

1 AN ACT in relation to criminal law.

2 WHEREAS, This Act is intended to clarify existing law
3 concerning the unlawful use of weapons; therefore

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

6 Section 5. The Criminal Code of 1961 is amended by
7 changing Sections 24-1, 24-1.6, 24-2, and 24-3.5 as follows:

8 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

9 Sec. 24-1. Unlawful Use of Weapons.

10 (a) A person commits the offense of unlawful use of
11 weapons when he knowingly:

12 (1) Sells, manufactures, purchases, possesses or
13 carries any bludgeon, black-jack, slung-shot, sand-club,
14 sand-bag, metal knuckles, throwing star, or any knife,
15 commonly referred to as a switchblade knife, which has a
16 blade that opens automatically by hand pressure applied
17 to a button, spring or other device in the handle of the
18 knife, or a ballistic knife, which is a device that
19 propels a knifelike blade as a projectile by means of a
20 coil spring, elastic material or compressed gas; or

21 (2) Carries or possesses with intent to use the
22 same unlawfully against another, a dagger, dirk, billy,
23 dangerous knife, razor, stiletto, broken bottle or other
24 piece of glass, stun gun or taser or any other dangerous
25 or deadly weapon or instrument of like character; or

26 (3) Carries on or about his person or in any
27 vehicle, a tear gas gun projector or bomb or any object
28 containing noxious liquid gas or substance, other than an
29 object containing a non-lethal noxious liquid gas or
30 substance designed solely for personal defense carried by
31 a person 18 years of age or older; or

1 (4) Carries or possesses in any vehicle or
2 concealed on or about his person except when on his land
3 or in his own abode or fixed place of business any
4 pistol, revolver, stun gun or taser or other firearm,
5 except that this subsection (a) (4) does not apply to or
6 affect transportation of weapons that meet one of the
7 following conditions:

8 (i) are broken down in a non-functioning
9 state; or

10 (ii) are not immediately accessible; or

11 (iii) are unloaded and enclosed in a case,
12 firearm carrying box or, shipping box, ~~or~~ ~~other~~
13 container by a person who has been issued a
14 currently valid Firearm Owner's Identification Card;
15 or

16 (5) Sets a spring gun; or

17 (6) Possesses any device or attachment of any kind
18 designed, used or intended for use in silencing the
19 report of any firearm; or

20 (7) Sells, manufactures, purchases, possesses or
21 carries:

22 (i) a machine gun, which shall be defined for
23 the purposes of this subsection as any weapon, which
24 shoots, is designed to shoot, or can be readily
25 restored to shoot, automatically more than one shot
26 without manually reloading by a single function of
27 the trigger, including the frame or receiver of any
28 such weapon, or sells, manufactures, purchases,
29 possesses, or carries any combination of parts
30 designed or intended for use in converting any
31 weapon into a machine gun, or any combination or
32 parts from which a machine gun can be assembled if
33 such parts are in the possession or under the
34 control of a person;

1 (ii) any rifle having one or more barrels less
2 than 16 inches in length or a shotgun having one or
3 more barrels less than 18 inches in length or any
4 weapon made from a rifle or shotgun, whether by
5 alteration, modification, or otherwise, if such a
6 weapon as modified has an overall length of less
7 than 26 inches; or

8 (iii) any bomb, bomb-shell, grenade, bottle or
9 other container containing an explosive substance of
10 over one-quarter ounce for like purposes, such as,
11 but not limited to, black powder bombs and Molotov
12 cocktails or artillery projectiles; or

13 (8) Carries or possesses any firearm, stun gun or
14 taser or other deadly weapon in any place which is
15 licensed to sell intoxicating beverages, or at any public
16 gathering held pursuant to a license issued by any
17 governmental body or any public gathering at which an
18 admission is charged, excluding a place where a showing,
19 demonstration or lecture involving the exhibition of
20 unloaded firearms is conducted.

