



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5228

by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

See Index

Amends the Firearm Owners Identification Card Act and the Criminal Code of 1961. Provides that beginning July 1, 2009, a person may not possess a handgun in the State unless the person has successfully completed a handgun safety course approved by the Department of State Police and has been issued a handgun possession permit by the Department. Provides that in determining the standards for approval of handgun safety courses, the Department shall consult with the Illinois Law Enforcement Training Standards Board and the Department of Financial and Professional Regulation. Provides that an approved course shall consist of 20 hours of training, which shall include all of the following: (1) instruction in the dangers of and misuse of handguns, and the storage, safety rules, and care and cleaning of handguns; (2) practice firing on a range with live ammunition; (3) instruction in the legal use of handguns; and (4) a presentation of the ethical and moral considerations necessary for any person who possesses a handgun. Establishes penalties for violations.

LRB095 18073 RLC 44156 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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 Sections 1.1, 4, 5, 6.1, 7, 8, 9, 10, 13.2,
6 and 14 and by adding Section 4.1 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 (Text of Section after amendment by P.A. 95-581)

9 Sec. 1.1. For purposes of this Act:

10 "Has been adjudicated as a mental defective" means the
11 person is the subject of a determination by a court, board,
12 commission or other lawful authority that a person, as a result
13 of marked subnormal intelligence, or mental illness, mental
14 impairment, incompetency, condition, or disease:

15 (1) is a danger to himself, herself, or to others;

16 (2) lacks the mental capacity to manage his or her own
17 affairs;

18 (3) is not guilty in a criminal case by reason of
19 insanity, mental disease or defect;

20 (4) is incompetent to stand trial in a criminal case;

21 (5) is not guilty by reason of lack of mental
22 responsibility pursuant to Articles 50a and 72b of the
23 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

1 "Counterfeit" means to copy or imitate, without legal
2 authority, with intent to deceive.

3 "Federally licensed firearm dealer" means a person who is
4 licensed as a federal firearms dealer under Section 923 of the
5 federal Gun Control Act of 1968 (18 U.S.C. 923).

6 "Firearm" means any device, by whatever name known, which
7 is designed to expel a projectile or projectiles by the action
8 of an explosion, expansion of gas or escape of gas; excluding,
9 however:

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

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

18 (3) any device used exclusively for the firing of stud
19 cartridges, explosive rivets or similar industrial
20 ammunition; and

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

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

4 (1) any ammunition exclusively designed for use with a
5 device used exclusively for signalling or safety and
6 required or recommended by the United States Coast Guard or
7 the Interstate Commerce Commission; and

8 (2) any ammunition designed exclusively for use with a
9 stud or rivet driver or other similar industrial
10 ammunition.

11 "Gun show" means an event or function:

12 (1) at which the sale and transfer of firearms is the
13 regular and normal course of business and where 50 or more
14 firearms are displayed, offered, or exhibited for sale,
15 transfer, or exchange; or

16 (2) at which not less than 10 gun show vendors display,
17 offer, or exhibit for sale, sell, transfer, or exchange
18 firearms.

19 "Gun show" includes the entire premises provided for an
20 event or function, including parking areas for the event or
21 function, that is sponsored to facilitate the purchase, sale,
22 transfer, or exchange of firearms as described in this Section.

23 "Gun show" does not include training or safety classes,
24 competitive shooting events, such as rifle, shotgun, or handgun
25 matches, trap, skeet, or sporting clays shoots, dinners,
26 banquets, raffles, or any other event where the sale or

1 transfer of firearms is not the primary course of business.

2 "Gun show promoter" means a person who organizes or
3 operates a gun show.

4 "Gun show vendor" means a person who exhibits, sells,
5 offers for sale, transfers, or exchanges any firearms at a gun
6 show, regardless of whether the person arranges with a gun show
7 promoter for a fixed location from which to exhibit, sell,
8 offer for sale, transfer, or exchange any firearm.

9 "Handgun" has the meaning ascribed to it in clause (h) (2)
10 of subsection (A) of Section 24-3 of the Criminal Code of 1961.

