



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4719

by Rep. Natalie Phelps Finnie

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33	from Ch. 61, par. 2.33
720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-3	from Ch. 38, par. 24-3

Amends the Wildlife Code. Removes the prohibition on the use of a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun. Amends the Criminal Code of 2012. Provides that a person commits the offense of unlawful use of weapons when he knowingly uses, attaches, or possesses with the intent to use or attach any device or attachment of any kind for silencing the report of any handgun, unless the use, attachment, or possession with the intent to use the device or attachment is on the premises of a firing or shooting range; or possess any device or attachment of any kind designed, used, or intended for use in silencing the report of any other firearm if the device or attachment is not possessed in compliance with the National Firearms Act. Provides that a person commits the offense of unlawful sale or delivery of firearms when he or she knowingly transfers or gives a suppressor or silencer to a person not authorized to possess the suppressor or silencer under federal law. Provides that a violation of this provision is a Class 3 felony. Effective immediately.

LRB100 16573 SLF 31706 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning firearm silencers.

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

4 Section 5. The Wildlife Code is amended by changing Section  
5 2.33 as follows:

6 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

7 Sec. 2.33. Prohibitions.

8 (a) It is unlawful to carry or possess any gun in any State  
9 refuge unless otherwise permitted by administrative rule.

10 (b) It is unlawful to use or possess any snare or  
11 snare-like device, deadfall, net, or pit trap to take any  
12 species, except that snares not powered by springs or other  
13 mechanical devices may be used to trap fur-bearing mammals, in  
14 water sets only, if at least one-half of the snare noose is  
15 located underwater at all times.

16 (c) It is unlawful for any person at any time to take a  
17 wild mammal protected by this Act from its den by means of any  
18 mechanical device, spade, or digging device or to use smoke or  
19 other gases to dislodge or remove such mammal except as  
20 provided in Section 2.37.

21 (d) It is unlawful to use a ferret or any other small  
22 mammal which is used in the same or similar manner for which  
23 ferrets are used for the purpose of frightening or driving any

1 mammals from their dens or hiding places.

2 (e) (Blank).

3 (f) It is unlawful to use spears, gigs, hooks or any like  
4 device to take any species protected by this Act.

5 (g) It is unlawful to use poisons, chemicals or explosives  
6 for the purpose of taking any species protected by this Act.

7 (h) It is unlawful to hunt adjacent to or near any peat,  
8 grass, brush or other inflammable substance when it is burning.

9 (i) It is unlawful to take, pursue or intentionally harass  
10 or disturb in any manner any wild birds or mammals by use or  
11 aid of any vehicle or conveyance, except as permitted by the  
12 Code of Federal Regulations for the taking of waterfowl. It is  
13 also unlawful to use the lights of any vehicle or conveyance or  
14 any light from or any light connected to the vehicle or  
15 conveyance in any area where wildlife may be found except in  
16 accordance with Section 2.37 of this Act; however, nothing in  
17 this Section shall prohibit the normal use of headlamps for the  
18 purpose of driving upon a roadway. Striped skunk, opossum, red  
19 fox, gray fox, raccoon, bobcat, and coyote may be taken during  
20 the open season by use of a small light which is worn on the  
21 body or hand-held by a person on foot and not in any vehicle.

22 (j) It is unlawful to use any shotgun larger than 10 gauge  
23 while taking or attempting to take any of the species protected  
24 by this Act.

25 (k) It is unlawful to use or possess in the field any  
26 shotgun shell loaded with a shot size larger than lead BB or

1 steel T (.20 diameter) when taking or attempting to take any  
2 species of wild game mammals (excluding white-tailed deer),  
3 wild game birds, migratory waterfowl or migratory game birds  
4 protected by this Act, except white-tailed deer as provided for  
5 in Section 2.26 and other species as provided for by subsection  
6 (l) or administrative rule.

7 (l) It is unlawful to take any species of wild game, except  
8 white-tailed deer and fur-bearing mammals, with a shotgun  
9 loaded with slugs unless otherwise provided for by  
10 administrative rule.

