



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3094

Introduced 2/7/2014, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 5/24-3

from Ch. 38, par. 24-3

Creates the Firearms Registration Act. Provides that every person in the State must register each firearm he or she owns or possesses in accordance with the Act. Provides that a person shall not purchase or possess ammunition within this State without having first obtained a registration certificate identifying a firearm that is suitable for use with that ammunition, or a receipt demonstrating that the person has applied to register a suitable firearm under the Act and that the application is pending. Provides that the Department of State Police must complete a background check of any person who applies for: (1) a registration certificate for a firearm that was lawfully owned or possessed on the effective date of the Act, was brought into the State by a new resident, or was acquired by operation of law upon the death of the former owner; or (2) a renewal of a registration certificate unless, within 12 months of the date the renewal application is submitted, the applicant passed a background check conducted by the Department in connection with the applicant's acquisition of another firearm. Provides exceptions. Amends the Criminal Code of 2012. Provides that it is a Class 2 felony to sell or transfer ownership of a firearm to another person without complying with the registration requirement of the Firearms Registration Act.

LRB098 17553 RLC 52662 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 1. Short title. This Act may be cited as the
5 Firearms Registration Act.

6 Section 5. Definitions. As used in this Act:

7 "Ammunition" has the same meaning as "firearm ammunition"
8 in Section 1.1 of the Firearm Owners Identification Card Act.

9 "Applicant" means a person who is seeking the issuance or
10 renewal of a registration certificate for a firearm that he or
11 she owns or possesses.

12 "Department" means the Department of State Police.

13 "Firearm" has the same meaning as "firearm" in Section 1.1
14 of the Firearm Owners Identification Card Act.

15 "Person" means any individual, corporation, company,
16 association, firm, partnership, club, organization, society,
17 joint stock company, or other entity.

18 "Registrant" means a person who has been issued a
19 registration certificate for a firearm that he or she owns or
20 possesses.

21 Section 10. Firearm registration requirement.

22 (a) Every person in this State must register each firearm

1 he or she owns or possesses in accordance with this Act.

2 (b) A person shall not deliver, receive, or obtain a
3 firearm, until each of the following have occurred:

4 (1) the buyer or transferee has completed an
5 application to register the firearm under Section 25;

6 (2) the person transferring the firearm has verified
7 that the prospective registrant is the person whose
8 driver's license or other government-issued identification
9 card is contained in the application;

10 (3) the person transferring the firearm has
11 transmitted the completed application to register the
12 firearm to the Department of State Police in the manner
13 prescribed by the Department; and

14 (4) the person transferring the firearm has provided a
15 receipt for the application to the prospective registrant
16 on a form prescribed by the Department.

17 (c) A person has complied with subsection (a) of this
18 Section for a firearm if he or she produces a valid receipt
19 indicating that he or she has applied to register that firearm
20 under this Act and the application is pending.

21 Section 15. Ammunition purchase, possession, delivery.

22 (a) A person shall not purchase or possess ammunition
23 within this State without having first obtained a registration
24 certificate identifying a firearm that is suitable for use with
25 that ammunition, or a receipt demonstrating that the person has

1 applied to register a suitable firearm under this Act and that
2 the application is pending.

3 (b) A person shall not deliver ammunition to any person
4 within this State without having verified that the ammunition
5 purchaser possesses a registration certificate for a firearm
6 that is suitable for use with that ammunition, or a receipt
7 demonstrating that the person has applied to register a
8 suitable firearm under this Act and the application is pending.