11 "Sanctioned competitive shooting event" means a shooting
12 contest officially recognized by a national or state shooting
13 sport association, and includes any sight-in or practice
14 conducted in conjunction with the event.

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

17 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331,
18 eff. 8-21-07; 95-581, eff. 6-1-08.)

19 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

20 (Text of Section after amendment by P.A. 95-581)

21 Sec. 4. (a) Each applicant for a Firearm Owner's
22 Identification Card must:

23 (1) Make application on blank forms prepared and
24 furnished at convenient locations throughout the State by
25 the Department of State Police, or by electronic means, if

1 and when made available by the Department of State Police;

2 and

3 (2) Submit evidence to the Department of State Police
4 that:

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

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

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

20 (iv) He or she has not been a patient in a mental
21 institution within the past 5 years and he or she has
22 not been adjudicated as a mental defective;

23 (v) He or she is not mentally retarded;

24 (vi) He or she is not an alien who is unlawfully
25 present in the United States under the laws of the
26 United States;

1 (vii) He or she is not subject to an existing order
2 of protection prohibiting him or her from possessing a
3 firearm;

4 (viii) He or she has not been convicted within the
5 past 5 years of battery, assault, aggravated assault,
6 violation of an order of protection, or a substantially
7 similar offense in another jurisdiction, in which a
8 firearm was used or possessed;

9 (ix) He or she has not been convicted of domestic
10 battery or a substantially similar offense in another
11 jurisdiction committed on or after the effective date
12 of this amendatory Act of 1997;

13 (x) He or she has not been convicted within the
14 past 5 years of domestic battery or a substantially
15 similar offense in another jurisdiction committed
16 before the effective date of this amendatory Act of
17 1997;

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

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

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

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

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

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

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

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

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

23 (xiii) He or she is not an adult who had been
24 adjudicated a delinquent minor under the Juvenile
25 Court Act of 1987 for the commission of an offense that
26 if committed by an adult would be a felony;

1 (xiv) If he or she is applying for a Firearm
2 Owner's Identification Card with a handgun possession
3 permit, he or she has successfully completed a handgun
4 safety course approved by the Department of State
5 Police under Section 4.1; and

6 (3) Upon request by the Department of State Police,
7 sign a release on a form prescribed by the Department of
8 State Police waiving any right to confidentiality and
9 requesting the disclosure to the Department of State Police
10 of limited mental health institution admission information
11 from another state, the District of Columbia, any other
12 territory of the United States, or a foreign nation
13 concerning the applicant for the sole purpose of
14 determining whether the applicant is or was a patient in a
15 mental health institution and disqualified because of that
16 status from receiving a Firearm Owner's Identification
17 Card. No mental health care or treatment records may be
18 requested. The information received shall be destroyed
19 within one year of receipt.

20 (a-5) Each applicant for a Firearm Owner's Identification
21 Card who is over the age of 18 shall furnish to the Department
22 of State Police either his or her driver's license number or
23 Illinois Identification Card number.

24 (a-10) Each applicant for a Firearm Owner's Identification
25 Card, who is employed as an armed security officer at a nuclear
26 energy, storage, weapons, or development facility regulated by

1 the Nuclear Regulatory Commission and who is not an Illinois
2 resident, shall furnish to the Department of State Police his
3 or her driver's license number or state identification card
4 number from his or her state of residence. The Department of
5 State Police may promulgate rules to enforce the provisions of
6 this subsection (a-10).

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

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

17 (Source: P.A. 95-581, eff. 6-1-08.)

18 (430 ILCS 65/4.1 new)

19 Sec. 4.1. Handgun possession permit.

20 (a) Beginning July 1, 2009, person may not possess a
21 handgun in this State unless the person has successfully
22 completed a handgun safety course approved by the Department of
23 State Police and has been issued a handgun possession permit by
24 the Department. In determining the standards for approval of
25 handgun safety courses, the Department shall consult with the

1 Illinois Law Enforcement Training Standards Board and the
2 Department of Financial and Professional Regulation. An
3 approved course shall consist of 20 hours of training, which
4 shall include all of the following: (1) instruction in the
5 dangers of and misuse of handguns, and the storage, safety
6 rules, and care and cleaning of handguns; (2) practice firing
7 on a range with live ammunition; (3) instruction in the legal
8 use of handguns; and (4) a presentation of the ethical and
9 moral considerations necessary for any person who possesses a
10 handgun.