11 (m) It is unlawful to use any shotgun capable of holding  
12 more than 3 shells in the magazine or chamber combined, except  
13 on game breeding and hunting preserve areas licensed under  
14 Section 3.27 and except as permitted by the Code of Federal  
15 Regulations for the taking of waterfowl. If the shotgun is  
16 capable of holding more than 3 shells, it shall, while being  
17 used on an area other than a game breeding and shooting  
18 preserve area licensed pursuant to Section 3.27, be fitted with  
19 a one piece plug that is irremovable without dismantling the  
20 shotgun or otherwise altered to render it incapable of holding  
21 more than 3 shells in the magazine and chamber, combined.

22 (n) It is unlawful for any person, except persons who  
23 possess a permit to hunt from a vehicle as provided in this  
24 Section and persons otherwise permitted by law, to have or  
25 carry any gun in or on any vehicle, conveyance or aircraft,  
26 unless such gun is unloaded and enclosed in a case, except that

1 at field trials authorized by Section 2.34 of this Act,  
2 unloaded guns or guns loaded with blank cartridges only, may be  
3 carried on horseback while not contained in a case, or to have  
4 or carry any bow or arrow device in or on any vehicle unless  
5 such bow or arrow device is unstrung or enclosed in a case, or  
6 otherwise made inoperable.

7 (o) (Blank).

8 (p) It is unlawful to take game birds, migratory game birds  
9 or migratory waterfowl with a rifle, pistol, revolver or  
10 airgun.

11 (q) It is unlawful to fire a rifle, pistol, revolver or  
12 airgun on, over or into any waters of this State, including  
13 frozen waters.

14 (r) It is unlawful to discharge any gun or bow and arrow  
15 device along, upon, across, or from any public right-of-way or  
16 highway in this State.

17 (s) (Blank). ~~It is unlawful to use a silencer or other~~  
18 ~~device to muffle or mute the sound of the explosion or report~~  
19 ~~resulting from the firing of any gun.~~

20 (t) It is unlawful for any person to take or attempt to  
21 take any species of wildlife or parts thereof, intentionally or  
22 wantonly allow a dog to hunt, within or upon the land of  
23 another, or upon waters flowing over or standing on the land of  
24 another, or to knowingly shoot a gun or bow and arrow device at  
25 any wildlife physically on or flying over the property of  
26 another without first obtaining permission from the owner or

1 the owner's designee. For the purposes of this Section, the  
2 owner's designee means anyone who the owner designates in a  
3 written authorization and the authorization must contain (i)  
4 the legal or common description of property for such authority  
5 is given, (ii) the extent that the owner's designee is  
6 authorized to make decisions regarding who is allowed to take  
7 or attempt to take any species of wildlife or parts thereof,  
8 and (iii) the owner's notarized signature. Before enforcing  
9 this Section the law enforcement officer must have received  
10 notice from the owner or the owner's designee of a violation of  
11 this Section. Statements made to the law enforcement officer  
12 regarding this notice shall not be rendered inadmissible by the  
13 hearsay rule when offered for the purpose of showing the  
14 required notice.

15 (u) It is unlawful for any person to discharge any firearm  
16 for the purpose of taking any of the species protected by this  
17 Act, or hunt with gun or dog, or intentionally or wantonly  
18 allow a dog to hunt, within 300 yards of an inhabited dwelling  
19 without first obtaining permission from the owner or tenant,  
20 except that while trapping, hunting with bow and arrow, hunting  
21 with dog and shotgun using shot shells only, or hunting with  
22 shotgun using shot shells only, or providing outfitting  
23 services under a waterfowl outfitter permit, or on licensed  
24 game breeding and hunting preserve areas, as defined in Section  
25 3.27, on federally owned and managed lands and on Department  
26 owned, managed, leased, or controlled lands, a 100 yard

1 restriction shall apply.

2 (v) It is unlawful for any person to remove fur-bearing  
3 mammals from, or to move or disturb in any manner, the traps  
4 owned by another person without written authorization of the  
5 owner to do so.

6 (w) It is unlawful for any owner of a dog to knowingly or  
7 wantonly allow his or her dog to pursue, harass or kill deer,  
8 except that nothing in this Section shall prohibit the tracking  
9 of wounded deer with a dog in accordance with the provisions of  
10 Section 2.26 of this Code.

11 (x) It is unlawful for any person to wantonly or carelessly  
12 injure or destroy, in any manner whatsoever, any real or  
13 personal property on the land of another while engaged in  
14 hunting or trapping thereon.

