



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5535

Introduced 1/31/2022, by Rep. Denyse Wang Stoneback

SYNOPSIS AS INTRODUCED:

New Act

430 ILCS 65/3.4 new

430 ILCS 65/4

from Ch. 38, par. 83-4

430 ILCS 65/8

from Ch. 38, par. 83-8

720 ILCS 5/24-3

from Ch. 38, par. 24-3

720 ILCS 5/24-3.5

Creates the Commission on Interstate and Intrastate Trafficking of Firearms Act. Creates the Commission on Interstate and Intrastate Trafficking of Firearms within the Illinois State Police to assess the current needs relating to firearms trafficking and advise the Governor and General Assembly on necessary strategies to reduce illegal firearms trafficking. Provides for the membership of the Commission. Amends the Firearm Owners Identification Card Act. Provides that on or after the effective date of the amendatory Act if an applicant is applying for or renewing a Firearm Owner's Identification Card he or she must submit evidence to the Illinois State Police that he or she has completed at least 8 hours of handgun safety training approved by the Director of the Illinois State Police. Provides that notwithstanding any other law to the contrary, each local law enforcement agency shall issue a firearm permit to an applicant who seeks the purchase of a firearm to verify the identity of the purchaser and shall complete a full criminal background check of the applicant that includes obtaining fingerprints from the prospective firearm purchaser. Provides that each local law enforcement agency shall keep records of those permits and make them available to the Illinois State Police through the Law Enforcement Agencies Data System (LEADS). Provides that the duration of the permit shall be 10 days after its issuance. Provides that the local law enforcement agency may deny a permit to purchase a firearm to an applicant if the agency, in its discretion, believes it is in the interest of public safety. Amends the Criminal Code of 2012 to make conforming changes. Makes other changes.

LRB102 25390 RLC 35584 b

1 AN ACT concerning firearms.

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

4 Section .05. This Act may be referred to as the Reduction
5 in Gun Crime Act.

6 Section 1. Short title. This Act may be cited as the
7 Commission on Interstate and Intrastate Trafficking of
8 Firearms Act.

9 Section 5. Commission on Interstate and Intrastate
10 Trafficking of Firearms.

11 (a) The Commission on Interstate and Intrastate
12 Trafficking of Firearms is created within the Illinois State
13 Police to assess the current needs relating to firearms
14 trafficking and advise the Governor and General Assembly on
15 necessary strategies to reduce illegal firearms trafficking.

16 (b) The Commission shall be composed of the following
17 members:

18 (1) the Director of the Illinois State Police, or his
19 or her designee;

20 (2) the Director of the Office of Firearm Violence
21 Prevention;

22 (3) the President of the Illinois Sheriffs'

1 Association, or his or her designee;

2 (4) an Illinois sheriff from each of the counties
3 whose gun homicide rate is the highest 5 counties per
4 100,000 residents, appointed by the sheriff of those
5 counties;

6 (5) the President of the Illinois Association of
7 Chiefs of Police, or his or her designee;

8 (6) a representative of the local municipal law
9 enforcement agencies from each of the 5 municipalities in
10 Illinois whose gun homicide rate is the highest per
11 100,000 residents, appointed by the chiefs of police of
12 those municipalities;

13 (7) the Attorney General, or his or her designee;

14 (8) the President of the Illinois States Attorneys
15 Association, or his or her designee;

16 (9) one Representative, appointed by the Speaker of
17 the House of Representatives;

18 (10) one Representative, appointed by the Minority
19 Leader of the House of Representatives;

20 (11) one Senator, appointed by the President of the
21 Senate; and

22 (12) one Senator, appointed by the Minority Leader of
23 the Senate.

24 (b) The Director of the Illinois State Police shall choose
25 the Chairperson of the Commission. Members shall serve 3-year
26 terms without compensation. The Commission shall form 2

1 subcommittees, one for interstate gun trafficking solutions
2 and another for intrastate gun trafficking solutions.