11 An examination shall be given at the completion of the
12 course. The examination shall consist of a firearms
13 qualification course and a written examination. Successful
14 completion shall be determined by the Department.

15 (b) Upon successful completion of the handgun safety
16 course, the person shall be issued a certificate certifying
17 successful completion. The certificate shall be in such form as
18 the Department shall direct. The certificate shall be submitted
19 to the Department of State Police and the Department shall
20 issue the person a handgun possession permit.

21 (c) The provisions of this Section do not apply to law
22 enforcement officers of this or any other jurisdiction while
23 engaged in the operation of their official duties or to retired
24 law enforcement officers qualified under federal law to carry a
25 handgun.

26 (d) The provisions of this Section do not apply to the

1 passing or transfer of any handgun or handgun ammunition upon
2 the death of the owner thereof to his or her heir or legatee or
3 to the passing or transfer of any handgun or handgun ammunition
4 incident to any legal proceeding or action until 60 days after
5 such passing or transfer.

6 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

7 (Text of Section after amendment by P.A. 95-581)

8 Sec. 5.

9 (a) The Department of State Police shall either approve or
10 deny all applications within 30 days from the date they are
11 received, and every applicant found qualified pursuant to
12 Section 8 of this Act by the Department shall be entitled to a
13 Firearm Owner's Identification Card upon the payment of a \$10
14 fee. \$6 of each fee derived from the issuance of Firearm
15 Owner's Identification Cards, or renewals thereof, shall be
16 deposited in the Wildlife and Fish Fund in the State Treasury;
17 \$1 of such fee shall be deposited in the State Police Services
18 Fund and \$3 of such fee shall be deposited in the Firearm
19 Owner's Notification Fund.

20 (b) The Department of State Police shall either approve or
21 deny an application for a handgun possession permit within 30
22 days after receipt of a certificate of completion for the
23 handgun safety course and every applicant found qualified
24 pursuant to Section 4.1 of this Act by the Department shall be
25 entitled to a handgun possession permit upon the payment of a

1 \$10 fee. \$6 of each fee derived from the issuance of handgun
2 possession permits, or renewals thereof, shall be deposited in
3 the Wildlife and Fish Fund in the State Treasury; \$1 of such
4 fee shall be deposited in the State Police Services Fund and \$3
5 of such fee shall be deposited in the Firearm Owner's
6 Notification Fund.

7 (c) Monies in the Firearm Owner's Notification Fund shall
8 be used exclusively to pay for the cost of sending notices of
9 expiration of Firearm Owner's Identification Cards and handgun
10 possession permits under Section 13.2 of this Act. Excess
11 monies in the Firearm Owner's Notification Fund shall be used
12 to ensure the prompt and efficient processing of applications
13 received under Sections ~~Section~~ 4 and 4.1 of this Act.

14 (Source: P.A. 94-353, eff. 7-29-05; 95-581, eff. 6-1-08.)

15 (430 ILCS 65/6.1)

16 Sec. 6.1. Altered, forged or counterfeit Firearm Owner's
17 Identification Cards and handgun possession permits.

18 (a) Any person who forges or materially alters a Firearm
19 Owner's Identification Card or a handgun possession permit or
20 who counterfeits a Firearm Owner's Identification Card or a
21 handgun possession permit commits a Class 2 felony.

22 (b) Any person who knowingly possesses a forged or
23 materially altered Firearm Owner's Identification Card or a
24 handgun possession permit with the intent to use it commits a
25 Class 2 felony. A person who possesses a Firearm Owner's

1 Identification Card or a handgun possession permit with
2 knowledge that it is counterfeit commits a Class 2 felony.

3 (Source: P.A. 92-414, eff. 1-1-02.)