9 Section 20. Exceptions.

10 Sections 10 and 15 do not apply to the ownership,
11 possession, or receipt of a firearm or ammunition by, or
12 delivery of a firearm or ammunition to:

13 (1) any law enforcement or corrections agency, or law
14 enforcement or corrections officer acting within the course and
15 scope of his or her employment or official duties;

16 (2) a United States Marshal or member of the Armed Forces
17 of the United States or the National Guard, or a federal
18 official, who is required to possess a firearm in the operation
19 of his or her official duties;

20 (3) licensed firearms manufacturers, importers, or
21 dealers, while engaged in the course and scope of their
22 activities as licensees, provided that those persons are
23 properly licensed under federal, State, and local law;

24 (4) a gunsmith who is in possession of a firearm solely for
25 the purposes of service or repair;

1 (5) a common carrier, warehouseman, or other person engaged
2 in the business of transporting or storing goods, to the extent
3 that the possession or receipt of any firearm is in the
4 ordinary course of business and not for the personal use of
5 that person;

6 (6) a person who is under 18 years of age who is in
7 possession of a registered firearm for lawful hunting or
8 sporting purposes or for any other lawful recreational activity
9 while under the direct supervision and control of the
10 registrant;

11 (7) a person who is 18 years of age or older who is in
12 possession of a registered firearm while accompanying the
13 registrant and using the firearm for lawful hunting or sporting
14 purposes or for any other lawful recreational activity;

15 (8) a new resident of this State who has brought his or her
16 firearm into this State within the preceding 90 days, or who
17 produces a valid receipt indicating that he or she has applied
18 to register the firearm within this time period and the
19 application is pending;

20 (9) nonresidents of the State participating in lawful
21 hunting or sporting activity or other lawful recreational
22 activity in this State, if their ownership or possession of a
23 firearm for those purposes is lawful in the jurisdiction in
24 which they reside, and that the weapon is transported in
25 compliance with Section 926A of the federal Gun Control Act of
26 1968 (18 U.S.C. 926A);

1 (10) a person being loaned a firearm solely for the purpose
2 of shooting at targets, if the loan occurs on the premises of a
3 properly licensed target facility, and the firearm is at all
4 times kept within the premises of the target range;

5 (11) a person who has acquired a firearm by operation of
6 law upon the death of the former owner of the firearm within
7 the preceding 90 days, or who produces a valid receipt
8 indicating that he or she has applied to register the firearm
9 within this time period and the application is pending;

10 (12) a person lawfully transporting a firearm through this
11 State in accordance with Section 926A of the federal Gun
12 Control Act of 1968 (18 U.S.C. 926A);

13 (13) an adult family member of the registrant of the
14 firearm if the registrant resides with the family member but is
15 not currently present in the residence, if the family member
16 does not maintain control over the firearm for more than 14
17 consecutive days. This exception shall not apply if the
18 registrant or the family member knows or has reasonable cause
19 to believe that federal, State, or local law prohibits the
20 family member from purchasing or possessing firearms, or the
21 registrant knows or has reasonable cause to believe that the
22 family member is likely to use the firearm for unlawful
23 purposes;

24 (14) members of bona fide veterans organizations which
25 receive firearms directly from the armed forces of the United
26 States, while using the firearms for ceremonial purposes with

1 blank ammunition;

2 (15) color guards of bona fide veterans organizations or
3 members of bona fide American Legion bands while using firearms
4 for ceremonial purposes with blank ammunition;

5 (16) nonresidents while at a firearm showing or display
6 recognized by the Department, provided that at all other times
7 and in all other places the weapon is transported in compliance
8 with Federal Gun Control Act of 1968 (18 U.S.C. 926A); or

9 (17) competitive shooting athletes whose competition
10 firearms are sanctioned by the International Olympic
11 Committee, the International Paralympic Committee, the
12 International Shooting Sport Federation, or USA Shooting in
13 connection with the athletes' training for and participation in
14 shooting competitions at the 2016 Olympic and Paralympic Games
15 and sanctioned test events leading up to the 2016 Olympic and
16 Paralympic Games, provided that the weapons are transported in
17 compliance with Federal Gun Control Act of 1968 (18 U.S.C.
18 926A).

19 Section 25. Application to register a firearm.

20 (a) Any person who is required to register a firearm under
21 this Act shall:

22 (1) For a newly purchased firearm:

23 (A) obtain a registration application from the
24 seller of the firearm to be registered; and

25 (B) complete and submit to the firearm seller the

1 application, in writing, signed under penalty of
2 perjury, on a form prescribed by the Department.