3 (c) The Commission shall attempt to seek input and advice
4 from:

5 (1) a law enforcement expert from each of the National
6 Integrated Ballistics Information Network (NIBIN) centers
7 in Illinois that process the most cartridge casings from
8 crime scenes;

9 (2) a law enforcement expert from the Crime Gun
10 Intelligence Center (CGIC) in Illinois with experience
11 with gun trafficking cases in Illinois;

12 (3) an individual with experience working with a joint
13 federal and local task force to disrupt the gun
14 trafficking network;

15 (4) a prosecutor with experience prosecuting gun
16 trafficking cases in another state where that state's gun
17 trafficking cases has achieved high rates of successful
18 prosecution nominated by the National District Attorneys
19 Association;

20 (5) a representative from the Federal Bureau of
21 Investigation who has extensive experience with gun
22 trafficking cases in Illinois;

23 (6) the Special Agent in Charge of the offices of the
24 Bureau of Alcohol Tobacco, Firearms and Explosives (ATF),
25 or his or her designee in each of the neighboring states of
26 Illinois: Wisconsin, Iowa, Missouri, Kentucky, and

1 Indiana; and

2 (7) the Special Agent in Charge of each of the offices
3 of the Bureau of Alcohol Tobacco, Firearms and Explosives
4 (ATF), or his or her designee, in each of the states with
5 the highest incidence of gun trafficking to and from
6 Illinois.

7 Section 90. The Firearm Owners Identification Card Act is
8 amended by changing Sections 4 and 8 and by adding Section 3.4
9 as follows:

10 (430 ILCS 65/3.4 new)

11 Sec. 3.4. Firearms transfers; permits.

12 (a) Notwithstanding any other law to the contrary, each
13 local law enforcement agency shall issue a firearm permit to
14 an applicant who seeks the purchase of a firearm to verify the
15 identity of the purchaser and shall complete a full criminal
16 background check of the applicant that includes obtaining
17 fingerprints from the prospective firearm purchaser.

18 (b) Each local law enforcement agency shall keep records
19 of those permits and make them available to the Illinois State
20 Police through the Law Enforcement Agencies Data System
21 (LEADS).

22 (c) The duration of the permit shall be 10 days after its
23 issuance.

24 (d) The local law enforcement agency may deny a permit to

1 purchase a firearm to an applicant if the agency, in its
2 discretion, believes it is in the interest of public safety.

3 (e) Prior to the purchase of a firearm, a person must
4 submit the permit issued by the local law enforcement agency
5 to the dealer or transferor of the firearm.

6 (f) In this Section, "local law enforcement agency" means
7 the municipal police department of the municipality in which
8 the applicant for the firearm purchase resides, or if the
9 applicant resides in an unincorporated area, or if no
10 municipal police department exists in the applicant's
11 municipality of residence, then "local law enforcement agency"
12 means the office of the sheriff of the county of the
13 applicant's residence.

14 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

15 Sec. 4. Application for Firearm Owner's Identification
16 Cards.

17 (a) Each applicant for a Firearm Owner's Identification
18 Card must:

19 (1) Submit an application as made available by the
20 Illinois State Police; and

21 (2) Submit evidence to the Illinois State Police that:

22 (i) This subparagraph (i) applies through the
23 180th day following July 12, 2019 (the effective date
24 of Public Act 101-80) ~~this amendatory Act of the 101st~~
25 ~~General Assembly~~. He or she is 21 years of age or over,

1 or if he or she is under 21 years of age that he or she
2 has the written consent of his or her parent or legal
3 guardian to possess and acquire firearms and firearm
4 ammunition and that he or she has never been convicted
5 of a misdemeanor other than a traffic offense or
6 adjudged delinquent, provided, however, that such
7 parent or legal guardian is not an individual
8 prohibited from having a Firearm Owner's
9 Identification Card and files an affidavit with the
10 Department as prescribed by the Department stating
11 that he or she is not an individual prohibited from
12 having a Card;

13 (i-5) This subparagraph (i-5) applies on and after
14 the 181st day following July 12, 2019 (the effective
15 date of Public Act 101-80) ~~this amendatory Act of the~~
16 ~~101st General Assembly~~. He or she is 21 years of age or
17 over, or if he or she is under 21 years of age that he
18 or she has never been convicted of a misdemeanor other
19 than a traffic offense or adjudged delinquent and is
20 an active duty member of the United States Armed
21 Forces or has the written consent of his or her parent
22 or legal guardian to possess and acquire firearms and
23 firearm ammunition, provided, however, that such
24 parent or legal guardian is not an individual
25 prohibited from having a Firearm Owner's
26 Identification Card and files an affidavit with the