21 This subsection (a)(8) does not apply to any auction
22 or raffle of a firearm held pursuant to a license or
23 permit issued by a governmental body, nor does it apply
24 to persons engaged in firearm safety training courses; or

25 (9) Carries or possesses in a vehicle or on or
26 about his person any pistol, revolver, stun gun or taser
27 or firearm or ballistic knife, when he is hooded, robed
28 or masked in such manner as to conceal his identity; or

29 (10) Carries or possesses on or about his person,
30 upon any public street, alley, or other public lands
31 within the corporate limits of a city, village or
32 incorporated town, except when an invitee thereon or
33 therein, for the purpose of the display of such weapon or
34 the lawful commerce in weapons, or except when on his

1 land or in his own abode or fixed place of business, any
2 pistol, revolver, stun gun or taser or other firearm,
3 except that this subsection (a) (10) does not apply to or
4 affect transportation of weapons that meet one of the
5 following conditions:

6 (i) are broken down in a non-functioning
7 state; or

8 (ii) are not immediately accessible; or

9 (iii) are unloaded and enclosed in a case,
10 firearm carrying box or box, shipping box, or other
11 container by a person who has been issued a
12 currently valid Firearm Owner's Identification Card.

13 A "stun gun or taser", as used in this paragraph (a)
14 means (i) any device which is powered by electrical
15 charging units, such as, batteries, and which fires one
16 or several barbs attached to a length of wire and which,
17 upon hitting a human, can send out a current capable of
18 disrupting the person's nervous system in such a manner
19 as to render him incapable of normal functioning or (ii)
20 any device which is powered by electrical charging units,
21 such as batteries, and which, upon contact with a human
22 or clothing worn by a human, can send out current capable
23 of disrupting the person's nervous system in such a
24 manner as to render him incapable of normal functioning;
25 or

26 (11) Sells, manufactures or purchases any explosive
27 bullet. For purposes of this paragraph (a) "explosive
28 bullet" means the projectile portion of an ammunition
29 cartridge which contains or carries an explosive charge
30 which will explode upon contact with the flesh of a human
31 or an animal. "Cartridge" means a tubular metal case
32 having a projectile affixed at the front thereof and a
33 cap or primer at the rear end thereof, with the
34 propellant contained in such tube between the projectile

1 and the cap; or

2 (12) (Blank).

3 (b) Sentence. A person convicted of a violation of
4 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
5 subsection 24-1(a)(11) commits a Class A misdemeanor. A
6 person convicted of a violation of subsection 24-1(a)(8) or
7 24-1(a)(9) commits a Class 4 felony; a person convicted of a
8 violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii)
9 commits a Class 3 felony. A person convicted of a violation
10 of subsection 24-1(a)(7)(i) commits a Class 2 felony, unless
11 the weapon is possessed in the passenger compartment of a
12 motor vehicle as defined in Section 1-146 of the Illinois
13 Vehicle Code, or on the person, while the weapon is loaded,
14 in which case it shall be a Class X felony. A person
15 convicted of a second or subsequent violation of subsection
16 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a
17 Class 3 felony.

18 (c) Violations in specific places.

19 (1) A person who violates subsection 24-1(a)(6) or
20 24-1(a)(7) in any school, regardless of the time of day
21 or the time of year, in residential property owned,
22 operated or managed by a public housing agency or leased
23 by a public housing agency as part of a scattered site or
24 mixed-income development, in a public park, in a
25 courthouse, on the real property comprising any school,
26 regardless of the time of day or the time of year, on
27 residential property owned, operated or managed by a
28 public housing agency or leased by a public housing
29 agency as part of a scattered site or mixed-income
30 development, on the real property comprising any public
31 park, on the real property comprising any courthouse, in
32 any conveyance owned, leased or contracted by a school to
33 transport students to or from school or a school related
34 activity, or on any public way within 1,000 feet of the

1 real property comprising any school, public park,
2 courthouse, or residential property owned, operated, or
3 managed by a public housing agency or leased by a public
4 housing agency as part of a scattered site or
5 mixed-income development commits a Class 2 felony.

6 (1.5) A person who violates subsection 24-1(a)(4),
7 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
8 the time of day or the time of year, in residential
9 property owned, operated, or managed by a public housing
10 agency or leased by a public housing agency as part of a
11 scattered site or mixed-income development, in a public
12 park, in a courthouse, on the real property comprising
13 any school, regardless of the time of day or the time of
14 year, on residential property owned, operated, or managed
15 by a public housing agency or leased by a public housing
16 agency as part of a scattered site or mixed-income
17 development, on the real property comprising any public
18 park, on the real property comprising any courthouse, in
19 any conveyance owned, leased, or contracted by a school
20 to transport students to or from school or a school
21 related activity, or on any public way within 1,000 feet
22 of the real property comprising any school, public park,
23 courthouse, or residential property owned, operated, or
24 managed by a public housing agency or leased by a public
25 housing agency as part of a scattered site or
26 mixed-income development commits a Class 3 felony.