3 (2) For a firearm that was lawfully owned or possessed
4 on the effective date of this Act, was brought into the
5 State by a new resident, or was acquired by operation of
6 law upon the death of the former owner:

7 (A) appear in person at a time and place designated
8 by the Department; and

9 (B) complete and submit to the Department the
10 application, in writing, signed under penalty of
11 perjury, on a form prescribed by the Department.

12 (b) Any person who is required to register a firearm must
13 provide the following information on a registration
14 application created by the Department, which form shall
15 include:

16 (1) the applicant's full name and any other name by
17 which the applicant has ever been known;

18 (2) the home address and telephone number of the
19 applicant;

20 (3) the occupation, business address, and telephone
21 number of the applicant;

22 (4) the applicant's gender, race, height, weight, date
23 of birth, place of birth, country of citizenship, social
24 security number, and, if the applicant is not a United
25 States citizen, alien or admission number;

26 (5) a copy of the applicant's current driver's license

1 or other government-issued identification card containing
2 a photograph of the applicant;

3 (6) information concerning any denial or revocation of
4 a license, permit, or registration certificate pertaining
5 to any firearm owned or possessed by the applicant;

6 (7) the make, model, manufacturer's name, caliber or
7 gauge, and serial number of all firearms for which the
8 applicant seeks to obtain a registration certificate;

9 (8) the date the applicant acquired each firearm;

10 (9) the name, address, and telephone number of the
11 person from whom each firearm was obtained, and in the case
12 of a firearms dealer, the dealer's license number;

13 (10) the name of, and description of any instance in
14 which, any court, board, commission, or other lawful
15 authority has done either of the following, including dates
16 of commitment and release:

17 (A) determined that the applicant, as a result of
18 marked subnormal intelligence, mental illness,
19 incompetency, condition, or disease, was a danger to
20 himself or herself or others, lacked the mental
21 capacity to contract or manage his or her own affairs,
22 or was not guilty of a crime by reason of insanity or
23 incompetent to stand trial; or

24 (B) involuntarily committed the person to a mental
25 institution (including the name and address of the
26 institution);

1 (11) an authorization and release to obtain
2 information relevant to the person's eligibility to
3 register a firearm under this Act, from any source, that
4 waives any right to confidentiality and requests the
5 disclosure of the information to the Department for the
6 sole purpose of determining the person's eligibility to
7 register a firearm under this Act;

8 (12) the applicant's right thumbprint;

9 (13) 2 identical color photographs of the applicant's
10 face, frontal view, 2 inches square in size, taken within
11 the 30 days immediately preceding the application, as
12 specified in rules of the Department; and

13 (14) any additional information the Department deems
14 necessary to process the application.

15 (c) The Department may charge a fee to cover the
16 administrative costs of the registration for each firearm.

17 Section 30. Investigation by Department.

18 (a) In addition to the requirement of a background check
19 upon sale of a firearm under Sections 3 and 3.1 of the Firearm
20 Owners Identification Card Act, the Department must complete a
21 background check of any person who applies for:

22 (1) a registration certificate for a firearm that was
23 lawfully owned or possessed on the effective date of this
24 Act, was brought into the State by a new resident, or was
25 acquired by operation of law upon the death of the former

1 owner; or

2 (2) a renewal of a registration certificate unless,
3 within 12 months of the date the renewal application is
4 submitted, the applicant passed a background check
5 conducted by the Department in connection with the
6 applicant's acquisition of another firearm.

7 (b) The background check required by subsection (a) shall
8 be equivalent in scope to the background check that is
9 conducted upon transfer of a firearm under Sections 3 and 3.1
10 of the Firearm Owners Identification Card Act.

11 (c) A registration certificate shall not be issued or
12 renewed if the applicant is prohibited from purchasing or
13 possessing a firearm under federal, State, or local law.

14 Section 35. Registration approval, denial, or revocation.

15 (a) After consideration of an application for a
16 registration certificate or for renewal of a registration
17 certificate and all information obtained relative to it, the
18 Department shall either approve or deny the application and
19 notify the applicant in writing of the decision, including the
20 reason or reasons for denial, and the appeal procedures under
21 Section 45.