4 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

5 (Text of Section after amendment by P.A. 95-581)

6 Sec. 7. Except as provided in Section 8 of this Act, a
7 Firearm Owner's Identification Card or a handgun possession
8 permit issued under the provisions of this Act shall be valid
9 for the person to whom it is issued for a period of 10 years
10 from the date of issuance.

11 (Source: P.A. 95-581, eff. 6-1-08.)

12 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

13 (Text of Section after amendment by P.A. 95-581)

14 Sec. 8. The Department of State Police has authority to
15 deny an application for or to revoke and seize a Firearm
16 Owner's Identification Card or a handgun possession permit
17 previously issued under this Act only if the Department finds
18 that the applicant or the person to whom such card or permit
19 was issued is or was at the time of issuance:

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

23 (b) A person under 21 years of age who does not have the
24 written consent of his parent or guardian to acquire and

1 possess firearms and firearm ammunition, or whose parent or
2 guardian has revoked such written consent, or where such parent
3 or guardian does not qualify to have a Firearm Owner's
4 Identification Card;

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

7 (d) A person addicted to narcotics;

8 (e) A person who has been a patient of a mental institution
9 within the past 5 years or has been adjudicated as a mental
10 defective;

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

14 For the purposes of this Section, "mental condition" means
15 a state of mind manifested by violent, suicidal, threatening or
16 assaultive behavior.

17 (g) A person who is mentally retarded;

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

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

22 (i-5) An alien who has been admitted to the United States
23 under a non-immigrant visa (as that term is defined in Section
24 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
25 1101(a)(26))), except that this subsection (i-5) does not apply
26 to any alien who has been lawfully admitted to the United

1 States under a non-immigrant visa if that alien is:

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

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

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

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

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

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

18 (5) one who has received a waiver from the Attorney
19 General of the United States pursuant to 18 U.S.C.
20 922(y)(3);

21 (j) A person who is subject to an existing order of
22 protection prohibiting him or her from possessing a firearm;

23 (k) A person who has been convicted within the past 5 years
24 of battery, assault, aggravated assault, violation of an order
25 of protection, or a substantially similar offense in another
26 jurisdiction, in which a firearm was used or possessed;

1 (l) A person who has been convicted of domestic battery or
2 a substantially similar offense in another jurisdiction
3 committed on or after January 1, 1998;

4 (m) A person who has been convicted within the past 5 years
5 of domestic battery or a substantially similar offense in
6 another jurisdiction committed before January 1, 1998;

7 (n) A person who is prohibited from acquiring or possessing
8 firearms or firearm ammunition by any Illinois State statute or
9 by federal law;

10 (o) A minor subject to a petition filed under Section 5-520
11 of the Juvenile Court Act of 1987 alleging that the minor is a
12 delinquent minor for the commission of an offense that if
13 committed by an adult would be a felony; ~~or~~

14 (p) An adult who had been adjudicated a delinquent minor
15 under the Juvenile Court Act of 1987 for the commission of an
16 offense that if committed by an adult would be a felony; or ~~or~~

17 (q) A person who possesses a handgun and does not have a
18 valid handgun possession permit issued under Section 4.1 of
19 this Act.

20 (Source: P.A. 95-581, eff. 6-1-08.)

21 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

22 Sec. 9. Every person whose application for a Firearm
23 Owner's Identification Card or a handgun possession permit is
24 denied, and every holder of such a Card or permit before his
25 Card or permit is revoked or seized, shall receive a written

1 notice from the Department of State Police stating specifically
2 the grounds upon which his application has been denied or upon
3 which his Identification Card or a handgun possession permit
4 has been revoked.

5 (Source: P.A. 84-25.)