1 Illinois State Police Department as prescribed by the
2 Illinois State Police Department stating that he or
3 she is not an individual prohibited from having a Card
4 or the active duty member of the United States Armed
5 Forces under 21 years of age annually submits proof to
6 the Illinois State Police, in a manner prescribed by
7 the Illinois State Police Department;

8 (ii) He or she has not been convicted of a felony
9 under the laws of this or any other jurisdiction;

10 (iii) He or she is not addicted to narcotics;

11 (iv) He or she has not been a patient in a mental
12 health facility within the past 5 years or, if he or
13 she has been a patient in a mental health facility more
14 than 5 years ago submit the certification required
15 under subsection (u) of Section 8 of this Act;

16 (v) He or she is not a person with an intellectual
17 disability;

18 (vi) He or she is not an alien who is unlawfully
19 present in the United States under the laws of the
20 United States;

21 (vii) He or she is not subject to an existing order
22 of protection prohibiting him or her from possessing a
23 firearm;

24 (viii) He or she has not been convicted within the
25 past 5 years of battery, assault, aggravated assault,
26 violation of an order of protection, or a

1 substantially similar offense in another jurisdiction,
2 in which a firearm was used or possessed;

3 (ix) He or she has not been convicted of domestic
4 battery, aggravated domestic battery, or a
5 substantially similar offense in another jurisdiction
6 committed before, on or after January 1, 2012 (the
7 effective date of Public Act 97-158). If the applicant
8 knowingly and intelligently waives the right to have
9 an offense described in this clause (ix) tried by a
10 jury, and by guilty plea or otherwise, results in a
11 conviction for an offense in which a domestic
12 relationship is not a required element of the offense
13 but in which a determination of the applicability of
14 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of
15 the Code of Criminal Procedure of 1963, an entry by the
16 court of a judgment of conviction for that offense
17 shall be grounds for denying the issuance of a Firearm
18 Owner's Identification Card under this Section;

19 (x) (Blank);

20 (xi) He or she is not an alien who has been
21 admitted to the United States under a non-immigrant
22 visa (as that term is defined in Section 101(a) (26) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1101(a) (26))), or that he or she is an alien who has
25 been lawfully admitted to the United States under a
26 non-immigrant visa if that alien is:

1 (1) admitted to the United States for lawful
2 hunting or sporting purposes;

3 (2) an official representative of a foreign
4 government who is:

5 (A) accredited to the United States
6 Government or the Government's mission to an
7 international organization having its
8 headquarters in the United States; or

9 (B) en route to or from another country to
10 which that alien is accredited;

11 (3) an official of a foreign government or
12 distinguished foreign visitor who has been so
13 designated by the Department of State;

14 (4) a foreign law enforcement officer of a
15 friendly foreign government entering the United
16 States on official business; or

17 (5) one who has received a waiver from the
18 Attorney General of the United States pursuant to
19 18 U.S.C. 922 (y) (3);

20 (xii) He or she is not a minor subject to a
21 petition filed under Section 5-520 of the Juvenile
22 Court Act of 1987 alleging that the minor is a
23 delinquent minor for the commission of an offense that
24 if committed by an adult would be a felony;

25 (xiii) He or she is not an adult who had been
26 adjudicated a delinquent minor under the Juvenile

1 Court Act of 1987 for the commission of an offense that
2 if committed by an adult would be a felony;

3 (xiv) He or she is a resident of the State of
4 Illinois;

5 (xv) He or she has not been adjudicated as a person
6 with a mental disability;

7 (xvi) He or she has not been involuntarily
8 admitted into a mental health facility; ~~and~~

9 (xvii) He or she is not a person with a
10 developmental disability; and

11 (xviii) On or after the effective date of this
12 amendatory Act of the 102nd General Assembly if he or she
13 is applying for or renewing a Firearm Owner's
14 Identification Card that he or she has completed at least
15 8 hours of handgun safety training approved by the
16 Director of the Illinois State Police; and

17 (3) Upon request by the Illinois State Police, sign a
18 release on a form prescribed by the Illinois State Police
19 waiving any right to confidentiality and requesting the
20 disclosure to the Illinois State Police of limited mental
21 health institution admission information from another
22 state, the District of Columbia, any other territory of
23 the United States, or a foreign nation concerning the
24 applicant for the sole purpose of determining whether the
25 applicant is or was a patient in a mental health
26 institution and disqualified because of that status from

1 receiving a Firearm Owner's Identification Card. No mental
2 health care or treatment records may be requested. The
3 information received shall be destroyed within one year of
4 receipt.