27 (2) A person who violates subsection 24-1(a)(1),
28 24-1(a)(2), or 24-1(a)(3) in any school, regardless of
29 the time of day or the time of year, in residential
30 property owned, operated or managed by a public housing
31 agency or leased by a public housing agency as part of a
32 scattered site or mixed-income development, in a public
33 park, in a courthouse, on the real property comprising
34 any school, regardless of the time of day or the time of

1 year, on residential property owned, operated or managed
2 by a public housing agency or leased by a public housing
3 agency as part of a scattered site or mixed-income
4 development, on the real property comprising any public
5 park, on the real property comprising any courthouse, in
6 any conveyance owned, leased or contracted by a school to
7 transport students to or from school or a school related
8 activity, or on any public way within 1,000 feet of the
9 real property comprising any school, public park,
10 courthouse, or residential property owned, operated, or
11 managed by a public housing agency or leased by a public
12 housing agency as part of a scattered site or
13 mixed-income development commits a Class 4 felony.
14 "Courthouse" means any building that is used by the
15 Circuit, Appellate, or Supreme Court of this State for
16 the conduct of official business.

17 (3) Paragraphs (1), (1.5), and (2) of this
18 subsection (c) shall not apply to law enforcement
19 officers or security officers of such school, college, or
20 university or to students carrying or possessing firearms
21 for use in training courses, parades, hunting, target
22 shooting on school ranges, or otherwise with the consent
23 of school authorities and which firearms are transported
24 unloaded enclosed in a suitable case, box, or
25 transportation package.

26 (4) For the purposes of this subsection (c),
27 "school" means any public or private elementary or
28 secondary school, community college, college, or
29 university.

30 (d) The presence in an automobile other than a public
31 omnibus of any weapon, instrument or substance referred to in
32 subsection (a)(7) is prima facie evidence that it is in the
33 possession of, and is being carried by, all persons occupying
34 such automobile at the time such weapon, instrument or

1 substance is found, except under the following circumstances:

2 (i) if such weapon, instrument or instrumentality is found
3 upon the person of one of the occupants therein; or (ii) if
4 such weapon, instrument or substance is found in an
5 automobile operated for hire by a duly licensed driver in the
6 due, lawful and proper pursuit of his trade, then such
7 presumption shall not apply to the driver.

8 (e) Exemptions. Crossbows, Common or Compound bows and
9 Underwater Spearguns are exempted from the definition of
10 ballistic knife as defined in paragraph (1) of subsection (a)
11 of this Section.

12 (Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99;
13 91-690, eff. 4-13-00.)

14 (720 ILCS 5/24-1.6)

15 Sec. 24-1.6. Aggravated unlawful use of a weapon.

16 (a) A person commits the offense of aggravated unlawful
17 use of a weapon when he or she knowingly:

18 (1) Carries on or about his or her person or in any
19 vehicle or concealed on or about his or her person except
20 when on his or her land or in his or her abode or fixed
21 place of business any pistol, revolver, stun gun or taser
22 or other firearm; or

23 (2) Carries or possesses on or about his or her
24 person, upon any public street, alley, or other public
25 lands within the corporate limits of a city, village or
26 incorporated town, except when an invitee thereon or
27 therein, for the purpose of the display of such weapon or
28 the lawful commerce in weapons, or except when on his or
29 her own land or in his or her own abode or fixed place of
30 business, any pistol, revolver, stun gun or taser or
31 other firearm; and

32 (3) One of the following factors is present:

33 (A) the firearm possessed was uncased, loaded

1 and immediately accessible at the time of the
2 offense; or

3 (B) the firearm possessed was uncased,
4 unloaded and the ammunition for the weapon was
5 immediately accessible at the time of the offense;
6 or

7 (C) the person possessing the firearm has not
8 been issued a currently valid Firearm Owner's
9 Identification Card; or