6 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

7 Sec. 10. (a) Whenever an application for a Firearm Owner's
8 Identification Card or a handgun possession permit is denied,
9 whenever the Department fails to act on an application within
10 30 days of its receipt, or whenever such a Card or permit is
11 revoked or seized as provided for in Section 8 of this Act, the
12 aggrieved party may appeal to the Director of the Department of
13 State Police for a hearing upon such denial, revocation or
14 seizure, unless the denial, revocation, or seizure was based
15 upon a forcible felony, stalking, aggravated stalking,
16 domestic battery, any violation of the Illinois Controlled
17 Substances Act, the Methamphetamine Control and Community
18 Protection Act, or the Cannabis Control Act that is classified
19 as a Class 2 or greater felony, any felony violation of Article
20 24 of the Criminal Code of 1961, or any adjudication as a
21 delinquent minor for the commission of an offense that if
22 committed by an adult would be a felony, in which case the
23 aggrieved party may petition the circuit court in writing in
24 the county of his or her residence for a hearing upon such
25 denial, revocation, or seizure.

1 (b) At least 30 days before any hearing in the circuit
2 court, the petitioner shall serve the relevant State's Attorney
3 with a copy of the petition. The State's Attorney may object to
4 the petition and present evidence. At the hearing the court
5 shall determine whether substantial justice has been done.
6 Should the court determine that substantial justice has not
7 been done, the court shall issue an order directing the
8 Department of State Police to issue a Card or a handgun
9 possession permit.

10 (c) Any person prohibited from possessing a firearm under
11 Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or
12 acquiring a Firearm Owner's Identification Card under Section 8
13 of this Act or a handgun possession permit under Section 4.1
14 may apply to the Director of the Department of State Police or
15 petition the circuit court in the county where the petitioner
16 resides, whichever is applicable in accordance with subsection
17 (a) of this Section, requesting relief from such prohibition
18 and the Director or court may grant such relief if it is
19 established by the applicant to the court's or Director's
20 satisfaction that:

21 (0.05) when in the circuit court, the State's Attorney
22 has been served with a written copy of the petition at
23 least 30 days before any such hearing in the circuit court
24 and at the hearing the State's Attorney was afforded an
25 opportunity to present evidence and object to the petition;

26 (1) the applicant has not been convicted of a forcible

1 felony under the laws of this State or any other
2 jurisdiction within 20 years of the applicant's
3 application for a Firearm Owner's Identification Card or a
4 handgun possession permit, or at least 20 years have passed
5 since the end of any period of imprisonment imposed in
6 relation to that conviction;

7 (2) the circumstances regarding a criminal conviction,
8 where applicable, the applicant's criminal history and his
9 reputation are such that the applicant will not be likely
10 to act in a manner dangerous to public safety; and

11 (3) granting relief would not be contrary to the public
12 interest.

13 (d) When a minor is adjudicated delinquent for an offense
14 which if committed by an adult would be a felony, the court
15 shall notify the Department of State Police.

16 (e) The court shall review the denial of an application or
17 the revocation of a Firearm Owner's Identification Card or a
18 handgun possession permit of a person who has been adjudicated
19 delinquent for an offense that if committed by an adult would
20 be a felony if an application for relief has been filed at
21 least 10 years after the adjudication of delinquency and the
22 court determines that the applicant should be granted relief
23 from disability to obtain a Firearm Owner's Identification
24 Card. If the court grants relief, the court shall notify the
25 Department of State Police that the disability has been removed
26 and that the applicant is eligible to obtain a Firearm Owner's

1 Identification Card or a handgun possession permit.

2 (Source: P.A. 93-367, eff. 1-1-04; 94-556, eff. 9-11-05.)

3 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

4 Sec. 13.2. The Department of State Police shall, 60 days
5 prior to the expiration of a Firearm Owner's Identification
6 Card or a handgun possession permit, forward by first class
7 mail to each person whose card or permit is to expire a
8 notification of the expiration of the card or a handgun
9 possession permit and an application which may be used to apply
10 for renewal of the card or permit. It is the obligation of the
11 holder of a Firearm Owner's Identification Card or a handgun
12 possession permit to notify the Department of State Police of
13 any address change since the issuance of the Firearm Owner's
14 Identification Card or a handgun possession permit.