5 (a-5) Each applicant for a Firearm Owner's Identification
6 Card who is over the age of 18 shall furnish to the Illinois
7 State Police either his or her Illinois driver's license
8 number or Illinois Identification Card number, except as
9 provided in subsection (a-10).

10 (a-10) Each applicant for a Firearm Owner's Identification
11 Card, who is employed as a law enforcement officer, an armed
12 security officer in Illinois, or by the United States Military
13 permanently assigned in Illinois and who is not an Illinois
14 resident, shall furnish to the Illinois State Police his or
15 her driver's license number or state identification card
16 number from his or her state of residence. The Illinois State
17 Police may adopt rules to enforce the provisions of this
18 subsection (a-10).

19 (a-15) If an applicant applying for a Firearm Owner's
20 Identification Card moves from the residence address named in
21 the application, he or she shall immediately notify in a form
22 and manner prescribed by the Illinois State Police of that
23 change of address.

24 (a-20) Each applicant for a Firearm Owner's Identification
25 Card shall furnish to the Illinois State Police his or her
26 photograph. An applicant who is 21 years of age or older

1 seeking a religious exemption to the photograph requirement
2 must furnish with the application an approved copy of United
3 States Department of the Treasury Internal Revenue Service
4 Form 4029. In lieu of a photograph, an applicant regardless of
5 age seeking a religious exemption to the photograph
6 requirement shall submit fingerprints on a form and manner
7 prescribed by the Illinois State Police ~~Department~~ with his or
8 her application.

9 (a-25) Beginning January 1, 2023, each applicant for the
10 issuance of a Firearm Owner's Identification Card may include
11 a full set of his or her fingerprints in electronic format to
12 the Illinois State Police, unless the applicant has previously
13 provided a full set of his or her fingerprints to the Illinois
14 State Police under this Act or the Firearm Concealed Carry
15 Act.

16 The fingerprints must be transmitted through a live scan
17 fingerprint vendor licensed by the Department of Financial and
18 Professional Regulation. The fingerprints shall be checked
19 against the fingerprint records now and hereafter filed in the
20 Illinois State Police and Federal Bureau of Investigation
21 criminal history records databases, including all available
22 State and local criminal history record information files.

23 The Illinois State Police shall charge applicants a
24 one-time fee for conducting the criminal history record check,
25 which shall be deposited into the State Police Services Fund
26 and shall not exceed the actual cost of the State and national

1 criminal history record check.

2 (a-26) The Illinois State Police shall research, explore,
3 and report to the General Assembly by January 1, 2022 on the
4 feasibility of permitting voluntarily submitted fingerprints
5 obtained for purposes other than Firearm Owner's
6 Identification Card enforcement that are contained in the
7 Illinois State Police database for purposes of this Act.

8 (b) Each application form shall include the following
9 statement printed in bold type: "Warning: Entering false
10 information on an application for a Firearm Owner's
11 Identification Card is punishable as a Class 2 felony in
12 accordance with subsection (d-5) of Section 14 of the Firearm
13 Owners Identification Card Act.".

14 (c) Upon such written consent, pursuant to Section 4,
15 paragraph (a)(2)(i), the parent or legal guardian giving the
16 consent shall be liable for any damages resulting from the
17 applicant's use of firearms or firearm ammunition.

18 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;
19 102-538, eff. 8-20-21; revised 10-12-21.)

20 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

21 Sec. 8. Grounds for denial and revocation. The Illinois
22 State Police has authority to deny an application for or to
23 revoke and seize a Firearm Owner's Identification Card
24 previously issued under this Act only if the Illinois State
25 Police Department finds that the applicant or the person to

1 whom such card was issued is or was at the time of issuance:

2 (a) A person under 21 years of age who has been
3 convicted of a misdemeanor other than a traffic offense or
4 adjudged delinquent;

5 (b) This subsection (b) applies through the 180th day
6 following July 12, 2019 (the effective date of Public Act
7 101-80) ~~this amendatory Act of the 101st General Assembly.~~

