated  
3 person.

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

15 (C) Sentence.

16 (1) Any person convicted of unlawful sale of  
17 firearms in violation of any of paragraphs (c), (d), (e),  
18 (f), (g), ~~through~~ (h), or (j) of subsection (A) commits a  
19 Class 4 felony.

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

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

26 (4) Any person convicted of unlawful sale of  
27 firearms in violation of paragraph (a), (b), or (i) of  
28 subsection (A) in any school, on the real property  
29 comprising a school, within 1,000 feet of the real  
30 property comprising a school, at a school related  
31 activity, or on or within 1,000 feet of any conveyance  
32 owned, leased, or contracted by a school or school  
33 district to transport students to or from school or a  
34 school related activity, regardless of the time of day or

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

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

32 (D) For purposes of this Section:

33 "Intoxicated person" means a person whose mental or  
34 physical functioning is substantially impaired as a result of

1 the current effects of alcohol or other drugs within the  
2 body.

3 "School" means a public or private elementary or  
4 secondary school, community college, college, or university.

5 "School related activity" means any sporting, social,  
6 academic, or other activity for which students' attendance or  
7 participation is sponsored, organized, or funded in whole or  
8 in part by a school or school district.

9 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;  
10 91-696, eff. 4-13-00.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.