15 (Source: P.A. 91-690, eff. 4-13-00.)

16 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

17 Sec. 14. Sentence.

18 (a) A violation of paragraph (1) of subsection (a) of
19 Section 2, when the person's Firearm Owner's Identification
20 Card is expired but the person is not otherwise disqualified
21 from renewing the card, is a Class A misdemeanor.

22 (b) Except as provided in subsection (a) with respect to an
23 expired card, a violation of paragraph (1) of subsection (a) of
24 Section 2 is a Class A misdemeanor when the person does not

1 possess a currently valid Firearm Owner's Identification Card,
2 but is otherwise eligible under this Act. A second or
3 subsequent violation is a Class 4 felony.

4 (c) A violation of paragraph (1) of subsection (a) of
5 Section 2 is a Class 3 felony when:

6 (1) the person's Firearm Owner's Identification Card
7 is revoked or subject to revocation under Section 8; or

8 (2) the person's Firearm Owner's Identification Card
9 is expired and not otherwise eligible for renewal under
10 this Act; or

11 (3) the person does not possess a currently valid
12 Firearm Owner's Identification Card, and the person is not
13 otherwise eligible under this Act.

14 (d) A violation of subsection (a) of Section 3 is a Class 4
15 felony. A third or subsequent conviction is a Class 1 felony.

16 (d-5) Any person who knowingly enters false information on
17 an application for a Firearm Owner's Identification Card, who
18 knowingly gives a false answer to any question on the
19 application, or who knowingly submits false evidence in
20 connection with an application is guilty of a Class 2 felony.

21 (d-6) The possession of a handgun by a person who does not
22 possess a valid handgun possession permit shall be punished as
23 provided in Section 24-3.1 of the Criminal Code of 1961.

24 (e) Except as provided by Section 6.1 of this Act, any
25 other violation of this Act is a Class A misdemeanor.

26 (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;

1 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)

2 Section 10. The Criminal Code of 1961 is amended by
3 changing Sections 24-3 and 24-3.1 as follows:

4 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

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

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

23 (g) Delivers any firearm of a size which may be
24 concealed upon the person, incidental to a sale, without

1 withholding delivery of such firearm for at least 72 hours
2 after application for its purchase has been made, or
3 delivers any rifle, shotgun or other long gun, or a stun
4 gun or taser, incidental to a sale, without withholding
5 delivery of such rifle, shotgun or other long gun, or a
6 stun gun or taser for at least 24 hours after application
7 for its purchase has been made. However, this paragraph (g)
8 does not apply to: (1) the sale of a firearm to a law
9 enforcement officer if the seller of the firearm knows that
10 the person to whom he or she is selling the firearm is a
11 law enforcement officer or the sale of a firearm to a
12 person who desires to purchase a firearm for use in
13 promoting the public interest incident to his or her
14 employment as a bank guard, armed truck guard, or other
15 similar employment; (2) a mail order sale of a firearm to a
16 nonresident of Illinois under which the firearm is mailed
17 to a point outside the boundaries of Illinois; (3) the sale
18 of a firearm to a nonresident of Illinois while at a
19 firearm showing or display recognized by the Illinois
20 Department of State Police; or (4) the sale of a firearm to
21 a dealer licensed as a federal firearms dealer under
22 Section 923 of the federal Gun Control Act of 1968 (18
23 U.S.C. 923). For purposes of this paragraph (g),
24 "application" means when the buyer and seller reach an
25 agreement to purchase a firearm.

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

1 manufacturer or pawnbroker under the federal Gun Control
2 Act of 1968, manufactures, sells or delivers to any
3 unlicensed person a handgun having a barrel, slide, frame
4 or receiver which is a die casting of zinc alloy or any
5 other nonhomogeneous metal which will melt or deform at a
6 temperature of less than 800 degrees Fahrenheit. For
7 purposes of this Section and Section 24-3.1 ~~paragraph~~, (1)
8 "firearm" is defined as in the Firearm Owners
9 Identification Card Act; and (2) "handgun" is defined as a
10 firearm designed to be held and fired by the use of a
11 single hand, and includes a combination of parts from which
12 such a firearm can be assembled.