10 (D) the person possessing the weapon was
11 previously adjudicated a delinquent minor under the
12 Juvenile Court Act of 1987 for an act that if
13 committed by an adult would be a felony; or

14 (E) the person possessing the weapon was
15 engaged in a misdemeanor violation of the Cannabis
16 Control Act or in a misdemeanor violation of the
17 Illinois Controlled Substances Act; or

18 (F) the person possessing the weapon is a
19 member of a street gang or is engaged in street gang
20 related activity, as defined in Section 10 of the
21 Illinois Streetgang Terrorism Omnibus Prevention
22 Act; or

23 (G) the person possessing the weapon had a
24 order of protection issued against him or her within
25 the previous 2 years; or

26 (H) the person possessing the weapon was
27 engaged in the commission or attempted commission of
28 a misdemeanor involving the use or threat of
29 violence against the person or property of another;
30 or

31 (I) the person possessing the weapon was under
32 21 years of age and in possession of a handgun as
33 defined in Section 24-3, unless the person under 21
34 is engaged in lawful activities under the Wildlife

1 Code or described in subsection 24-2(b)(1), (b)(3),
2 or 24-2(f).

3 (b) "Stun gun or taser" as used in this Section has the
4 same definition given to it in Section 24-1 of this Code.

5 (c) This Section does not apply to or affect the
6 transportation ~~or possession~~ of weapons that:

7 (i) are broken down in a non-functioning
8 state; or

9 (ii) are not immediately accessible; or

10 (iii) are unloaded and enclosed in a case,
11 firearm carrying box or, shipping box ~~or~~ ~~other~~
12 container by a person who has been issued a
13 currently valid Firearm Owner's Identification Card.

14 (d) Sentence. Aggravated unlawful use of a weapon is a
15 Class 4 felony; a second or subsequent offense is a Class 2
16 felony. Aggravated unlawful use of a weapon by a person who
17 has been previously convicted of a felony in this State or
18 another jurisdiction is a Class 2 felony.

19 (Source: P.A. 91-690, eff. 4-13-00.)

20 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)
21 Sec. 24-2. Exemptions.

22 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10)
23 and Section 24-1.6 do not apply to or affect any of the
24 following:

25 (1) Peace officers, and any person summoned by a
26 peace officer to assist in making arrests or preserving
27 the peace, while actually engaged in assisting such
28 officer.

29 (2) Wardens, superintendents and keepers of
30 prisons, penitentiaries, jails and other institutions for
31 the detention of persons accused or convicted of an
32 offense, while in the performance of their official duty,
33 or while commuting between their homes and places of

1 employment.

2 (3) Members of the Armed Services or Reserve Forces
3 of the United States or the Illinois National Guard or
4 the Reserve Officers Training Corps, while in the
5 performance of their official duty.

6 (4) Special agents employed by a railroad or a
7 public utility to perform police functions, and guards of
8 armored car companies, while actually engaged in the
9 performance of the duties of their employment or
10 commuting between their homes and places of employment;
11 and watchmen while actually engaged in the performance of
12 the duties of their employment.

13 (5) Persons licensed as private security
14 contractors, private detectives, or private alarm
15 contractors, or employed by an agency certified by the
16 Department of Professional Regulation, if their duties
17 include the carrying of a weapon under the provisions of
18 the Private Detective, Private Alarm, and Private
19 Security Act of 1983, while actually engaged in the
20 performance of the duties of their employment or
21 commuting between their homes and places of employment,
22 provided that such commuting is accomplished within one
23 hour from departure from home or place of employment, as
24 the case may be. Persons exempted under this subdivision
25 (a)(5) shall be required to have completed a course of
26 study in firearms handling and training approved and
27 supervised by the Department of Professional Regulation
28 as prescribed by Section 28 of the Private Detective,
29 Private Alarm, and Private Security Act of 1983, prior to
30 becoming eligible for this exemption. The Department of
31 Professional Regulation shall provide suitable
32 documentation demonstrating the successful completion of
33 the prescribed firearms training. Such documentation
34 shall be carried at all times when such persons are in

1 possession of a concealable weapon.