8 A person under 21 years of age who does not have the
9 written consent of his parent or guardian to acquire and
10 possess firearms and firearm ammunition, or whose parent
11 or guardian has revoked such written consent, or where
12 such parent or guardian does not qualify to have a Firearm
13 Owner's Identification Card;

14 (b-5) This subsection (b-5) applies on and after the
15 181st day following July 12, 2019 (the effective date of
16 Public Act 101-80) ~~this amendatory Act of the 101st~~

17 ~~General Assembly.~~ A person under 21 years of age who is not
18 an active duty member of the United States Armed Forces
19 and does not have the written consent of his or her parent
20 or guardian to acquire and possess firearms and firearm
21 ammunition, or whose parent or guardian has revoked such
22 written consent, or where such parent or guardian does not
23 qualify to have a Firearm Owner's Identification Card;

24 (c) A person convicted of a felony under the laws of
25 this or any other jurisdiction;

26 (d) A person addicted to narcotics;

1 (e) A person who has been a patient of a mental health
2 facility within the past 5 years or a person who has been a
3 patient in a mental health facility more than 5 years ago
4 who has not received the certification required under
5 subsection (u) of this Section. An active law enforcement
6 officer employed by a unit of government or a Department
7 of Corrections employee authorized to possess firearms who
8 is denied, revoked, or has his or her Firearm Owner's
9 Identification Card seized under this subsection (e) may
10 obtain relief as described in subsection (c-5) of Section
11 10 of this Act if the officer or employee did not act in a
12 manner threatening to the officer or employee, another
13 person, or the public as determined by the treating
14 clinical psychologist or physician, and the officer or
15 employee seeks mental health treatment;

16 (f) A person whose mental condition is of such a
17 nature that it poses a clear and present danger to the
18 applicant, any other person or persons, or the community;

19 (g) A person who has an intellectual disability;

20 (h) A person who intentionally makes a false statement
21 in the Firearm Owner's Identification Card application;

22 (i) An alien who is unlawfully present in the United
23 States under the laws of the United States;

24 (i-5) An alien who has been admitted to the United
25 States under a non-immigrant visa (as that term is defined
26 in Section 101(a)(26) of the Immigration and Nationality

1 Act (8 U.S.C. 1101(a)(26))), except that this subsection
2 (i-5) does not apply to any alien who has been lawfully
3 admitted to the United States under a non-immigrant visa
4 if that alien is:

5 (1) admitted to the United States for lawful
6 hunting or sporting purposes;

7 (2) an official representative of a foreign
8 government who is:

9 (A) accredited to the United States Government
10 or the Government's mission to an international
11 organization having its headquarters in the United
12 States; or

13 (B) en route to or from another country to
14 which that alien is accredited;

15 (3) an official of a foreign government or
16 distinguished foreign visitor who has been so
17 designated by the Department of State;

18 (4) a foreign law enforcement officer of a
19 friendly foreign government entering the United States
20 on official business; or

21 (5) one who has received a waiver from the
22 Attorney General of the United States pursuant to 18
23 U.S.C. 922(y)(3);

24 (j) (Blank);

25 (k) A person who has been convicted within the past 5
26 years of battery, assault, aggravated assault, violation

1 of an order of protection, or a substantially similar
2 offense in another jurisdiction, in which a firearm was
3 used or possessed;

4 (l) A person who has been convicted of domestic
5 battery, aggravated domestic battery, or a substantially
6 similar offense in another jurisdiction committed before,
7 on or after January 1, 2012 (the effective date of Public
8 Act 97-158). If the applicant or person who has been
9 previously issued a Firearm Owner's Identification Card
10 under this Act knowingly and intelligently waives the
11 right to have an offense described in this paragraph (l)
12 tried by a jury, and by guilty plea or otherwise, results
13 in a conviction for an offense in which a domestic
14 relationship is not a required element of the offense but
15 in which a determination of the applicability of 18 U.S.C.
16 922(g)(9) is made under Section 112A-11.1 of the Code of
17 Criminal Procedure of 1963, an entry by the court of a
18 judgment of conviction for that offense shall be grounds
19 for denying an application for and for revoking and
20 seizing a Firearm Owner's Identification Card previously
21 issued to the person under this Act;

22 (m) (Blank);

23 (n) A person who is prohibited from acquiring or
24 possessing firearms or firearm ammunition by any Illinois
25 State statute or by federal law;