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

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

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

1 trigger mechanisms to firearms.

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

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

1 Section 3.1 of the Firearm Owners Identification Card Act
2 shall be proof that the Firearm Owner's Identification Card
3 was valid.

4 (1) Sells or gives a handgun to a person who does not
5 present to the seller or giver of the handgun at the time
6 of application for purchase or transfer a valid handgun
7 possession permit and a valid Firearm Owner's
8 Identification Card issued by the Department of State
9 Police under the Firearm Owners Identification Card Act.

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

20 (C) Sentence.

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

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

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

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

26 (5) Any person convicted of unlawful sale of firearms

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

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

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

25 (D) For purposes of this Section:

26 "School" means a public or private elementary or secondary

1 school, community college, college, or university.

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

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

13 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 95-331,
14 eff. 8-21-07.)

15 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

16 Sec. 24-3.1. Unlawful possession of firearms and firearm
17 ammunition.

18 (a) A person commits the offense of unlawful possession of
19 firearms or firearm ammunition when:

20 (1) He is under 18 years of age and has in his
21 possession any firearm of a size which may be concealed
22 upon the person; or

23 (2) He is under 21 years of age, has been convicted of
24 a misdemeanor other than a traffic offense or adjudged
25 delinquent and has any firearms or firearm ammunition in

1 his possession; or

2 (3) He is a narcotic addict and has any firearms or
3 firearm ammunition in his possession; or

4 (4) He has been a patient in a mental hospital within
5 the past 5 years and has any firearms or firearm ammunition
6 in his possession; or

7 (5) He is mentally retarded and has any firearms or
8 firearm ammunition in his possession; or

9 (6) He has in his possession any explosive bullet; or

10 (7) He or she has in his or her possession a handgun
11 and does not possess a valid handgun possession permit
12 issued by the Department of State Police under the Firearm
13 Owners Identification Card Act.

14 For purposes of ~~this~~ paragraph (6) "explosive bullet" means
15 the projectile portion of an ammunition cartridge which
16 contains or carries an explosive charge which will explode upon
17 contact with the flesh of a human or an animal. "Cartridge"
18 means a tubular metal case having a projectile affixed at the
19 front thereof and a cap or primer at the rear end thereof, with
20 the propellant contained in such tube between the projectile
21 and the cap.

22 (b) Sentence.

23 Unlawful possession of firearms, other than handguns, and
24 firearm ammunition is a Class A misdemeanor. Unlawful
25 possession of handguns is a Class 4 felony. The possession of
26 each firearm or firearm ammunition in violation of this Section

1 constitutes a single and separate violation.

2 (c) Nothing in paragraph (1) of subsection (a) of this
3 Section prohibits a person under 18 years of age from
4 participating in any lawful recreational activity with a
5 firearm such as, but not limited to, practice shooting at
6 targets upon established public or private target ranges or
7 hunting, trapping, or fishing in accordance with the Wildlife
8 Code or the Fish and Aquatic Life Code.

9 (Source: P.A. 94-284, eff. 7-21-05; 95-331, eff. 8-21-07.)

1		INDEX
2		Statutes amended in order of appearance
3	430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
4	430 ILCS 65/4	from Ch. 38, par. 83-4
5	430 ILCS 65/4.1 new	
6	430 ILCS 65/5	from Ch. 38, par. 83-5
7	430 ILCS 65/6.1	
8	430 ILCS 65/7	from Ch. 38, par. 83-7
9	430 ILCS 65/8	from Ch. 38, par. 83-8
10	430 ILCS 65/9	from Ch. 38, par. 83-9
11	430 ILCS 65/10	from Ch. 38, par. 83-10
12	430 ILCS 65/13.2	from Ch. 38, par. 83-13.2
13	430 ILCS 65/14	from Ch. 38, par. 83-14
14	720 ILCS 5/24-3	from Ch. 38, par. 24-3
15	720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1