15 (y) It is unlawful to hunt wild game protected by this Act  
16 between one half hour after sunset and one half hour before  
17 sunrise, except that hunting hours between one half hour after  
18 sunset and one half hour before sunrise may be established by  
19 administrative rule for fur-bearing mammals.

20 (z) It is unlawful to take any game bird (excluding wild  
21 turkeys and crippled pheasants not capable of normal flight and  
22 otherwise irretrievable) protected by this Act when not flying.  
23 Nothing in this Section shall prohibit a person from carrying  
24 an uncased, unloaded shotgun in a boat, while in pursuit of a  
25 crippled migratory waterfowl that is incapable of normal  
26 flight, for the purpose of attempting to reduce the migratory

1 waterfowl to possession, provided that the attempt is made  
2 immediately upon downing the migratory waterfowl and is done  
3 within 400 yards of the blind from which the migratory  
4 waterfowl was downed. This exception shall apply only to  
5 migratory game birds that are not capable of normal flight.  
6 Migratory waterfowl that are crippled may be taken only with a  
7 shotgun as regulated by subsection (j) of this Section using  
8 shotgun shells as regulated in subsection (k) of this Section.

9 (aa) It is unlawful to use or possess any device that may  
10 be used for tree climbing or cutting, while hunting fur-bearing  
11 mammals, excluding coyotes.

12 (bb) It is unlawful for any person, except licensed game  
13 breeders, pursuant to Section 2.29 to import, carry into, or  
14 possess alive in this State any species of wildlife taken  
15 outside of this State, without obtaining permission to do so  
16 from the Director.

17 (cc) It is unlawful for any person to have in his or her  
18 possession any freshly killed species protected by this Act  
19 during the season closed for taking.

20 (dd) It is unlawful to take any species protected by this  
21 Act and retain it alive except as provided by administrative  
22 rule.

23 (ee) It is unlawful to possess any rifle while in the field  
24 during gun deer season except as provided in Section 2.26 and  
25 administrative rules.

26 (ff) It is unlawful for any person to take any species



1 protected by this Act, except migratory waterfowl, during the  
2 gun deer hunting season in those counties open to gun deer  
3 hunting, unless he or she wears, when in the field, a cap and  
4 upper outer garment of a solid blaze orange color, with such  
5 articles of clothing displaying a minimum of 400 square inches  
6 of blaze orange material.

7 (gg) It is unlawful during the upland game season for any  
8 person to take upland game with a firearm unless he or she  
9 wears, while in the field, a cap of solid blaze orange color.  
10 For purposes of this Act, upland game is defined as Bobwhite  
11 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern  
12 Cottontail and Swamp Rabbit.

13 (hh) It shall be unlawful to kill or cripple any species  
14 protected by this Act for which there is a bag limit without  
15 making a reasonable effort to retrieve such species and include  
16 such in the bag limit. It shall be unlawful for any person  
17 having control over harvested game mammals, game birds, or  
18 migratory game birds for which there is a bag limit to wantonly  
19 waste or destroy the usable meat of the game, except this shall  
20 not apply to wildlife taken under Sections 2.37 or 3.22 of this  
21 Code. For purposes of this subsection, "usable meat" means the  
22 breast meat of a game bird or migratory game bird and the hind  
23 ham and front shoulders of a game mammal. It shall be unlawful  
24 for any person to place, leave, dump, or abandon a wildlife  
25 carcass or parts of it along or upon a public right-of-way or  
26 highway or on public or private property, including a waterway

1 or stream, without the permission of the owner or tenant. It  
2 shall not be unlawful to discard game meat that is determined  
3 to be unfit for human consumption.

4 (ii) This Section shall apply only to those species  
5 protected by this Act taken within the State. Any species or  
6 any parts thereof, legally taken in and transported from other  
7 states or countries, may be possessed within the State, except  
8 as provided in this Section and Sections 2.35, 2.36 and 3.21.

9 (jj) (Blank).

10 (kk) Nothing contained in this Section shall prohibit the  
11 Director from issuing permits to paraplegics or to other  
12 persons with disabilities who meet the requirements set forth  
13 in administrative rule to shoot or hunt from a vehicle as  
14 provided by that rule, provided that such is otherwise in  
15 accord with this Act.