26 (o) A minor subject to a petition filed under Section

1 5-520 of the Juvenile Court Act of 1987 alleging that the
2 minor is a delinquent minor for the commission of an
3 offense that if committed by an adult would be a felony;

4 (p) An adult who had been adjudicated a delinquent
5 minor under the Juvenile Court Act of 1987 for the
6 commission of an offense that if committed by an adult
7 would be a felony;

8 (q) A person who is not a resident of the State of
9 Illinois, except as provided in subsection (a-10) of
10 Section 4;

11 (r) A person who has been adjudicated as a person with
12 a mental disability;

13 (s) A person who has been found to have a
14 developmental disability;

15 (t) A person involuntarily admitted into a mental
16 health facility; ~~or~~

17 (u) A person who has had his or her Firearm Owner's
18 Identification Card revoked or denied under subsection (e)
19 of this Section or item (iv) of paragraph (2) of
20 subsection (a) of Section 4 of this Act because he or she
21 was a patient in a mental health facility as provided in
22 subsection (e) of this Section, shall not be permitted to
23 obtain a Firearm Owner's Identification Card, after the
24 5-year period has lapsed, unless he or she has received a
25 mental health evaluation by a physician, clinical
26 psychologist, or qualified examiner as those terms are

1 defined in the Mental Health and Developmental
2 Disabilities Code, and has received a certification that
3 he or she is not a clear and present danger to himself,
4 herself, or others. The physician, clinical psychologist,
5 or qualified examiner making the certification and his or
6 her employer shall not be held criminally, civilly, or
7 professionally liable for making or not making the
8 certification required under this subsection, except for
9 willful or wanton misconduct. This subsection does not
10 apply to a person whose firearm possession rights have
11 been restored through administrative or judicial action
12 under Section 10 or 11 of this Act ; or

13 (v) On or after the effective date of this amendatory
14 Act of the 102nd General Assembly if he or she is applying
15 for or renewing a Firearm Owner's Identification Card that
16 he or she has not completed at least 8 hours of handgun
17 safety training approved by the Director of the Illinois
18 State Police.

19 Upon revocation of a person's Firearm Owner's
20 Identification Card, the Illinois State Police shall provide
21 notice to the person and the person shall comply with Section
22 9.5 of this Act.

23 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
24 102-645, eff. 1-1-22; revised 10-14-21.)

25 Section 95. The Criminal Code of 2012 is amended by

1 changing Sections 24-3 and 24-3.5 as follows:

2 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

4 (A) A person commits the offense of unlawful sale or
5 delivery of firearms when he or she knowingly does any of the
6 following:

7 (a) Sells or gives any firearm of a size which may be
8 concealed upon the person to any person under 18 years of
9 age.

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

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

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

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

20 "Mental institution" means any hospital,
21 institution, clinic, evaluation facility, mental
22 health center, or part thereof, which is used
23 primarily for the care or treatment of persons with
24 mental illness.

25 "Patient in a mental institution" means the person

1 was admitted, either voluntarily or involuntarily, to
2 a mental institution for mental health treatment,
3 unless the treatment was voluntary and solely for an
4 alcohol abuse disorder and no other secondary
5 substance abuse disorder or mental illness.

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

8 (g) Delivers any firearm, incidental to a sale,
9 without withholding delivery of the firearm for at least
10 72 hours after application for its purchase has been made,
11 or delivers a stun gun or taser, incidental to a sale,
12 without withholding delivery of the stun gun or taser for
13 at least 24 hours after application for its purchase has
14 been made. However, this paragraph (g) does not apply to:
15 (1) the sale of a firearm to a law enforcement officer if
16 the seller of the firearm knows that the person to whom he
17 or she is selling the firearm is a law enforcement officer
18 or the sale of a firearm to a person who desires to
19 purchase a firearm for use in promoting the public
20 interest incident to his or her employment as a bank
21 guard, armed truck guard, or other similar employment; (2)
22 a mail order sale of a firearm from a federally licensed
23 firearms dealer to a nonresident of Illinois under which
24 the firearm is mailed to a federally licensed firearms
25 dealer outside the boundaries of Illinois; (3) (blank);
26 (4) the sale of a firearm to a dealer licensed as a federal

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

1 Point of Contact under 18 U.S.C. 922(t). For purposes of
2 this paragraph (g), "application" means when the buyer and
3 seller reach an agreement to purchase a firearm. For
4 purposes of this paragraph (g), "national governing body"
5 means a group of persons who adopt rules and formulate
6 policy on behalf of a national firearm sporting
7 organization.

