



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3061

Introduced 2/17/2023, by Rep. Kevin John Olickal

#### SYNOPSIS AS INTRODUCED:

430 ILCS 68/5-30  
720 ILCS 5/24-3

from Ch. 38, par. 24-3

Amends the Firearm Dealer License Certification Act. Provides that a certified licensee and any employee of a certified licensee who sells or transfers firearms shall receive at least 2 hours of training annually on how to recognize individuals with mental illness, mental impairment, or mental disease that would make those individuals a clear and present danger to themselves or others if those individuals possessed firearms. Provides that a federally licensed firearm dealer who sells or delivers firearms in the State and is exempt from the certification requirements of the Act is required to receive training on recognizing individuals with mental illness, mental impairment, or mental disease that would make those individuals a clear and present danger to themselves or others if those individuals possessed firearms. Amends the Criminal Code of 2012 to make conforming changes. Defines "clear and present danger".

LRB103 27557 RLC 53932 b

1 AN ACT concerning safety.

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

4 Section 5. The Firearm Dealer License Certification Act is  
5 amended by changing Section 5-30 as follows:

6 (430 ILCS 68/5-30)

7 Sec. 5-30. Training of certified licensees. Any certified  
8 licensee and any employee of a certified licensee who sells or  
9 transfers firearms shall receive at least 2 hours of training  
10 annually regarding legal requirements and responsible business  
11 practices as applicable to the sale or transfer of firearms  
12 and how to recognize individuals with mental illness, mental  
13 impairment, or mental disease that would make those  
14 individuals a clear and present danger to themselves or others  
15 if those individuals possessed firearms. The Illinois State  
16 Police may adopt rules regarding continuing education for  
17 certified licensees related to legal requirements and  
18 responsible business practices regarding the sale or transfer  
19 of firearms and how certified licensees and their employees  
20 may recognize individuals with mental illness, mental  
21 impairment, or mental disease that would make those  
22 individuals a clear and present danger to themselves or others  
23 if those individuals possessed firearms. In this Section,

1 "clear and present danger" has the meaning ascribed to it in  
2 Section 1.1 of the Firearm Owners Identification Card Act.

3 A federally licensed firearm dealer under Section 923 of  
4 the federal Gun Control Act of 1968 who sells or delivers  
5 firearms in this State and is exempt from the certification  
6 requirements of this Act is required to receive training on  
7 recognizing individuals with mental illness, mental  
8 impairment, or mental disease that would make those  
9 individuals a clear and present danger to themselves or others  
10 if those individuals possessed firearms.

11 (Source: P.A. 102-538, eff. 8-20-21.)

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

14 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

22 (b) Sells or gives any firearm to a person under 21  
23 years of age who has been convicted of a misdemeanor other  
24 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  
11 primarily for the care or treatment of persons with  
12 mental 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, incidental to a sale,  
22 without withholding delivery of the firearm for at least  
23 72 hours after application for its purchase has been made,  
24 or delivers a stun gun or taser, incidental to a sale,  
25 without withholding delivery of the stun gun or taser for  
26 at least 24 hours after application for its purchase has

1           been made. However, this paragraph (g) does not apply to:  
2           (1) the sale of a firearm to a law enforcement officer if  
3           the seller of the firearm knows that the person to whom he  
4           or she is selling the firearm is a law enforcement officer  
5           or the sale of a firearm to a person who desires to  
6           purchase a firearm for use in promoting the public  
7           interest incident to his or her employment as a bank  
8           guard, armed truck guard, or other similar employment; (2)  
9           a mail order sale of a firearm from a federally licensed  
10          firearms dealer to a nonresident of Illinois under which  
11          the firearm is mailed to a federally licensed firearms  
12          dealer outside the boundaries of Illinois; (3) (blank);  
13          (4) the sale of a firearm to a dealer licensed as a federal  
14          firearms dealer under Section 923 of the federal Gun  
15          Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
16          sale of any rifle, shotgun, or other long gun to a resident  
17          registered competitor or attendee or non-resident  
18          registered competitor or attendee by any dealer licensed  
19          as a federal firearms dealer under Section 923 of the  
20          federal Gun Control Act of 1968 at competitive shooting  
21          events held at the World Shooting Complex sanctioned by a  
22          national governing body. For purposes of transfers or  
23          sales under subparagraph (5) of this paragraph (g), the  
24          Department of Natural Resources shall give notice to the  
25          Illinois State Police at least 30 calendar days prior to  
26          any competitive shooting events at the World Shooting