16 (ll) Nothing contained in this Act shall prohibit the  
17 taking of aquatic life protected by the Fish and Aquatic Life  
18 Code or birds and mammals protected by this Act, except deer  
19 and fur-bearing mammals, from a boat not camouflaged or  
20 disguised to alter its identity or to further provide a place  
21 of concealment and not propelled by sail or mechanical power.  
22 However, only shotguns not larger than 10 gauge nor smaller  
23 than .410 bore loaded with not more than 3 shells of a shot  
24 size no larger than lead BB or steel T (.20 diameter) may be  
25 used to take species protected by this Act.

26 (mm) Nothing contained in this Act shall prohibit the use

1 of a shotgun, not larger than 10 gauge nor smaller than a 20  
2 gauge, with a rifled barrel.

3 (nn) It shall be unlawful to possess any species of  
4 wildlife or wildlife parts taken unlawfully in Illinois, any  
5 other state, or any other country, whether or not the wildlife  
6 or wildlife parts is indigenous to Illinois. For the purposes  
7 of this subsection, the statute of limitations for unlawful  
8 possession of wildlife or wildlife parts shall not cease until  
9 2 years after the possession has permanently ended.

10 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,  
11 eff. 7-28-16; 100-489, eff. 9-8-17.)

12 Section 10. The Criminal Code of 2012 is amended by  
13 changing Section 24-1 and 24-3 as follows:

14 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

15 Sec. 24-1. Unlawful use of weapons.

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

18 (1) Sells, manufactures, purchases, possesses or  
19 carries any bludgeon, black-jack, slung-shot, sand-club,  
20 sand-bag, metal knuckles or other knuckle weapon  
21 regardless of its composition, throwing star, or any knife,  
22 commonly referred to as a switchblade knife, which has a  
23 blade that opens automatically by hand pressure applied to  
24 a button, spring or other device in the handle of the

1 knife, or a ballistic knife, which is a device that propels  
2 a knifelike blade as a projectile by means of a coil  
3 spring, elastic material or compressed gas; or

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

9 (3) Carries on or about his person or in any vehicle, a  
10 tear gas gun projector or bomb or any object containing  
11 noxious liquid gas or substance, other than an object  
12 containing a non-lethal noxious liquid gas or substance  
13 designed solely for personal defense carried by a person 18  
14 years of age or older; or

15 (4) Carries or possesses in any vehicle or concealed on  
16 or about his person except when on his land or in his own  
17 abode, legal dwelling, or fixed place of business, or on  
18 the land or in the legal dwelling of another person as an  
19 invitee with that person's permission, any pistol,  
20 revolver, stun gun or taser or other firearm, except that  
21 this subsection (a) (4) does not apply to or affect  
22 transportation of weapons that meet one of the following  
23 conditions:

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a  
2 person who has been issued a currently valid Firearm  
3 Owner's Identification Card; or

4 (iv) are carried or possessed in accordance with  
5 the Firearm Concealed Carry Act by a person who has  
6 been issued a currently valid license under the Firearm  
7 Concealed Carry Act; or

8 (5) Sets a spring gun; or

9 (6) Uses, attaches, or possesses with the intent to use  
10 or attach ~~Possesses~~ any device or attachment of any kind  
11 for ~~designed, used or intended for use in~~ silencing the  
12 report of any handgun, unless the use, attachment, or  
13 possession with the intent to use the device or attachment  
14 is on the premises of a firing or shooting range; or  
15 possesses any device or attachment of any kind designed,  
16 used, or intended for use in silencing the report of any  
17 other firearm if the device or attachment is not possessed  
18 in compliance with the National Firearms Act ~~firearm~~; or

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

21 (i) a machine gun, which shall be defined for the  
22 purposes of this subsection as any weapon, which  
23 shoots, is designed to shoot, or can be readily  
24 restored to shoot, automatically more than one shot  
25 without manually reloading by a single function of the  
26 trigger, including the frame or receiver of any such

1           weapon, or sells, manufactures, purchases, possesses,  
2           or carries any combination of parts designed or  
3           intended for use in converting any weapon into a  
4           machine gun, or any combination or parts from which a  
5           machine gun can be assembled if such parts are in the  
6           possession or under the control of a person;

7           (ii) any rifle having one or more barrels less than  
8           16 inches in length or a shotgun having one or more  
9           barrels less than 18 inches in length or any weapon  
10          made from a rifle or shotgun, whether by alteration,  
11          modification, or otherwise, if such a weapon as  
12          modified has an overall length of less than 26 inches;  
13          or

