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1 AMENDMENT TO HOUSE BILL 220

2 AMENDMENT NO. _____. Amend House Bill 220 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 24-3 and 37-1 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 be
11 concealed upon the person to any person under 18 years of
12 age.

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

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

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

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

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

1 (g) Delivers any firearm of a size which may be
2 concealed upon the person, incidental to a sale, without
3 withholding delivery of such firearm for at least 72 hours
4 after application for its purchase has been made, or
5 delivers any rifle, shotgun or other long gun, incidental
6 to a sale, without withholding delivery of such rifle,
7 shotgun or other long gun for at least 24 hours after
8 application for its purchase has been made. However, this
9 paragraph (g) does not apply to: (1) the sale of a firearm
10 to a law enforcement officer or a person who desires to
11 purchase a firearm for use in promoting the public interest
12 incident to his or her employment as a bank guard, armed
13 truck guard, or other similar employment; (2) a mail order
14 sale of a firearm to a nonresident of Illinois under which
15 the firearm is mailed to a point outside the boundaries of
16 Illinois; (3) the sale of a firearm to a nonresident of
17 Illinois while at a firearm showing or display recognized
18 by the Illinois Department of State Police; or (4) the sale
19 of a firearm to a dealer licensed as a federal firearms
20 dealer under Section 923 of the federal Gun Control Act of
21 1968 (18 U.S.C. 923).

22 (h) While holding any license as a dealer, importer,
23 manufacturer or pawnbroker under the federal Gun Control
24 Act of 1968, manufactures, sells or delivers to any
25 unlicensed person a handgun having a barrel, slide, frame
26 or receiver which is a die casting of zinc alloy or any
27 other nonhomogeneous metal which will melt or deform at a
28 temperature of less than 800 degrees Fahrenheit. The
29 Department of State Police shall publish a list of firearms
30 prohibited under this paragraph (h) at least annually for
31 each federal firearms dealer required to participate in
32 Section 3.1 of the Firearm Owners Identification Card Act.
33 The provisions of this paragraph (h) do not apply to a
34 federal firearms dealer that sells a prohibited firearm if

1 the Department does not publish a list of prohibited
2 firearms as required under this paragraph (h). For purposes
3 of this paragraph, (1) "firearm" is defined as in the
4 Firearm Owners Identification Card Act; and (2) "handgun"
5 is defined as a firearm designed to be held and fired by
6 the use of a single hand, and includes a combination of
7 parts from which such a firearm can be assembled.

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

11 (j) Sells or gives a firearm while engaged in the
12 business of selling firearms at wholesale or retail without
13 being licensed as a federal firearms dealer under Section
14 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
15 In this paragraph (j):

16 A person "engaged in the business" means a person who
17 devotes time, attention, and labor to engaging in the
18 activity as a regular course of trade or business with the
19 principal objective of livelihood and profit, but does not
20 include a person who makes occasional repairs of firearms
21 or who occasionally fits special barrels, stocks, or
22 trigger mechanisms to firearms.

23 "With the principal objective of livelihood and
24 profit" means that the intent underlying the sale or
25 disposition of firearms is predominantly one of obtaining
26 livelihood and pecuniary gain, as opposed to other intents,
27 such as improving or liquidating a personal firearms
28 collection; however, proof of profit shall not be required
29 as to a person who engages in the regular and repetitive
30 purchase and disposition of firearms for criminal purposes
31 or terrorism.

32 (k) Sells or transfers ownership of a firearm to a
33 person who does not display to the seller or transferor of
34 the firearm a currently valid Firearm Owner's

1 Identification Card that has previously been issued in the
2 transferee's name by the Department of State Police under
3 the provisions of the Firearm Owners Identification Card
4 Act. This paragraph (k) does not apply to the transfer of a
5 firearm to a person who is exempt from the requirement of
6 possessing a Firearm Owner's Identification Card under
7 Section 2 of the Firearm Owners Identification Card Act.
8 For the purposes of this Section, a currently valid Firearm
9 Owner's Identification Card means (i) a Firearm Owner's
10 Identification Card that has not expired or (ii) if the
11 transferor is licensed as a federal firearms dealer under
12 Section 923 of the federal Gun Control Act of 1968 (18
13 U.S.C. 923), an approval number issued in accordance with
14 Section 3.1 of the Firearm Owners Identification Card Act
15 shall be proof that the Firearm Owner's Identification Card
16 was valid.

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

27 (C) Sentence.

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

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

34 (3) Any person convicted of unlawful sale of firearms

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

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

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

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

7 (6) Any person convicted of unlawful sale of firearms
8 in violation of paragraph (j) of subsection (A) commits a
9 Class A misdemeanor. A second or subsequent violation is a
10 Class 4 felony.

11 (7) Any person convicted of unlawful sale of firearms
12 in violation of paragraph (k) of subsection (A) commits a
13 Class 4 felony. A third or subsequent conviction for a
14 violation of paragraph (k) of subsection (A) is a Class 1
15 felony.

16 (D) For purposes of this Section:

17 "School" means a public or private elementary or secondary
18 school, community college, college, or university.

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

23 (E) A prosecution for a violation of paragraph (k) of
24 subsection (A) of this Section may be commenced within 6 years
25 after the commission of the offense. A prosecution for a
26 violation of this Section other than paragraph (g) of
27 subsection (A) of this Section may be commenced within 5 years
28 after the commission of the offense defined in the particular
29 paragraph.

30 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04.)

31 (720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

32 Sec. 37-1. Maintaining Public Nuisance. Any building used
33 in the commission of offenses prohibited by Sections 9-1, 10-1,

1 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1, 11-21, 11-22,
2 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1), 24-1(a)(7), 24-3, 28-1,
3 28-3, 31-5 or 39A-1 of the Criminal Code of 1961, or prohibited
4 by the Illinois Controlled Substances Act, or the Cannabis
5 Control Act, or used in the commission of an inchoate offense
6 relative to any of the aforesaid principal offenses, or any
7 real property erected, established, maintained, owned, leased,
8 or used by a streetgang for the purpose of conducting
9 streetgang related activity as defined in Section 10 of the
10 Illinois Streetgang Terrorism Omnibus Prevention Act is a
11 public nuisance.

12 (a-5) A building used in the commission of an offense
13 prohibited by Section 24-3 of this Code may be abated as a
14 public nuisance only if the person using the building for the
15 commission of the offense has been convicted of a violation of
16 Section 24-3 and the building was used in the commission of a
17 violation of paragraph (h) of subsection (A) of Section 24-3.

18 (b) Sentence. A person convicted of knowingly maintaining
19 such a public nuisance commits a Class A misdemeanor. Each
20 subsequent offense under this Section is a Class 4 felony.

21 (Source: P.A. 91-876, eff. 1-1-01.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."