

1 AN ACT in relation to criminal law.

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

4 Section 5. The Criminal Code of 1961 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 of Firearms.

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

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

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

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

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

21 (e) Sells or gives any firearm to any person who
22 has been a patient in a mental hospital within the past 5
23 years.

24 (f) Sells or gives any firearms to any person who
25 is mentally retarded.

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

1 such rifle, shotgun or other long gun for at least 24
2 hours after application for its purchase has been made.
3 However, this paragraph (g) does not apply to: (1) the
4 sale of a firearm to a law enforcement officer or a
5 person who desires to purchase a firearm for use in
6 promoting the public interest incident to his or her
7 employment as a bank guard, armed truck guard, or other
8 similar employment; (2) a mail order sale of a firearm to
9 a nonresident of Illinois under which the firearm is
10 mailed to a point outside the boundaries of Illinois; (3)
11 the sale of a firearm to a nonresident of Illinois while
12 at a firearm showing or display recognized by the
13 Illinois Department of State Police; or (4) the sale of a
14 firearm to a dealer licensed as a federal firearms dealer
15 under Section 923 of the federal Gun Control Act of 1968
16 (18 U.S.C. 923) under--the-Federal-Firearms-Act-of-the
17 United-States.

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

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

34 (j) Sells or gives a firearm while engaged in the

1 business of selling firearms at wholesale or retail
2 without being licensed as a federal firearms dealer under
3 Section 923 of the federal Gun Control Act of 1968 (18
4 U.S.C. 923). In this paragraph (j):

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

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

21 (B) Paragraph (h) of subsection (A) does not include
22 firearms sold within 6 months after enactment of Public Act
23 78-355 (approved August 21, 1973, effective October 1, 1973),
24 nor is any firearm legally owned or possessed by any citizen
25 or purchased by any citizen within 6 months after the
26 enactment of Public Act 78-355 subject to confiscation or
27 seizure under the provisions of that Public Act. Nothing in
28 Public Act 78-355 shall be construed to prohibit the gift or
29 trade of any firearm if that firearm was legally held or
30 acquired within 6 months after the enactment of that Public
31 Act.

32 (C) Sentence.

33 (1) Any person convicted of unlawful sale of
34 firearms in violation of any of paragraphs (c) through

1 (h) of subsection (A) commits a Class 4 felony.

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

5 (3) Any person convicted of unlawful sale of
6 firearms in violation of paragraph (a) of subsection (A)
7 commits a Class 2 felony.

8 (4) Any person convicted of unlawful sale of
9 firearms in violation of paragraph (a), (b), or (i) of
10 subsection (A) in any school, on the real property
11 comprising a school, within 1,000 feet of the real
12 property comprising a school, at a school related
13 activity, or on or within 1,000 feet of any conveyance
14 owned, leased, or contracted by a school or school
15 district to transport students to or from school or a
16 school related activity, regardless of the time of day or
17 time of year at which the offense was committed, commits
18 a Class 1 felony. Any person convicted of a second or
19 subsequent violation of unlawful sale of firearms in
20 violation of paragraph (a), (b), or (i) of subsection (A)
21 in any school, on the real property comprising a school,
22 within 1,000 feet of the real property comprising a
23 school, at a school related activity, or on or within
24 1,000 feet of any conveyance owned, leased, or contracted
25 by a school or school district to transport students to
26 or from school or a school related activity, regardless
27 of the time of day or time of year at which the offense
28 was committed, commits a Class 1 felony for which the
29 sentence shall be a term of imprisonment of no less than
30 5 years and no more than 15 years.

31 (5) Any person convicted of unlawful sale of
32 firearms in violation of paragraph (a) or (i) of
33 subsection (A) in residential property owned, operated,
34 or managed by a public housing agency or leased by a

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

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

18 (D) For purposes of this Section:

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

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

25 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;
26 91-696, eff. 4-13-00.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.