

1 AN ACT concerning criminal law, which may be referred to as  
2 the Gun Safety and Responsibility Act.

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

5 Section 5. The Firearm Owners Identification Card Act is  
6 amended by changing Sections 3, 3.3, and 8 as follows:

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

17 (a-5) Any person who is not a federally licensed firearm  
18 dealer and who desires to transfer or sell a firearm while that  
19 person is on the grounds of a gun show must, before selling or  
20 transferring the firearm, request the Department of State  
21 Police to conduct a background check on the prospective  
22 recipient of the firearm in accordance with Section 3.1.

23 (a-10) Any person who is not a federally licensed firearm

1 dealer and who desires to transfer or sell a firearm or  
2 firearms to any person who is not a federally licensed firearm  
3 dealer shall, before selling or transferring the firearms,  
4 contact the Department of State Police with the transferee's or  
5 purchaser's Firearm Owner's Identification Card number to  
6 determine the validity of the transferee's or purchaser's  
7 Firearm Owner's Identification Card. This subsection shall not  
8 be effective until January 1, 2014. The Department of State  
9 Police may adopt rules concerning the implementation of this  
10 subsection. The Department of State Police shall provide the  
11 seller or transferor an approval number if the purchaser's  
12 Firearm Owner's Identification Card is valid. Approvals issued  
13 by the Department for the purchase of a firearm pursuant to  
14 this subsection are valid for 30 days from the date of issue.

15 (a-15) The provisions of subsection (a-10) of this Section  
16 do not apply to:

17 (1) transfers that occur at the place of business of a  
18 federally licensed firearm dealer, if the federally  
19 licensed firearm dealer conducts a background check on the  
20 prospective recipient of the firearm in accordance with  
21 Section 3.1 of this Act and follows all other applicable  
22 federal, State, and local laws as if he or she were the  
23 seller or transferor of the firearm, although the dealer is  
24 not required to accept the firearm into his or her  
25 inventory. The purchaser or transferee may be required by  
26 the federally licensed firearm dealer to pay a fee not to

1 exceed \$10 per firearm, which the dealer may retain as  
2 compensation for performing the functions required under  
3 this paragraph, plus the applicable fees authorized by  
4 Section 3.1;

5 (2) transfers as a bona fide gift to the transferor's  
6 husband, wife, son, daughter, stepson, stepdaughter,  
7 father, mother, stepfather, stepmother, brother, sister,  
8 nephew, niece, uncle, aunt, grandfather, grandmother,  
9 grandson, granddaughter, father-in-law, mother-in-law,  
10 son-in-law, or daughter-in-law;

11 (3) transfers by persons acting pursuant to operation  
12 of law or a court order;

13 (4) transfers on the grounds of a gun show under  
14 subsection (a-5) of this Section;

15 (5) the delivery of a firearm by its owner to a  
16 gunsmith for service or repair, the return of the firearm  
17 to its owner by the gunsmith, or the delivery of a firearm  
18 by a gunsmith to a federally licensed firearms dealer for  
19 service or repair and the return of the firearm to the  
20 gunsmith;

21 (6) temporary transfers that occur while in the home of  
22 the unlicensed transferee, if the unlicensed transferee is  
23 not otherwise prohibited from possessing firearms and the  
24 unlicensed transferee reasonably believes that possession  
25 of the firearm is necessary to prevent imminent death or  
26 great bodily harm to the unlicensed transferee;

1           (7) transfers to a law enforcement or corrections  
2           agency or a law enforcement or corrections officer acting  
3           within the course and scope of his or her official duties;

4           (8) transfers of firearms that have been rendered  
5           permanently inoperable to a nonprofit historical society,  
6           museum, or institutional collection; and

7           (9) transfers to a person who is exempt from the  
8           requirement of possessing a Firearm Owner's Identification  
9           Card under Section 2 of this Act.