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

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

24 (j) Sells or gives a firearm while engaged in the
25 business of selling firearms at wholesale or retail
26 without being licensed as a federal firearms dealer under

1 Section 923 of the federal Gun Control Act of 1968 (18
2 U.S.C. 923). In this paragraph (j):

3 A person "engaged in the business" means a person who
4 devotes time, attention, and labor to engaging in the
5 activity as a regular course of trade or business with the
6 principal objective of livelihood and profit, but does not
7 include a person who makes occasional repairs of firearms
8 or who occasionally fits special barrels, stocks, or
9 trigger mechanisms to firearms.

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

19 (k) Sells or transfers ownership of a firearm to a
20 person who does not display to the seller or transferor of
21 the firearm either: (1) a currently valid Firearm Owner's
22 Identification Card that has previously been issued in the
23 transferee's name by the Illinois State Police under the
24 provisions of the Firearm Owners Identification Card Act;
25 or (2) a currently valid license to carry a concealed
26 firearm that has previously been issued in the

1 transferee's name by the Illinois State Police under the
2 Firearm Concealed Carry Act. This paragraph (k) does not
3 apply to the transfer of a firearm to a person who is
4 exempt from the requirement of possessing a Firearm
5 Owner's Identification Card under Section 2 of the Firearm
6 Owners Identification Card Act. For the purposes of this
7 Section, a currently valid Firearm Owner's Identification
8 Card or license to carry a concealed firearm means receipt
9 of an approval number issued in accordance with subsection
10 (a-10) of Section ~~subsection~~ 3 or Section 3.1 of the
11 Firearm Owners Identification Card Act.

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

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

25 (1) Not being entitled to the possession of a firearm,
26 delivers the firearm, knowing it to have been stolen or

1 converted. It may be inferred that a person who possesses
2 a firearm with knowledge that its serial number has been
3 removed or altered has knowledge that the firearm is
4 stolen or converted.

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
10 of Public Act 78-355 subject to confiscation or seizure under
11 the provisions of that Public Act. Nothing in Public Act
12 78-355 shall be construed to prohibit the gift or trade of any
13 firearm if that firearm was legally held or acquired within 6
14 months after the enactment of that Public Act.

15 (m) Sells or gives a firearm to a person who does not
16 display to the seller or transferor a permit to purchase
17 the firearm issued by the local law enforcement agency
18 under Section 3.4 of the Firearm Owners Identification
19 Card Act.

20 (C) Sentence.

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

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

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

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

1 years.

2 (5) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (a) or (i) of
4 subsection (A) in residential property owned, operated, or
5 managed by a public housing agency or leased by a public
6 housing agency as part of a scattered site or mixed-income
7 development, in a public park, in a courthouse, on
8 residential property owned, operated, or managed by a
9 public housing agency or leased by a public housing agency
10 as part of a scattered site or mixed-income development,
11 on the real property comprising any public park, on the
12 real property comprising any courthouse, or on any public
13 way within 1,000 feet of the real property comprising any
14 public park, courthouse, or residential property owned,
15 operated, or managed by a public housing agency or leased
16 by a public housing agency as part of a scattered site or
17 mixed-income development commits a Class 2 felony.

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

22 (7) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (k) of subsection
24 (A) commits a Class 4 felony, except that a violation of
25 subparagraph (1) of paragraph (k) of subsection (A) shall
26 not be punishable as a crime or petty offense. A third or

1 subsequent conviction for a violation of paragraph (k) of
2 subsection (A) is a Class 1 felony.

3 (8) A person 18 years of age or older convicted of
4 unlawful sale or delivery of firearms in violation of
5 paragraph (a) or (i) of subsection (A), when the firearm
6 that was sold or given to another person under 18 years of
7 age was used in the commission of or attempt to commit a
8 forcible felony, shall be fined or imprisoned, or both,
9 not to exceed the maximum provided for the most serious
10 forcible felony so committed or attempted by the person
11 under 18 years of age who was sold or given the firearm.

