

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 5. The Firearm Owners Identification Card Act is
5 amended by changing the title of the Act and Sections 1, 1.1,
6 2, 3, and 3.1 as follows:

7 (430 ILCS 65/Act title)

8 An Act relating to the acquisition, possession and transfer
9 of firearms, ~~and~~ firearm ammunition, stun guns, and tasers, to
10 provide a penalty for the violation thereof and to make an
11 appropriation in connection therewith.

12 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

13 Sec. 1. It is hereby declared as a matter of legislative
14 determination that in order to promote and protect the health,
15 safety and welfare of the public, it is necessary and in the
16 public interest to provide a system of identifying persons who
17 are not qualified to acquire or possess firearms, ~~and~~ firearm
18 ammunition, stun guns, and tasers within the State of Illinois
19 by the establishment of a system of Firearm Owner's
20 Identification Cards, thereby establishing a practical and
21 workable system by which law enforcement authorities will be
22 afforded an opportunity to identify those persons who are
23 prohibited by Section 24--3.1 of the "Criminal Code of 1961",
24 as amended, from acquiring or possessing firearms and firearm
25 ammunition and who are prohibited by this Act from acquiring
26 stun guns and tasers.

27 (Source: Laws 1967, p. 2600.)

28 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

29 Sec. 1.1. For purposes of this Act:

30 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Firearm" means any device, by whatever name known, which
3 is designed to expel a projectile or projectiles by the action
4 of an explosion, expansion of gas or escape of gas; excluding,
5 however:

6 (1) any pneumatic gun, spring gun, paint ball gun or
7 B-B gun which either expels a single globular projectile
8 not exceeding .18 inch in diameter and which has a maximum
9 muzzle velocity of less than 700 feet per second or
10 breakable paint balls containing washable marking colors;

11 (2) any device used exclusively for signalling or
12 safety and required or recommended by the United States
13 Coast Guard or the Interstate Commerce Commission;

14 (3) any device used exclusively for the firing of stud
15 cartridges, explosive rivets or similar industrial
16 ammunition; and

17 (4) an antique firearm (other than a machine-gun)
18 which, although designed as a weapon, the Department of
19 State Police finds by reason of the date of its
20 manufacture, value, design, and other characteristics is
21 primarily a collector's item and is not likely to be used
22 as a weapon.

23 "Firearm ammunition" means any self-contained cartridge or
24 shotgun shell, by whatever name known, which is designed to be
25 used or adaptable to use in a firearm; excluding, however:

26 (1) any ammunition exclusively designed for use with a
27 device used exclusively for signalling or safety and
28 required or recommended by the United States Coast Guard or
29 the Interstate Commerce Commission; and

30 (2) any ammunition designed exclusively for use with a
31 stud or rivet driver or other similar industrial
32 ammunition.

33 "Stun gun or taser" has the meaning ascribed to it in
34 Section 24-1 of the Criminal Code of 1961.

35 (Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

1 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

2 Sec. 2. Firearm Owner's Identification Card required;
3 exceptions.

4 (a) (1) No person may acquire or possess any firearm, stun
5 gun, or taser within this State without having in his or
6 her possession a Firearm Owner's Identification Card
7 previously issued in his or her name by the Department of
8 State Police under the provisions of this Act.

9 (2) No person may acquire or possess firearm ammunition
10 within this State without having in his or her possession a
11 Firearm Owner's Identification Card previously issued in
12 his or her name by the Department of State Police under the
13 provisions of this Act.

14 (b) The provisions of this Section regarding the possession
15 of firearms, ~~and~~ firearm ammunition, stun guns, and tasers do
16 not apply to:

17 (1) United States Marshals, while engaged in the
18 operation of their official duties;

19 (2) Members of the Armed Forces of the United States or
20 the National Guard, while engaged in the operation of their
21 official duties;

22 (3) Federal officials required to carry firearms,
23 while engaged in the operation of their official duties;

24 (4) Members of bona fide veterans organizations which
25 receive firearms directly from the armed forces of the
26 United States, while using the firearms for ceremonial
27 purposes with blank ammunition;

28 (5) Nonresident hunters during hunting season, with
29 valid nonresident hunting licenses and while in an area
30 where hunting is permitted; however, at all other times and
31 in all other places these persons must have their firearms
32 unloaded and enclosed in a case;

33 (6) Those hunters exempt from obtaining a hunting
34 license who are required to submit their Firearm Owner's
35 Identification Card when hunting on Department of Natural
36 Resources owned or managed sites;

1 (7) Nonresidents while on a firing or shooting range
2 recognized by the Department of State Police; however,
3 these persons must at all other times and in all other
4 places have their firearms unloaded and enclosed in a case;

5 (8) Nonresidents while at a firearm showing or display
6 recognized by the Department of State Police; however, at
7 all other times and in all other places these persons must
8 have their firearms unloaded and enclosed in a case;