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

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

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

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

9           (10) Carries or possesses on or about his person, upon  
10 any public street, alley, or other public lands within the  
11 corporate limits of a city, village or incorporated town,  
12 except when an invitee thereon or therein, for the purpose  
13 of the display of such weapon or the lawful commerce in  
14 weapons, or except when on his land or in his own abode,  
15 legal dwelling, or fixed place of business, or on the land  
16 or in the legal dwelling of another person as an invitee  
17 with that person's permission, any pistol, revolver, stun  
18 gun or taser or other firearm, except that this subsection  
19 (a) (10) does not apply to or affect transportation of  
20 weapons that meet one of the following conditions:

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

22           (ii) are not immediately accessible; or

23           (iii) are unloaded and enclosed in a case, firearm  
24 carrying box, shipping box, or other container by a  
25 person who has been issued a currently valid Firearm  
26 Owner's Identification Card; or

1           (iv) are carried or possessed in accordance with  
2           the Firearm Concealed Carry Act by a person who has  
3           been issued a currently valid license under the Firearm  
4           Concealed Carry Act.

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

17          (11) Sells, manufactures or purchases any explosive  
18          bullet. For purposes of this paragraph (a) "explosive  
19          bullet" means the projectile portion of an ammunition  
20          cartridge which contains or carries an explosive charge  
21          which will explode upon contact with the flesh of a human  
22          or an animal. "Cartridge" means a tubular metal case having  
23          a projectile affixed at the front thereof and a cap or  
24          primer at the rear end thereof, with the propellant  
25          contained in such tube between the projectile and the cap;  
26          or



1 (12) (Blank); or

2 (13) Carries or possesses on or about his or her person  
3 while in a building occupied by a unit of government, a  
4 billy club, other weapon of like character, or other  
5 instrument of like character intended for use as a weapon.  
6 For the purposes of this Section, "billy club" means a  
7 short stick or club commonly carried by police officers  
8 which is either telescopic or constructed of a solid piece  
9 of wood or other man-made material.

10 (b) Sentence. A person convicted of a violation of  
11 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
12 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
13 Class A misdemeanor. A person convicted of a violation of  
14 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
15 person convicted of a violation of subsection 24-1(a)(6) or  
16 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
17 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
18 Class 2 felony and shall be sentenced to a term of imprisonment  
19 of not less than 3 years and not more than 7 years, unless the  
20 weapon is possessed in the passenger compartment of a motor  
21 vehicle as defined in Section 1-146 of the Illinois Vehicle  
22 Code, or on the person, while the weapon is loaded, in which  
23 case it shall be a Class X felony. A person convicted of a  
24 second or subsequent violation of subsection 24-1(a)(4),  
25 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
26 felony. The possession of each weapon in violation of this

1 Section constitutes a single and separate violation.

2 (c) Violations in specific places.

3 (1) A person who violates subsection 24-1(a)(6) or  
4 24-1(a)(7) in any school, regardless of the time of day or  
5 the time of year, in residential property owned, operated  
6 or managed by a public housing agency or leased by a public  
7 housing agency as part of a scattered site or mixed-income  
8 development, in a public park, in a courthouse, on the real  
9 property comprising any school, regardless of the time of  
10 day or the time of year, on residential property owned,  
11 operated or managed by a public housing agency or leased by  
12 a public housing agency as part of a scattered site or  
13 mixed-income development, on the real property comprising  
14 any public park, on the real property comprising any  
15 courthouse, in any conveyance owned, leased or contracted  
16 by a school to transport students to or from school or a  
17 school related activity, in any conveyance owned, leased,  
18 or contracted by a public transportation agency, or on any  
19 public way within 1,000 feet of the real property  
20 comprising any school, public park, courthouse, public  
21 transportation facility, or 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 commits a Class 2 felony and shall  
25 be sentenced to a term of imprisonment of not less than 3  
26 years and not more than 7 years.