2 (6) Any person regularly employed in a commercial
3 or industrial operation as a security guard for the
4 protection of persons employed and private property
5 related to such commercial or industrial operation, while
6 actually engaged in the performance of his or her duty or
7 traveling between sites or properties belonging to the
8 employer, and who, as a security guard, is a member of a
9 security force of at least 5 persons registered with the
10 Department of Professional Regulation; provided that such
11 security guard has successfully completed a course of
12 study, approved by and supervised by the Department of
13 Professional Regulation, consisting of not less than 40
14 hours of training that includes the theory of law
15 enforcement, liability for acts, and the handling of
16 weapons. A person shall be considered eligible for this
17 exemption if he or she has completed the required 20
18 hours of training for a security officer and 20 hours of
19 required firearm training, and has been issued a firearm
20 authorization card by the Department of Professional
21 Regulation. Conditions for the renewal of firearm
22 authorization cards issued under the provisions of this
23 Section shall be the same as for those cards issued under
24 the provisions of the Private Detective, Private Alarm
25 and Private Security Act of 1983. Such firearm
26 authorization card shall be carried by the security guard
27 at all times when he or she is in possession of a
28 concealable weapon.

29 (7) Agents and investigators of the Illinois
30 Legislative Investigating Commission authorized by the
31 Commission to carry the weapons specified in subsections
32 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
33 any investigation for the Commission.

34 (8) Persons employed by a financial institution for

1 the protection of other employees and property related to
2 such financial institution, while actually engaged in the
3 performance of their duties, commuting between their
4 homes and places of employment, or traveling between
5 sites or properties owned or operated by such financial
6 institution, provided that any person so employed has
7 successfully completed a course of study, approved by and
8 supervised by the Department of Professional Regulation,
9 consisting of not less than 40 hours of training which
10 includes theory of law enforcement, liability for acts,
11 and the handling of weapons. A person shall be considered
12 to be eligible for this exemption if he or she has
13 completed the required 20 hours of training for a
14 security officer and 20 hours of required firearm
15 training, and has been issued a firearm authorization
16 card by the Department of Professional Regulation.
17 Conditions for renewal of firearm authorization cards
18 issued under the provisions of this Section shall be the
19 same as for those issued under the provisions of the
20 Private Detective, Private Alarm and Private Security Act
21 of 1983. Such firearm authorization card shall be
22 carried by the person so trained at all times when such
23 person is in possession of a concealable weapon. For
24 purposes of this subsection, "financial institution"
25 means a bank, savings and loan association, credit union
26 or company providing armored car services.

27 (9) Any person employed by an armored car company
28 to drive an armored car, while actually engaged in the
29 performance of his duties.

30 (10) Persons who have been classified as peace
31 officers pursuant to the Peace Officer Fire Investigation
32 Act.

33 (11) Investigators of the Office of the State's
34 Attorneys Appellate Prosecutor authorized by the board of

1 governors of the Office of the State's Attorneys
2 Appellate Prosecutor to carry weapons pursuant to Section
3 7.06 of the State's Attorneys Appellate Prosecutor's Act.

4 (12) Special investigators appointed by a State's
5 Attorney under Section 3-9005 of the Counties Code.

6 (13) Court Security Officers while in the
7 performance of their official duties, or while commuting
8 between their homes and places of employment, with the
9 consent of the Sheriff.

10 (13.5) A person employed as an armed security guard
11 at a nuclear energy, storage, weapons or development site
12 or facility regulated by the Nuclear Regulatory
13 Commission who has completed the background screening and
14 training mandated by the rules and regulations of the
15 Nuclear Regulatory Commission.

16 (14) Manufacture, transportation, or sale of
17 weapons to persons authorized under subdivisions (1)
18 through (13.5) of this subsection to possess those
19 weapons.

20 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
21 24-1.6 do not apply to or affect any of the following:

22 (1) Members of any club or organization organized
23 for the purpose of practicing shooting at targets upon
24 established target ranges, whether public or private, and
25 patrons of such ranges, while such members or patrons are
26 using their firearms on those target ranges.

27 (2) Duly authorized military or civil organizations
28 while parading, with the special permission of the
29 Governor.

30 (3) Licensed hunters, trappers or fishermen while
31 engaged in hunting, trapping or fishing.

32 (4) Transportation of weapons that are broken down
33 in a non-functioning state or are not immediately
34 accessible.