22 (b) The Department may grant or renew a registration
23 certificate only if the applicant is in compliance with this
24 Act and all other applicable federal, State, and local laws
25 relating to firearms and ammunition.

1 (c) The Department shall deny the issuance or renewal of a
2 registration certificate, or shall revoke an existing
3 registration certificate:

4 (1) for failure to meet any of the requirements of this
5 Act, including the requirements for renewal under Section
6 55, or any other applicable federal, State, or local law
7 relating to firearms or ammunition;

8 (2) for fraud or misrepresentation in securing a
9 registration certificate;

10 (3) if the applicant is or becomes prohibited from
11 purchasing or possessing a firearm under federal, State, or
12 local law; or

13 (4) upon the occurrence of any event or circumstance
14 that would disqualify the registrant from being issued the
15 original registration certificate.

16 Section 40. Features and use of firearm registration
17 certificates.

18 (a) If the application to register a firearm is approved,
19 the Department shall issue to the registrant a registration
20 certificate on a form prescribed by the Department for each
21 firearm listed on the application. Each registration
22 certificate must contain the date of the registration, a unique
23 registration number, the registrant's name, residence address,
24 date of birth, photograph, the make, model, manufacturer's
25 name, caliber or gauge and serial number of the firearm, the

1 date the registration certificate expires, and any other
2 personal information as may be required by the Department.

3 (b) The registration certificate shall not be transferable
4 or assignable. The registration certificate shall be carried
5 with the firearm if it is transported outside of the
6 registrant's home. The registrant shall exhibit the
7 registration certificate to any law enforcement officer upon
8 request.

9 Section 45. Appeal procedure.

10 (a) If an application to register a firearm or to renew a
11 registration certificate is denied, or if a registration
12 certificate is revoked, the Department shall inform the
13 applicant or registrant in writing of the reasons for the
14 denial or revocation, and of the appeal procedures under this
15 Section. The applicant may, within 30 days after receiving
16 notice of the denial or revocation, file an appeal of the
17 denial or revocation with the Department. The appeal must be
18 made in writing, setting forth the specific grounds for the
19 appeal.

20 (b) If the applicant or registrant submits a timely appeal,
21 the Department shall hold a hearing to reconsider its decision.
22 The Department shall provide a written decision regarding the
23 appeal. The decision of the Department upon reconsideration
24 shall be subject to judicial review.

25 (c) In the event that the decision to deny the application

1 or revoke the registration certificate is affirmed, the
2 decision to deny the application or revoke the registration
3 shall become final only after the time for judicial review of
4 the decision upon reconsideration has expired.

5 Section 50. Surrender and removal of firearms upon denial
6 or revocation of registration.

7 (a) When a decision to deny an application to register, to
8 renew a registration certificate, or to revoke a registration
9 certificate becomes final, the applicant or registrant must
10 immediately surrender to the Department the firearm for which
11 the applicant was denied registration or renewal or for which
12 the registration certificate was revoked.

13 (b) If an applicant or registrant fails to surrender his or
14 her firearm to the Department after the decision to deny an
15 application to register, to renew or to revoke a registration
16 certificate becomes final, the Department shall retrieve the
17 firearm within 48 hours.

18 Section 55. Duration and renewal.

19 (a) Registration certificates shall expire automatically
20 one year after the date of issuance. To apply for renewal of a
21 registration certificate, the registrant shall complete an
22 application for registration as described in Section 25.

23 (b) The Department shall mail renewal notices to each
24 registrant at least 90 days prior to expiration of the

1 registration certificate. Applications for renewal shall be
2 received by the Department 30 days prior to the expiration of
3 the current registration certificate.

4 (c) The renewal process for all registrants shall include a
5 background check, as provided in Section 30.

6 (d) The Department shall follow the procedures of Section
7 35 in approving or denying the application for renewal.

8 Section 60. Firearm registration records.

9 The Department shall retain an accurate record of each
10 application for a registration certificate, received and acted
11 upon, together with all other information pertaining to the
12 application on all applications issued or denied under the
13 provisions of this Act. The information shall be maintained in
14 an accessible manner and available to all law enforcement
15 agencies upon request.