9 (9) Nonresidents whose firearms are unloaded and
10 enclosed in a case;

11 (10) Nonresidents who are currently licensed or
12 registered to possess a firearm in their resident state;

13 (11) Unemancipated minors while in the custody and
14 immediate control of their parent or legal guardian or
15 other person in loco parentis to the minor if the parent or
16 legal guardian or other person in loco parentis to the
17 minor has a currently valid Firearm Owner's Identification
18 Card;

19 (12) Color guards of bona fide veterans organizations
20 or members of bona fide American Legion bands while using
21 firearms for ceremonial purposes with blank ammunition;

22 (13) Nonresident hunters whose state of residence does
23 not require them to be licensed or registered to possess a
24 firearm and only during hunting season, with valid hunting
25 licenses, while accompanied by, and using a firearm owned
26 by, a person who possesses a valid Firearm Owner's
27 Identification Card and while in an area within a
28 commercial club licensed under the Wildlife Code where
29 hunting is permitted and controlled, but in no instance
30 upon sites owned or managed by the Department of Natural
31 Resources;

32 (14) Resident hunters who are properly authorized to
33 hunt and, while accompanied by a person who possesses a
34 valid Firearm Owner's Identification Card, hunt in an area
35 within a commercial club licensed under the Wildlife Code
36 where hunting is permitted and controlled; and

1 (15) A person who is otherwise eligible to obtain a
2 Firearm Owner's Identification Card under this Act and is
3 under the direct supervision of a holder of a Firearm
4 Owner's Identification Card who is 21 years of age or older
5 while the person is on a firing or shooting range or is a
6 participant in a firearms safety and training course
7 recognized by a law enforcement agency or a national,
8 statewide shooting sports organization.

9 (c) The provisions of this Section regarding the
10 acquisition and possession of firearms, ~~and~~ firearm
11 ammunition, stun guns, and tasers do not apply to law
12 enforcement officials of this or any other jurisdiction, while
13 engaged in the operation of their official duties.

14 (Source: P.A. 91-694, eff. 4-13-00; 92-839, eff. 8-22-02.)

15 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

16 Sec. 3. (a) Except as provided in Section 3a, no person may
17 knowingly transfer, or cause to be transferred, any firearm, ~~or~~
18 ~~any~~ firearm ammunition, stun gun, or taser to any person within
19 this State unless the transferee with whom he deals displays a
20 currently valid Firearm Owner's Identification Card which has
21 previously been issued in his name by the Department of State
22 Police under the provisions of this Act. In addition, all
23 firearm, stun gun, and taser transfers by federally licensed
24 firearm dealers are subject to Section 3.1.

25 (b) Any person within this State who transfers or causes to
26 be transferred any firearm, stun gun, or taser shall keep a
27 record of such transfer for a period of 10 years from the date
28 of transfer. Such record shall contain the date of the
29 transfer; the description, serial number or other information
30 identifying the firearm, stun gun, or taser if no serial number
31 is available; and, if the transfer was completed within this
32 State, the transferee's Firearm Owner's Identification Card
33 number. On demand of a peace officer such transferor shall
34 produce for inspection such record of transfer.

35 (c) The provisions of this Section regarding the transfer

1 of firearm ammunition shall not apply to those persons
2 specified in paragraph (b) of Section 2 of this Act.

3 (Source: P.A. 92-442, eff. 8-17-01.)

4 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

5 Sec. 3.1. Dial up system. The Department of State Police
6 shall provide a dial up telephone system which shall be used by
7 any federally licensed firearm dealer who is to transfer a
8 firearm, stun gun, or taser under the provisions of this Act.
9 The Department of State Police shall utilize existing
10 technology which allows the caller to be charged a fee
11 equivalent to the cost of providing this service but not to
12 exceed \$2. Fees collected by the Department of State Police
13 shall be deposited in the State Police Services Fund and used
14 to provide the service.

15 Upon receiving a request from a federally licensed firearm
16 dealer, the Department of State Police shall immediately
17 approve, or within the time period established by Section 24-3
18 of the Criminal Code of 1961 regarding the delivery of
19 firearms, stun guns, and tasers notify the inquiring dealer of
20 any objection that would disqualify the transferee from
21 acquiring or possessing a firearm, stun gun, or taser. In
22 conducting the inquiry, the Department of State Police shall
23 initiate and complete an automated search of its criminal
24 history record information files and those of the Federal
25 Bureau of Investigation, including the National Instant
26 Criminal Background Check System, and of the files of the
27 Department of Human Services relating to mental health and
28 developmental disabilities to obtain any felony conviction or
29 patient hospitalization information which would disqualify a
30 person from obtaining or require revocation of a currently
31 valid Firearm Owner's Identification Card.

32 The Department of State Police must act as the Illinois
33 Point of Contact for the National Instant Criminal Background
34 Check System.