1           (1.5) A person who violates subsection 24-1(a)(4),  
2           24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
3           time of day or the time of year, in residential property  
4           owned, operated, or managed by a public housing agency or  
5           leased by a public housing agency as part of a scattered  
6           site or mixed-income development, in a public park, in a  
7           courthouse, on the real property comprising any school,  
8           regardless of the time of day or the time of year, on  
9           residential property owned, operated, or managed by a  
10          public housing agency or leased by a public housing agency  
11          as part of a scattered site or mixed-income development, on  
12          the real property comprising any public park, on the real  
13          property comprising any courthouse, in any conveyance  
14          owned, leased, or contracted by a school to transport  
15          students to or from school or a school related activity, in  
16          any conveyance owned, leased, or contracted by a public  
17          transportation agency, or on any public way within 1,000  
18          feet of the real property comprising any school, public  
19          park, courthouse, public transportation facility, or  
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  
23          commits a Class 3 felony.

24          (2) A person who violates subsection 24-1(a)(1),  
25          24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
26          time of day or the time of year, in residential property

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

23 (3) Paragraphs (1), (1.5), and (2) of this subsection  
24 (c) shall not apply to law enforcement officers or security  
25 officers of such school, college, or university or to  
26 students carrying or possessing firearms for use in

1 training courses, parades, hunting, target shooting on  
2 school ranges, or otherwise with the consent of school  
3 authorities and which firearms are transported unloaded  
4 enclosed in a suitable case, box, or transportation  
5 package.

6 (4) For the purposes of this subsection (c), "school"  
7 means any public or private elementary or secondary school,  
8 community college, college, or university.

9 (5) For the purposes of this subsection (c), "public  
10 transportation agency" means a public or private agency  
11 that provides for the transportation or conveyance of  
12 persons by means available to the general public, except  
13 for transportation by automobiles not used for conveyance  
14 of the general public as passengers; and "public  
15 transportation facility" means a terminal or other place  
16 where one may obtain public transportation.

17 (d) The presence in an automobile other than a public  
18 omnibus of any weapon, instrument or substance referred to in  
19 subsection (a)(7) is prima facie evidence that it is in the  
20 possession of, and is being carried by, all persons occupying  
21 such automobile at the time such weapon, instrument or  
22 substance is found, except under the following circumstances:  
23 (i) if such weapon, instrument or instrumentality is found upon  
24 the person of one of the occupants therein; or (ii) if such  
25 weapon, instrument or substance is found in an automobile  
26 operated for hire by a duly licensed driver in the due, lawful

1 and proper pursuit of his trade, then such presumption shall  
2 not apply to the driver.

3 (e) Exemptions.

4 (1) Crossbows, Common or Compound bows and Underwater  
5 Spearguns are exempted from the definition of ballistic  
6 knife as defined in paragraph (1) of subsection (a) of this  
7 Section.

8 (2) The provision of paragraph (1) of subsection (a) of  
9 this Section prohibiting the sale, manufacture, purchase,  
10 possession, or carrying of any knife, commonly referred to  
11 as a switchblade knife, which has a blade that opens  
12 automatically by hand pressure applied to a button, spring  
13 or other device in the handle of the knife, does not apply  
14 to a person who possesses a currently valid Firearm Owner's  
15 Identification Card previously issued in his or her name by  
16 the Department of State Police or to a person or an entity  
17 engaged in the business of selling or manufacturing  
18 switchblade knives.

19 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

22 (A) A person commits the offense of unlawful sale or  
23 delivery of firearms when he or she knowingly does any of the  
24 following:

25 (a) Sells or gives any firearm of a size which may be

1           concealed upon the person to any person under 18 years of  
2           age.

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

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

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

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

13                 "Mental institution" means any hospital,  
14                 institution, clinic, evaluation facility, mental  
15                 health center, or part thereof, which is used primarily  
16                 for the care or treatment of persons with mental  
17                 illness.

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

24           (f) Sells or gives any firearms to any person who is a  
25           person with an intellectual disability.