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

21 (h) While holding any license as a dealer, importer,  
22 manufacturer or pawnbroker under the federal Gun Control  
23 Act of 1968, manufactures, sells or delivers to any  
24 unlicensed person a handgun having a barrel, slide, frame  
25 or receiver which is a die casting of zinc alloy or any  
26 other nonhomogeneous metal which will melt or deform at a

1 temperature of less than 800 degrees Fahrenheit. For  
2 purposes of this paragraph, (1) "firearm" is defined as in  
3 the Firearm Owners Identification Card Act; and (2)  
4 "handgun" is defined as a firearm designed to be held and  
5 fired by the use of a single hand, and includes a  
6 combination of parts from which such a firearm can be  
7 assembled.

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

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

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

23 "With the principal objective of livelihood and  
24 profit" means that the intent underlying the sale or  
25 disposition of firearms is predominantly one of obtaining  
26 livelihood and pecuniary gain, as opposed to other

1 intents, such as improving or liquidating a personal  
2 firearms collection; however, proof of profit shall not be  
3 required as to a person who engages in the regular and  
4 repetitive purchase and disposition of firearms for  
5 criminal purposes or terrorism.

6 (k) Sells or transfers ownership of a firearm to a  
7 person who does not display to the seller or transferor of  
8 the firearm either: (1) a currently valid Firearm Owner's  
9 Identification Card that has previously been issued in the  
10 transferee's name by the Illinois State Police under the  
11 provisions of the Firearm Owners Identification Card Act;  
12 or (2) a currently valid license to carry a concealed  
13 firearm that has previously been issued in the  
14 transferee's name by the Illinois State Police under the  
15 Firearm Concealed Carry Act. This paragraph (k) does not  
16 apply to the transfer of a firearm to a person who is  
17 exempt from the requirement of possessing a Firearm  
18 Owner's Identification Card under Section 2 of the Firearm  
19 Owners Identification Card Act. For the purposes of this  
20 Section, a currently valid Firearm Owner's Identification  
21 Card or license to carry a concealed firearm means receipt  
22 of an approval number issued in accordance with subsection  
23 (a-10) of Section 3 or Section 3.1 of the Firearm Owners  
24 Identification Card Act.

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



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

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

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

18 (m) Is a federally licensed firearm dealer under  
19 Section 923 of the federal Gun Control Act of 1968 and  
20 sells or delivers firearms in this State if the federally  
21 licensed firearm dealer has not received the training  
22 prescribed in Section 30 of the Firearm Dealer License  
23 Certification Act on how to recognize individuals with  
24 mental illness, mental impairment, or mental disease that  
25 would make those individuals a clear and present danger to  
26 themselves or others if those individuals possessed

1 firearms. In this paragraph (m), "clear and present  
2 danger" has the meaning ascribed to it in Section 1.1 of  
3 the Firearm Owners Identification Card Act.

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

14 (C) Sentence.

15 (0.5) Any person convicted of unlawful sale or  
16 delivery of firearms in violation of paragraph (m) of  
17 subsection (A) commits a Class A misdemeanor.

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

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

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

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

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

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

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

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

26 (8) A person 18 years of age or older convicted of

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

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

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

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

19 (D) For purposes of this Section:

20 "School" means a public or private elementary or secondary  
21 school, community college, college, or university.

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

26 (E) A prosecution for a violation of paragraph (k) of

1 subsection (A) of this Section may be commenced within 6 years  
2 after the commission of the offense. A prosecution for a  
3 violation of this Section other than paragraph (g) of  
4 subsection (A) of this Section may be commenced within 5 years  
5 after the commission of the offense defined in the particular  
6 paragraph.

7 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
8 102-813, eff. 5-13-22.)