1 (c) Subsection 24-1(a)(7) does not apply to or affect
2 any of the following:

3 (1) Peace officers while in performance of their
4 official duties.

5 (2) Wardens, superintendents and keepers of
6 prisons, penitentiaries, jails and other institutions for
7 the detention of persons accused or convicted of an
8 offense.

9 (3) Members of the Armed Services or Reserve Forces
10 of the United States or the Illinois National Guard,
11 while in the performance of their official duty.

12 (4) Manufacture, transportation, or sale of machine
13 guns to persons authorized under subdivisions (1) through
14 (3) of this subsection to possess machine guns, if the
15 machine guns are broken down in a non-functioning state
16 or are not immediately accessible.

17 (5) Persons licensed under federal law to
18 manufacture any weapon from which 8 or more shots or
19 bullets can be discharged by a single function of the
20 firing device, or ammunition for such weapons, and
21 actually engaged in the business of manufacturing such
22 weapons or ammunition, but only with respect to
23 activities which are within the lawful scope of such
24 business, such as the manufacture, transportation, or
25 testing of such weapons or ammunition. This exemption
26 does not authorize the general private possession of any
27 weapon from which 8 or more shots or bullets can be
28 discharged by a single function of the firing device, but
29 only such possession and activities as are within the
30 lawful scope of a licensed manufacturing business
31 described in this paragraph.

32 During transportation, such weapons shall be broken
33 down in a non-functioning state or not immediately
34 accessible.

1 (6) The manufacture, transport, testing, delivery,
2 transfer or sale, and all lawful commercial or
3 experimental activities necessary thereto, of rifles,
4 shotguns, and weapons made from rifles or shotguns, or
5 ammunition for such rifles, shotguns or weapons, where
6 engaged in by a person operating as a contractor or
7 subcontractor pursuant to a contract or subcontract for
8 the development and supply of such rifles, shotguns,
9 weapons or ammunition to the United States government or
10 any branch of the Armed Forces of the United States, when
11 such activities are necessary and incident to fulfilling
12 the terms of such contract.

13 The exemption granted under this subdivision (c)(6)
14 shall also apply to any authorized agent of any such
15 contractor or subcontractor who is operating within the
16 scope of his employment, where such activities involving
17 such weapon, weapons or ammunition are necessary and
18 incident to fulfilling the terms of such contract.

19 During transportation, any such weapon shall be
20 broken down in a non-functioning state, or not
21 immediately accessible.

22 (d) Subsection 24-1(a)(1) does not apply to the
23 purchase, possession or carrying of a black-jack or
24 slung-shot by a peace officer.

25 (e) Subsection 24-1(a)(8) does not apply to any owner,
26 manager or authorized employee of any place specified in that
27 subsection nor to any law enforcement officer.

28 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
29 Section 24-1.6 do not apply to members of any club or
30 organization organized for the purpose of practicing shooting
31 at targets upon established target ranges, whether public or
32 private, while using their firearms on those target ranges.

33 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not
34 apply to:

1 (1) Members of the Armed Services or Reserve Forces
2 of the United States or the Illinois National Guard,
3 while in the performance of their official duty.

4 (2) Bonafide collectors of antique or surplus
5 military ordinance.

6 (3) Laboratories having a department of forensic
7 ballistics, or specializing in the development of
8 ammunition or explosive ordinance.

9 (4) Commerce, preparation, assembly or possession
10 of explosive bullets by manufacturers of ammunition
11 licensed by the federal government, in connection with
12 the supply of those organizations and persons exempted by
13 subdivision (g)(1) of this Section, or like organizations
14 and persons outside this State, or the transportation of
15 explosive bullets to any organization or person exempted
16 in this Section by a common carrier or by a vehicle owned
17 or leased by an exempted manufacturer.

18 (h) An information or indictment based upon a violation
19 of any subsection of this Article need not negative any
20 exemptions contained in this Article. The defendant shall
21 have the burden of proving such an exemption.