16 Section 65. Reporting requirements for registrants.

17 A registrant shall report to the Department:

18 (1) Within 48 hours of the time he or she discovered or
19 should have discovered any change in his or her status that
20 would affect his or her eligibility to own or possess a firearm
21 or registration certificate; and

22 (2) Within 14 days of the occurrence of:

23 (A) any change in the information appearing on the
24 registration certificate that would not affect his or her

1 eligibility for the registration certificate; or

2 (B) the time he or she knew or should have known of the
3 loss, theft, or destruction of a registration certificate.

4 Section 70. Sentence.

5 (a) The following violations shall be a petty offense with
6 a fine not to exceed \$5,000:

7 (1) A new resident who brings a firearm into the State
8 and who fails to lawfully dispose of or apply to register
9 the firearm within 90 days of entering the State.

10 (2) A person who acquires a firearm by operation of law
11 upon the death of the former owner and who fails to
12 lawfully dispose of or apply to register the firearm within
13 90 days of acquiring the firearm.

14 (3) A person who owns or possesses a firearm in the
15 State on the effective date of this Act and fails to
16 lawfully dispose of or apply to register the firearm within
17 120 days of the effective date of this Act.

18 (b) A person who owns or possesses a firearm after his or
19 her registration certificate for that firearm has been revoked
20 is guilty of a Class 4 felony.

21 (c) Except as provided in subsections (a) and (b), any
22 person who owns or possesses an unregistered firearm in the
23 State that he or she did not own or possess on the effective
24 date of this Act is guilty of a Class A misdemeanor.

25 (d) A person who knowingly enters false information on an

1 application to register a firearm, who knowingly gives a false
2 answer to any question on the application, or who knowingly
3 submits false evidence in connection with an application is
4 guilty of a Class 2 felony.

5 (e) A person who acquires or possesses ammunition in
6 violation of subsection (a) of Section 15 is guilty of a Class
7 A misdemeanor.

8 (f) A person who transfers ammunition in violation of
9 subsection (b) of Section 15 is guilty of a Class 4 felony.

10 (g) A firearm or ammunition owned or possessed in violation
11 of this Act shall be subject to confiscation and forfeiture to
12 the State.

13 Section 905. The Criminal Code of 2012 is amended by
14 changing Section 24-3 as follows:

15 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

16 Sec. 24-3. Unlawful sale or delivery of firearms.

17 (A) A person commits the offense of unlawful sale or
18 delivery of firearms when he or she knowingly does any of the
19 following:

20 (a) Sells or gives any firearm of a size which may be
21 concealed upon the person to any person under 18 years of
22 age.

23 (b) Sells or gives any firearm to a person under 21
24 years of age who has been convicted of a misdemeanor other

1 than a traffic offense or adjudged delinquent.

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

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

6 (e) Sells or gives any firearm to any person who has
7 been a patient in a mental institution within the past 5
8 years. In this subsection (e):

9 "Mental institution" means any hospital,
10 institution, clinic, evaluation facility, mental
11 health center, or part thereof, which is used primarily
12 for the care or treatment of persons with mental
13 illness.

14 "Patient in a mental institution" means the person
15 was admitted, either voluntarily or involuntarily, to
16 a mental institution for mental health treatment,
17 unless the treatment was voluntary and solely for an
18 alcohol abuse disorder and no other secondary
19 substance abuse disorder or mental illness.

20 (f) Sells or gives any firearms to any person who is
21 intellectually disabled.

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

1 gun or taser, incidental to a sale, without withholding
2 delivery of such rifle, shotgun or other long gun, or a
3 stun gun or taser for at least 24 hours after application
4 for its purchase has been made. However, this paragraph (g)
5 does not apply to: (1) the sale of a firearm to a law
6 enforcement officer if the seller of the firearm knows that
7 the person to whom he or she is selling the firearm is a
8 law enforcement officer or the sale of a firearm to a
9 person who desires to purchase a firearm for use in
10 promoting the public interest incident to his or her
11 employment as a bank guard, armed truck guard, or other
12 similar employment; (2) a mail order sale of a firearm to a
13 nonresident of Illinois under which the firearm is mailed
14 to a point outside the boundaries of Illinois; (3) the sale
15 of a firearm to a nonresident of Illinois while at a
16 firearm showing or display recognized by the Illinois
17 Department of State Police; or (4) the sale of a firearm to
18 a dealer licensed as a federal firearms dealer under
19 Section 923 of the federal Gun Control Act of 1968 (18
20 U.S.C. 923). For purposes of this paragraph (g),
21 "application" means when the buyer and seller reach an
22 agreement to purchase a firearm.