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

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

1 years if the delivery is of not less than 6 and not more
2 than 10 firearms at the same time or within a 2-year ~~2-year~~
3 period. Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (l) of subsection
5 (A) commits a Class X felony for which he or she shall be
6 sentenced to a term of imprisonment of not less than 6
7 years and not more than 40 years if the delivery is of not
8 less than 11 and not more than 20 firearms at the same time
9 or within a 3-year ~~3-year~~ period. Any person convicted of
10 unlawful sale or delivery of firearms in violation of
11 paragraph (l) of subsection (A) commits a Class X felony
12 for which he or she shall be sentenced to a term of
13 imprisonment of not less than 6 years and not more than 50
14 years if the delivery is of not less than 21 and not more
15 than 30 firearms at the same time or within a 4-year ~~4-year~~
16 period. Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (l) of subsection
18 (A) commits a Class X felony for which he or she shall be
19 sentenced to a term of imprisonment of not less than 6
20 years and not more than 60 years if the delivery is of 31
21 or more firearms at the same time or within a 5-year ~~5-year~~
22 period.

23 (11) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (m) of subsection
25 (A) commits a Class 1 felony.

26 (D) For purposes of this Section:

1 "School" means a public or private elementary or secondary
2 school, community college, college, or university.

3 "School related activity" means any sporting, social,
4 academic, or other activity for which students' attendance or
5 participation is sponsored, organized, or funded in whole or
6 in part by a school or school district.

7 (E) A prosecution for a violation of paragraph (k) of
8 subsection (A) of this Section may be commenced within 6 years
9 after the commission of the offense. A prosecution for a
10 violation of this Section other than paragraph (g) of
11 subsection (A) of this Section may be commenced within 5 years
12 after the commission of the offense defined in the particular
13 paragraph.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
15 revised 10-12-21.)

16 (720 ILCS 5/24-3.5)

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

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

20 (1) executed by a transferee of a firearm stating: (i)
21 the transferee's name and address (including county or
22 similar political subdivision); (ii) whether the
23 transferee is a citizen of the United States; (iii) the
24 transferee's State of residence; and (iv) the date and
25 place of birth, height, weight, and race of the

1 transferee; and

2 (2) on which the transferee certifies that he or she
3 is not prohibited by federal law from transporting or
4 shipping a firearm in interstate or foreign commerce or
5 receiving a firearm that has been shipped or transported
6 in interstate or foreign commerce or possessing a firearm
7 in or affecting commerce.

8 (b) A person commits the offense of unlawful purchase of a
9 firearm who knowingly purchases or attempts to purchase a
10 firearm with the intent to deliver that firearm to another
11 person who is prohibited by federal or State law from
12 possessing a firearm.

13 (c) A person commits the offense of unlawful purchase of a
14 firearm when he or she, in purchasing or attempting to
15 purchase a firearm, intentionally provides false or misleading
16 information on a United States Department of the Treasury,
17 Bureau of Alcohol, Tobacco and Firearms firearms transaction
18 record form.

19 (c-5) A person commits the offense of unlawful purchase of
20 a firearm when he or she, in purchasing or attempting to
21 purchase a firearm does not display to the seller or
22 transferor of the firearm a permit to purchase the firearm
23 issued by the local law enforcement agency under Section 3.4
24 of the Firearm Owners Identification Card Act.

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

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

5 (e) Sentence.

6 (1) A person who commits the offense of unlawful
7 purchase of a firearm:

8 (A) is guilty of a Class 2 felony for purchasing or
9 attempting to purchase one firearm;

10 (B) is guilty of a Class 1 felony for purchasing or
11 attempting to purchase not less than 2 firearms and
12 not more than 5 firearms at the same time or within a
13 one year period;

14 (C) is guilty of a Class X felony for which the
15 offender shall be sentenced to a term of imprisonment
16 of not less than 9 years and not more than 40 years for
17 purchasing or attempting to purchase not less than 6
18 firearms at the same time or within a 2 year period.

19 (D) is guilty of a Class 2 felony for purchasing or
20 attempting to purchase a firearm in violation of
21 subsection (c-5).

22 (2) In addition to any other penalty that may be
23 imposed for a violation of this Section, the court may
24 sentence a person convicted of a violation of subsection
25 (c) of this Section to a fine not to exceed \$250,000 for
26 each violation.

1 (f) A prosecution for unlawful purchase of a firearm may
2 be commenced within 6 years after the commission of the
3 offense.

4 (Source: P.A. 95-882, eff. 1-1-09.)