35 The Department of State Police shall promulgate rules to

1 implement this system.

2 (Source: P.A. 91-399, eff. 7-30-99.)

3 Section 10. The Criminal Code of 1961 is amended by
4 changing Section 24-3 as follows:

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

6 Sec. 24-3. Unlawful Sale of Firearms.

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

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

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

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

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

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

22 (f) Sells or gives any firearms to any person who is
23 mentally retarded.

24 (g) Delivers any firearm of a size which may be
25 concealed upon the person, incidental to a sale, without
26 withholding delivery of such firearm for at least 72 hours
27 after application for its purchase has been made, or
28 delivers any rifle, shotgun or other long gun, or a stun
29 gun or taser, incidental to a sale, without withholding
30 delivery of such rifle, shotgun or other long gun, or a
31 stun gun or taser for at least 24 hours after application
32 for its purchase has been made. However, this paragraph (g)
33 does not apply to: (1) the sale of a firearm to a law
34 enforcement officer or a person who desires to purchase a

1 firearm for use in promoting the public interest incident
2 to his or her employment as a bank guard, armed truck
3 guard, or other similar employment; (2) a mail order sale
4 of a firearm to a nonresident of Illinois under which the
5 firearm is mailed to a point outside the boundaries of
6 Illinois; (3) the sale of a firearm to a nonresident of
7 Illinois while at a firearm showing or display recognized
8 by the Illinois Department of State Police; or (4) the sale
9 of a firearm to a dealer licensed as a federal firearms
10 dealer under Section 923 of the federal Gun Control Act of
11 1968 (18 U.S.C. 923).

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

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

28 (j) Sells or gives a firearm while engaged in the
29 business of selling firearms at wholesale or retail without
30 being licensed as a federal firearms dealer under Section
31 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
32 In this paragraph (j):

33 A person "engaged in the business" means a person who
34 devotes time, attention, and labor to engaging in the
35 activity as a regular course of trade or business with the
36 principal objective of livelihood and profit, but does not

1 include a person who makes occasional repairs of firearms
2 or who occasionally fits special barrels, stocks, or
3 trigger mechanisms to firearms.

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

13 (k) Sells or transfers ownership of a firearm to a
14 person who does not display to the seller or transferor of
15 the firearm a currently valid Firearm Owner's
16 Identification Card that has previously been issued in the
17 transferee's name by the Department of State Police under
18 the provisions of the Firearm Owners Identification Card
19 Act. This paragraph (k) does not apply to the transfer of a
20 firearm to a person who is exempt from the requirement of
21 possessing a Firearm Owner's Identification Card under
22 Section 2 of the Firearm Owners Identification Card Act.
23 For the purposes of this Section, a currently valid Firearm
24 Owner's Identification Card means (i) a Firearm Owner's
25 Identification Card that has not expired or (ii) if the
26 transferor is licensed as a federal firearms dealer under
27 Section 923 of the federal Gun Control Act of 1968 (18
28 U.S.C. 923), an approval number issued in accordance with
29 Section 3.1 of the Firearm Owners Identification Card Act
30 shall be proof that the Firearm Owner's Identification Card
31 was valid.

32 (B) Paragraph (h) of subsection (A) does not include
33 firearms sold within 6 months after enactment of Public Act
34 78-355 (approved August 21, 1973, effective October 1, 1973),
35 nor is any firearm legally owned or possessed by any citizen or
36 purchased by any citizen within 6 months after the enactment of

1 Public Act 78-355 subject to confiscation or seizure under the
2 provisions of that Public Act. Nothing in Public Act 78-355
3 shall be construed to prohibit the gift or trade of any firearm
4 if that firearm was legally held or acquired within 6 months
5 after the enactment of that Public Act.

6 (C) Sentence.

7 (1) Any person convicted of unlawful sale of firearms
8 in violation of any of paragraphs (c) through (h) of
9 subsection (A) commits a Class 4 felony.

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

13 (3) Any person convicted of unlawful sale of firearms
14 in violation of paragraph (a) of subsection (A) commits a
15 Class 2 felony.

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

1 years.

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

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

22 (7) Any person convicted of unlawful sale of firearms
23 in violation of paragraph (k) of subsection (A) commits a
24 Class 4 felony. A third or subsequent conviction for a
25 violation of paragraph (k) of subsection (A) is a Class 1
26 felony.

27 (D) For purposes of this Section:

28 "School" means a public or private elementary or secondary
29 school, community college, college, or university.

30 "School related activity" means any sporting, social,
31 academic, or other activity for which students' attendance or
32 participation is sponsored, organized, or funded in whole or in
33 part by a school or school district.

34 (E) A prosecution for a violation of paragraph (k) of
35 subsection (A) of this Section may be commenced within 6 years
36 after the commission of the offense. A prosecution for a

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

5 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04.)