23 (h) While holding any license as a dealer, importer,
24 manufacturer or pawnbroker under the federal Gun Control
25 Act of 1968, manufactures, sells or delivers to any
26 unlicensed person a handgun having a barrel, slide, frame

1 or receiver which is a die casting of zinc alloy or any
2 other nonhomogeneous metal which will melt or deform at a
3 temperature of less than 800 degrees Fahrenheit. For
4 purposes of this paragraph, (1) "firearm" is defined as in
5 the Firearm Owners Identification Card Act; and (2)
6 "handgun" is defined as a firearm designed to be held and
7 fired by the use of a single hand, and includes a
8 combination of parts from which such a firearm can be
9 assembled.

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

13 (j) Sells or gives a firearm while engaged in the
14 business of selling firearms at wholesale or retail without
15 being licensed as a federal firearms dealer under Section
16 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
17 In this paragraph (j):

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

25 "With the principal objective of livelihood and
26 profit" means that the intent underlying the sale or

1 disposition of firearms is predominantly one of obtaining
2 livelihood and pecuniary gain, as opposed to other intents,
3 such as improving or liquidating a personal firearms
4 collection; however, proof of profit shall not be required
5 as to a person who engages in the regular and repetitive
6 purchase and disposition of firearms for criminal purposes
7 or terrorism.

8 (k) Sells or transfers ownership of a firearm to a
9 person who does not display to the seller or transferor of
10 the firearm a currently valid Firearm Owner's
11 Identification Card that has previously been issued in the
12 transferee's name by the Department of State Police under
13 the provisions of the Firearm Owners Identification Card
14 Act. This paragraph (k) does not apply to the transfer of a
15 firearm to a person who is exempt from the requirement of
16 possessing a Firearm Owner's Identification Card under
17 Section 2 of the Firearm Owners Identification Card Act.
18 For the purposes of this Section, a currently valid Firearm
19 Owner's Identification Card means (i) a Firearm Owner's
20 Identification Card that has not expired or (ii) an
21 approval number issued in accordance with subsection
22 (a-10) of subsection 3 or Section 3.1 of the Firearm Owners
23 Identification Card Act shall be proof that the Firearm
24 Owner's Identification Card was valid.

25 (1) In addition to the other requirements of this
26 paragraph (k), all persons who are not federally

1 licensed firearms dealers must also have complied with
2 subsection (a-10) of Section 3 of the Firearm Owners
3 Identification Card Act by determining the validity of
4 a purchaser's Firearm Owner's Identification Card.

5 (2) All sellers or transferors who have complied
6 with the requirements of subparagraph (1) of this
7 paragraph (k) shall not be liable for damages in any
8 civil action arising from the use or misuse by the
9 transferee of the firearm transferred, except for
10 willful or wanton misconduct on the part of the seller
11 or transferor.

12 (1) Not being entitled to the possession of a firearm,
13 delivers the firearm, knowing it to have been stolen or
14 converted. It may be inferred that a person who possesses a
15 firearm with knowledge that its serial number has been
16 removed or altered has knowledge that the firearm is stolen
17 or converted.

18 (m) Sells or transfers ownership of a firearm to
19 another person without complying with the registration
20 requirement of Section 10 of the Firearms Registration Act.
21 This paragraph (m) does not apply when the transferee is
22 one of the persons listed in Section 20 of the Firearms
23 Registration Act.

24 (B) Paragraph (h) of subsection (A) does not include
25 firearms sold within 6 months after enactment of Public Act
26 78-355 (approved August 21, 1973, effective October 1, 1973),

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

8 (C) Sentence.

