

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 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  
23 years.

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

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

1 such rifle, shotgun or other long gun for at least 24  
2 hours after application for its purchase has been made.  
3 However, this paragraph (g) does not apply to: (1) the  
4 sale of a firearm to a law enforcement officer or a  
5 person who desires to purchase a firearm for use in  
6 promoting the public interest incident to his or her  
7 employment as a bank guard, armed truck guard, or other  
8 similar employment; (2) a mail order sale of a firearm to  
9 a nonresident of Illinois under which the firearm is  
10 mailed to a point outside the boundaries of Illinois; (3)  
11 the sale of a firearm to a nonresident of Illinois while  
12 at a firearm showing or display recognized by the  
13 Illinois Department of State Police; or (4) the sale of a  
14 firearm to a dealer licensed under the Federal Firearms  
15 Act of the United States.

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

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

32 (B) Paragraph (h) of subsection (A) does not include  
33 firearms sold within 6 months after enactment of Public Act  
34 78-355 (approved August 21, 1973, effective October 1, 1973),

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

9 (C) Sentence.

10 (1) Any person convicted of unlawful sale of  
11 firearms in violation of any of paragraphs (c) through  
12 (h) of subsection (A) commits a Class 4 felony.

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

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

19 (4) Any person convicted of unlawful sale of  
20 firearms in violation of paragraph (a), (b), or (i) of  
21 subsection (A) in any school, on the real property  
22 comprising a school, within 1,000 feet of the real  
23 property comprising a school, at a school related  
24 activity, or on or within 1,000 feet of any conveyance  
25 owned, leased, or contracted by a school or school  
26 district to transport students to or from school or a  
27 school related activity, regardless of the time of day or  
28 time of year at which the offense was committed, commits  
29 a Class 1 felony. Any person convicted of a second or  
30 subsequent violation of unlawful sale of firearms in  
31 violation of paragraph (a), (b), or (i) of subsection (A)  
32 in any school, on the real property comprising a school,  
33 within 1,000 feet of the real property comprising a  
34 school, at a school related activity, or on or within

1 1,000 feet of any conveyance owned, leased, or contracted  
2 by a school or school district to transport students to  
3 or from school or a school related activity, regardless  
4 of the time of day or time of year at which the offense  
5 was committed, commits a Class 1 felony for which the  
6 sentence shall be a term of imprisonment of no less than  
7 5 years and no more than 15 years.

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

25 (D) ~~In For purposes of~~ this Section:

26 "School" means a public or private elementary or  
27 secondary school, community college, college, or university.

28 "School related activity" means any sporting, social,  
29 academic, or other activity for which students' attendance or  
30 participation is sponsored, organized, or funded in whole or  
31 in part by a school or school district.

32 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;  
33 91-696, eff. 4-13-00.)