26           (g) Delivers any firearm of a size which may be

1           concealed upon the person, incidental to a sale, without  
2           withholding delivery of such firearm for at least 72 hours  
3           after application for its purchase has been made, or  
4           delivers any rifle, shotgun or other long gun, or a stun  
5           gun or taser, incidental to a sale, without withholding  
6           delivery of such rifle, shotgun or other long gun, or a  
7           stun gun or taser for at least 24 hours after application  
8           for its purchase has been made. However, this paragraph (g)  
9           does not apply to: (1) the sale of a firearm to a law  
10          enforcement officer if the seller of the firearm knows that  
11          the person to whom he or she is selling the firearm is a  
12          law enforcement officer or the sale of a firearm to a  
13          person who desires to purchase a firearm for use in  
14          promoting the public interest incident to his or her  
15          employment as a bank guard, armed truck guard, or other  
16          similar employment; (2) a mail order sale of a firearm from  
17          a federally licensed firearms dealer to a nonresident of  
18          Illinois under which the firearm is mailed to a federally  
19          licensed firearms dealer outside the boundaries of  
20          Illinois; (3) the sale of a firearm to a nonresident of  
21          Illinois while at a firearm showing or display recognized  
22          by the Illinois Department of State Police; (4) the sale of  
23          a firearm to a dealer licensed as a federal firearms dealer  
24          under Section 923 of the federal Gun Control Act of 1968  
25          (18 U.S.C. 923); or (5) the transfer or sale of any rifle,  
26          shotgun, or other long gun to a resident registered



1 competitor or attendee or non-resident registered  
2 competitor or attendee by any dealer licensed as a federal  
3 firearms dealer under Section 923 of the federal Gun  
4 Control Act of 1968 at competitive shooting events held at  
5 the World Shooting Complex sanctioned by a national  
6 governing body. For purposes of transfers or sales under  
7 subparagraph (5) of this paragraph (g), the Department of  
8 Natural Resources shall give notice to the Department of  
9 State Police at least 30 calendar days prior to any  
10 competitive shooting events at the World Shooting Complex  
11 sanctioned by a national governing body. The notification  
12 shall be made on a form prescribed by the Department of  
13 State Police. The sanctioning body shall provide a list of  
14 all registered competitors and attendees at least 24 hours  
15 before the events to the Department of State Police. Any  
16 changes to the list of registered competitors and attendees  
17 shall be forwarded to the Department of State Police as  
18 soon as practicable. The Department of State Police must  
19 destroy the list of registered competitors and attendees no  
20 later than 30 days after the date of the event. Nothing in  
21 this paragraph (g) relieves a federally licensed firearm  
22 dealer from the requirements of conducting a NICS  
23 background check through the Illinois Point of Contact  
24 under 18 U.S.C. 922(t). For purposes of this paragraph (g),  
25 "application" means when the buyer and seller reach an  
26 agreement to purchase a firearm. For purposes of this

1 paragraph (g), "national governing body" means a group of  
2 persons who adopt rules and formulate policy on behalf of a  
3 national firearm sporting organization.

4 (h) While holding any license as a dealer, importer,  
5 manufacturer or pawnbroker under the federal Gun Control  
6 Act of 1968, manufactures, sells or delivers to any  
7 unlicensed person a handgun having a barrel, slide, frame  
8 or receiver which is a die casting of zinc alloy or any  
9 other nonhomogeneous metal which will melt or deform at a  
10 temperature of less than 800 degrees Fahrenheit. For  
11 purposes of this paragraph, (1) "firearm" is defined as in  
12 the Firearm Owners Identification Card Act; and (2)  
13 "handgun" is defined as a firearm designed to be held and  
14 fired by the use of a single hand, and includes a  
15 combination of parts from which such a firearm can be  
16 assembled.

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

20 (j) Sells or gives a firearm while engaged in the  
21 business of selling firearms at wholesale or retail without  
22 being licensed as a federal firearms dealer under Section  
23 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
24 In this paragraph (j):

25 A person "engaged in the business" means a person who  
26 devotes time, attention, and labor to engaging in the

1 activity as a regular course of trade or business with the  
2 principal objective of livelihood and profit, but does not  
3 include a person who makes occasional repairs of firearms  
4 or who occasionally fits special barrels, stocks, or  
5 trigger mechanisms to firearms.

6 "With the principal objective of livelihood and  
7 profit" means that the intent underlying the sale or  
8 disposition of firearms is predominantly one of obtaining  
9 livelihood and pecuniary gain, as opposed to other intents,  
10 such as improving or liquidating a personal firearms  
11 collection; however, proof of profit shall not be required  
12 as to a person who engages in the regular and repetitive  
13 purchase and disposition of firearms for criminal purposes  
14 or terrorism.