9 (1) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (c), (e), (f), (g),
11 or (h) of subsection (A) commits a Class 4 felony.

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

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

18 (4) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (a), (b), or (i) of
20 subsection (A) in any school, on the real property
21 comprising a school, within 1,000 feet of the real property
22 comprising a school, at a school related activity, or on or
23 within 1,000 feet of any conveyance owned, leased, or
24 contracted by a school or school district to transport
25 students to or from school or a school related activity,
26 regardless of the time of day or time of year at which the

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

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

1 operated, or managed by a public housing agency or leased
2 by a public housing agency as part of a scattered site or
3 mixed-income development commits a Class 2 felony.

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

8 (7) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (k) of subsection (A)
10 commits a Class 4 felony, except that a violation of
11 subparagraph (1) of paragraph (k) of subsection (A) shall
12 not be punishable as a crime or petty offense. A third or
13 subsequent conviction for a violation of paragraph (k) of
14 subsection (A) is a Class 1 felony.

15 (8) A person 18 years of age or older convicted of
16 unlawful sale or delivery of firearms in violation of
17 paragraph (a) or (i) of subsection (A), when the firearm
18 that was sold or given to another person under 18 years of
19 age was used in the commission of or attempt to commit a
20 forcible felony, shall be fined or imprisoned, or both, not
21 to exceed the maximum provided for the most serious
22 forcible felony so committed or attempted by the person
23 under 18 years of age who was sold or given the firearm.

24 (9) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (d) of subsection (A)
26 commits a Class 3 felony.

1 (10) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (1) of subsection (A)
3 commits a Class 2 felony if the delivery is of one firearm.
4 Any person convicted of unlawful sale or delivery of
5 firearms in violation of paragraph (1) of subsection (A)
6 commits a Class 1 felony if the delivery is of not less
7 than 2 and not more than 5 firearms at the same time or
8 within a one year period. Any person convicted of unlawful
9 sale or delivery of firearms in violation of paragraph (1)
10 of subsection (A) commits a Class X felony for which he or
11 she shall be sentenced to a term of imprisonment of not
12 less than 6 years and not more than 30 years if the
13 delivery is of not less than 6 and not more than 10
14 firearms at the same time or within a 2 year period. Any
15 person convicted of unlawful sale or delivery of firearms
16 in violation of paragraph (1) of subsection (A) commits a
17 Class X felony for which he or she shall be sentenced to a
18 term of imprisonment of not less than 6 years and not more
19 than 40 years if the delivery is of not less than 11 and
20 not more than 20 firearms at the same time or within a 3
21 year period. Any person convicted of unlawful sale or
22 delivery of firearms in violation of paragraph (1) of
23 subsection (A) commits a Class X felony for which he or she
24 shall be sentenced to a term of imprisonment of not less
25 than 6 years and not more than 50 years if the delivery is
26 of not less than 21 and not more than 30 firearms at the

1 same time or within a 4 year period. Any person convicted
2 of unlawful sale or delivery of firearms in violation of
3 paragraph (1) of subsection (A) commits a Class X felony
4 for which he or she shall be sentenced to a term of
5 imprisonment of not less than 6 years and not more than 60
6 years if the delivery is of 31 or more firearms at the same
7 time or within a 5 year period.

8 (D) For purposes of this Section:

9 "School" means a public or private elementary or secondary
10 school, community college, college, or university.

11 "School related activity" means any sporting, social,
12 academic, or other activity for which students' attendance or
13 participation is sponsored, organized, or funded in whole or in
14 part by a school or school district.

15 (E) A prosecution for a violation of paragraph (k) of
16 subsection (A) of this Section may be commenced within 6 years
17 after the commission of the offense. A prosecution for a
18 violation of this Section other than paragraph (g) of
19 subsection (A) of this Section may be commenced within 5 years
20 after the commission of the offense defined in the particular
21 paragraph.

22 (Source: P.A. 97-227, eff. 1-1-12; 97-347, eff. 1-1-12; 97-813,
23 eff. 7-13-12; 97-1167, eff. 6-1-13; 98-508, eff. 8-19-13.)