



Rep. Jonathan Carroll

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1 AMENDMENT TO SENATE BILL 3256

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3256 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 24-3 as follows:

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

8 (A) A person commits the offense of unlawful sale or  
9 delivery of firearms when he or she knowingly does any of the  
10 following:

11 (a) Sells or gives any firearm of a size which may be  
12 concealed upon the person to any person under 18 years of  
13 age.

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

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

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

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

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

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

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

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

1 delivery of the ~~such rifle, shotgun or other long gun, or a~~  
2 stun gun or taser for at least 24 hours after application  
3 for its purchase has been made. However, this paragraph (g)  
4 does not apply to: (1) the sale of a firearm to a law  
5 enforcement officer if the seller of the firearm knows that  
6 the person to whom he or she is selling the firearm is a  
7 law enforcement officer or the sale of a firearm to a  
8 person who desires to purchase a firearm for use in  
9 promoting the public interest incident to his or her  
10 employment as a bank guard, armed truck guard, or other  
11 similar employment; (2) a mail order sale of a firearm from  
12 a federally licensed firearms dealer to a nonresident of  
13 Illinois under which the firearm is mailed to a federally  
14 licensed firearms dealer outside the boundaries of  
15 Illinois; (3) (blank); ~~the sale of a firearm to a~~  
16 ~~nonresident of Illinois while at a firearm showing or~~  
17 ~~display recognized by the Illinois Department of State~~  
18 ~~Police;~~ (4) the sale of a firearm to a dealer licensed as a  
19 federal firearms dealer under Section 923 of the federal  
20 Gun Control Act of 1968 (18 U.S.C. 923); or (5) the  
21 transfer or sale of any rifle, shotgun, or other long gun  
22 to a resident registered competitor or attendee or  
23 non-resident registered competitor or attendee by any  
24 dealer licensed as a federal firearms dealer under Section  
25 923 of the federal Gun Control Act of 1968 at competitive  
26 shooting events held at the World Shooting Complex

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

26 (h) While holding any license as a dealer, importer,

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

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

16 (j) Sells or gives a firearm while engaged in the  
17 business of selling firearms at wholesale or retail without  
18 being licensed as a federal firearms dealer under Section  
19 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
20 In this paragraph (j):

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

1 trigger mechanisms to firearms.

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

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

1 not expired or (ii) an approval number issued in accordance  
2 with subsection (a-10) of subsection 3 or Section 3.1 of  
3 the Firearm Owners Identification Card Act shall be proof  
4 that the Firearm Owner's Identification Card was valid.

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

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

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

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) of subsection (A)  
17 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 (l) 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. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;  
23 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)".