15 (k) Sells or transfers ownership of a firearm to a  
16 person who does not display to the seller or transferor of  
17 the firearm either: (1) a currently valid Firearm Owner's  
18 Identification Card that has previously been issued in the  
19 transferee's name by the Department of State Police under  
20 the provisions of the Firearm Owners Identification Card  
21 Act; or (2) a currently valid license to carry a concealed  
22 firearm that has previously been issued in the transferee's  
23 name by the Department of State Police under the Firearm  
24 Concealed Carry Act. This paragraph (k) does not apply to  
25 the transfer of a firearm to a person who is exempt from  
26 the requirement of possessing a Firearm Owner's

1 Identification Card under Section 2 of the Firearm Owners  
2 Identification Card Act. For the purposes of this Section,  
3 a currently valid Firearm Owner's Identification Card  
4 means (i) a Firearm Owner's Identification Card that has  
5 not expired or (ii) an approval number issued in accordance  
6 with subsection (a-10) of subsection 3 or Section 3.1 of  
7 the Firearm Owners Identification Card Act shall be proof  
8 that the Firearm Owner's Identification Card was valid.

9 (1) In addition to the other requirements of this  
10 paragraph (k), all persons who are not federally  
11 licensed firearms dealers must also have complied with  
12 subsection (a-10) of Section 3 of the Firearm Owners  
13 Identification Card Act by determining the validity of  
14 a purchaser's Firearm Owner's Identification Card.

15 (2) All sellers or transferors who have complied  
16 with the requirements of subparagraph (1) of this  
17 paragraph (k) shall not be liable for damages in any  
18 civil action arising from the use or misuse by the  
19 transferee of the firearm transferred, except for  
20 willful or wanton misconduct on the part of the seller  
21 or transferor.

22 (1) Not being entitled to the possession of a firearm,  
23 delivers the firearm, knowing it to have been stolen or  
24 converted. It may be inferred that a person who possesses a  
25 firearm with knowledge that its serial number has been  
26 removed or altered has knowledge that the firearm is stolen

1 or converted.

2 (m) Transfers or gives a suppressor or silencer to a person  
3 not authorized to possess the suppressor or silencer under  
4 federal law.

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

15 (C) Sentence.

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

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

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

25 (4) Any person convicted of unlawful sale or delivery  
26 of firearms in violation of paragraph (a), (b), or (i) of

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

21 (5) Any person convicted of unlawful sale or delivery  
22 of firearms in violation of paragraph (a) or (i) of  
23 subsection (A) in 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 mixed-income  
26 development, in a public park, in a courthouse, on

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

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

15 (7) Any person convicted of unlawful sale or delivery  
16 of firearms in violation of paragraph (k) of subsection (A)  
17 commits a Class 4 felony, except that a violation of  
18 subparagraph (1) of paragraph (k) of subsection (A) shall  
19 not be punishable as a crime or petty offense. A third or  
20 subsequent conviction for a violation of paragraph (k) of  
21 subsection (A) is a Class 1 felony.

22 (8) A person 18 years of age or older convicted of  
23 unlawful sale or delivery of firearms in violation of  
24 paragraph (a) or (i) of subsection (A), when the firearm  
25 that was sold or given to another person under 18 years of  
26 age was used in the commission of or attempt to commit a

1 forcible felony, shall be fined or imprisoned, or both, not  
2 to exceed the maximum provided for the most serious  
3 forcible felony so committed or attempted by the person  
4 under 18 years of age who was sold or given the firearm.

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

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



1 not more than 20 firearms at the same time or within a 3  
2 year period. Any person convicted of unlawful sale or  
3 delivery of firearms in violation of paragraph (l) of  
4 subsection (A) commits a Class X felony for which he or she  
5 shall be sentenced to a term of imprisonment of not less  
6 than 6 years and not more than 50 years if the delivery is  
7 of not less than 21 and not more than 30 firearms at the  
8 same time or within a 4 year period. Any person convicted  
9 of unlawful sale or delivery of firearms in violation of  
10 paragraph (l) of subsection (A) commits a Class X felony  
11 for which he or she shall be sentenced to a term of  
12 imprisonment of not less than 6 years and not more than 60  
13 years if the delivery is of 31 or more firearms at the same  
14 time or within a 5 year period.

15 (D) For purposes of this Section:

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

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

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

1 after the commission of the offense defined in the particular  
2 paragraph.

3 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;  
4 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.