22 (i) Nothing in this Article shall prohibit, apply to, or
23 affect the transportation, carrying, or possession, of any
24 pistol or revolver, stun gun, taser, or other firearm
25 consigned to a common carrier operating under license of the
26 State of Illinois or the federal government, where such
27 transportation, carrying, or possession is incident to the
28 lawful transportation in which such common carrier is
29 engaged; ~~and nothing in this Article shall prohibit, apply~~
30 ~~to, or affect the transportation, carrying, or possession of~~
31 ~~any pistol, revolver, stun gun, taser, or other firearm, not~~
32 ~~the subject of and regulated by subsection 24-1(a)(7) or~~
33 ~~subsection 24-2(e) of this Article, which is unloaded and~~
34 ~~enclosed in a case, firearm-carrying box, shipping box, or~~

1 ~~ether-container, by the possessor of a valid--Firearm--Owners~~
2 ~~Identification-Card.~~

3 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00.)

4 (720 ILCS 5/24-3.5)

5 Sec. 24-3.5. Unlawful purchase of a firearm.

6 (a) For purposes of this Section, "firearms transaction
7 record form" means a form:

8 (1) executed by a transferee of a firearm stating:

9 (i) the transferee's name and address (including county
10 or similar political subdivision); (ii) whether the
11 transferee is a citizen of the United States; (iii) the
12 transferee's State of residence; and (iv) the date and
13 place of birth, height, weight, and race of the
14 transferee; and

15 (2) on which the transferee certifies that he or
16 she is not prohibited by federal law from transporting or
17 shipping a firearm in interstate or foreign commerce or
18 receiving a firearm that has been shipped or transported
19 in interstate or foreign commerce or possessing a firearm
20 in or affecting commerce.

21 (b) A person commits the offense of unlawful purchase of
22 a firearm who knowingly purchases or attempts to purchase a
23 firearm with the intent to deliver that firearm to another
24 person who is prohibited by federal or State law from
25 possessing a firearm.

26 (c) A person commits the offense of unlawful purchase of
27 a firearm when he or she, in purchasing or attempting to
28 purchase a firearm, intentionally provides false or
29 misleading information on a United States Department of the
30 Treasury, Bureau of Alcohol, Tobacco and Firearms firearms
31 transaction record form.

32 (d) Exemption. It is not a violation of subsection (b)
33 of this Section for a person to make a gift or loan of a

1 firearm to a person who is not prohibited by federal or State
2 law from possessing a firearm if the transfer of the firearm
3 is made in accordance with Section 3 of the Firearm Owners
4 Identification Card Act.

5 (e) Sentence.

6 (1) A person who commits the offense of unlawful
7 purchase of a firearm by purchasing a firearm with intent
8 to deliver the firearm in violation of subsection (b) or
9 by purchasing or attempting to purchase a firearm in
10 violation of subsection (c):

11 (A) is guilty of a Class 4 felony for
12 purchasing or attempting to purchase one firearm;

13 (B) is guilty of a Class 3 felony for
14 purchasing or attempting to purchase not less than 2
15 firearms and not more than 5 firearms at the same
16 time or within a one year period;

17 (C) is guilty of a Class 2 felony for
18 purchasing or attempting to purchase not less than 6
19 firearms and not more than 10 firearms at the same
20 time or within a 2 year period;

21 (D) is guilty of a Class 1 felony for
22 purchasing or attempting to purchase not less than
23 11 firearms and not more than 20 firearms at the
24 same time or within a 3 year period;

25 (E) is guilty of a Class X felony for which
26 the person shall be sentenced to a term of
27 imprisonment of not less than 6 years and not more
28 than 30 years for purchasing or attempting to
29 purchase not less than 21 firearms and not more than
30 30 firearms at the same time or within a 4 year
31 period;

32 (F) is guilty of a Class X felony for which
33 the person shall be sentenced to a term of
34 imprisonment of not less than 6 years and not more

1 than 40 years for purchasing or attempting to
2 purchase not less than 31 firearms and not more than
3 40 firearms at the same time or within a 5 year
4 period;

5 (G) is guilty of a Class X felony for which
6 the person shall be sentenced to a term of
7 imprisonment of not less than 6 years and not more
8 than 50 years for purchasing or attempting to
9 purchase more than 40 firearms at the same time or
10 within a 6 year period.

11 (2) In addition to any other penalty that may be
12 imposed for a violation of this Section, the court may
13 sentence a person convicted of a violation of subsection
14 (c) of this Section to a fine not to exceed \$250,000 for
15 each violation.

16 (Source: P.A. 91-265, eff. 1-1-00.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.