10          (a-20) The Department of State Police shall develop an  
11          Internet-based system for individuals to determine the  
12          validity of a Firearm Owner's Identification Card prior to the  
13          sale or transfer of a firearm. The Department shall have the  
14          Internet-based system completed and available for use by July  
15          1, 2015. The Department shall adopt rules not inconsistent with  
16          this Section to implement this system.

17          (b) Any person within this State who transfers or causes to  
18          be transferred any firearm, stun gun, or taser shall keep a  
19          record of such transfer for a period of 10 years from the date  
20          of transfer. Such record shall contain the date of the  
21          transfer; the description, serial number or other information  
22          identifying the firearm, stun gun, or taser if no serial number  
23          is available; and, if the transfer was completed within this  
24          State, the transferee's Firearm Owner's Identification Card  
25          number and any approval number or documentation provided by the  
26          Department of State Police pursuant to subsection (a-10) of

1 this Section. On or after January 1, 2006, the record shall  
2 contain the date of application for transfer of the firearm. On  
3 demand of a peace officer such transferor shall produce for  
4 inspection such record of transfer. If the transfer or sale  
5 took place at a gun show, the record shall include the unique  
6 identification number. Failure to record the unique  
7 identification number or approval number is a petty offense.

8 (b-5) Any resident may purchase ammunition from a person  
9 within or outside of Illinois if shipment is by United States  
10 mail or by a private express carrier authorized by federal law  
11 to ship ammunition. Any resident purchasing ammunition within  
12 or outside the State of Illinois must provide the seller with a  
13 copy of his or her valid Firearm Owner's Identification Card  
14 and either his or her Illinois driver's license or Illinois  
15 State Identification Card prior to the shipment of the  
16 ammunition. The ammunition may be shipped only to an address on  
17 either of those 2 documents.

18 (c) The provisions of this Section regarding the transfer  
19 of firearm ammunition shall not apply to those persons  
20 specified in paragraph (b) of Section 2 of this Act.

21 (Source: P.A. 97-1135, eff. 12-4-12.)

22 (430 ILCS 65/3.3)

23 Sec. 3.3. Report to the local law enforcement agency. The  
24 Department of State Police must report the name and address of  
25 a person to the local law enforcement agency where the person

1 resides if the person attempting to purchase a firearm is  
2 disqualified from purchasing a firearm because of information  
3 obtained under subsection (a-10) of Section 3 or Section 3.1  
4 that would disqualify the person from obtaining a Firearm  
5 Owner's Identification Card under any of subsections (c)  
6 through (n) of Section 8 of this Act.

7 (Source: P.A. 94-125, eff. 1-1-06.)

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

9 (Text of Section before amendment by P.A. 97-1167)

10 Sec. 8. Grounds for denial and revocation.

11 The Department of State Police has authority to deny an  
12 application for or to revoke and seize a Firearm Owner's  
13 Identification Card previously issued under this Act only if  
14 the Department finds that the applicant or the person to whom  
15 such card was issued is or was at the time of issuance:

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

19 (b) A person under 21 years of age who does not have  
20 the written consent of his parent or guardian to acquire  
21 and possess firearms and firearm ammunition, or whose  
22 parent or guardian has revoked such written consent, or  
23 where such parent or guardian does not qualify to have a  
24 Firearm Owner's Identification Card;

25 (c) A person convicted of a felony under the laws of

1 this or any other jurisdiction;

2 (d) A person addicted to narcotics;

3 (e) A person who has been a patient of a mental  
4 institution within the past 5 years. An active law  
5 enforcement officer employed by a unit of government who is  
6 denied, revoked, or has his or her Firearm Owner's  
7 Identification Card seized under this subsection (e) may  
8 obtain relief as described in subsection (c-5) of Section  
9 10 of this Act if the officer did not act in a manner  
10 threatening to the officer, another person, or the public  
11 as determined by the treating clinical psychologist or  
12 physician, and the officer seeks mental health treatment ~~or~~  
13 ~~has been adjudicated as a mental defective;~~

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

17 For the purposes of this Section, "mental condition"  
18 means a state of mind manifested by violent, suicidal,  
19 threatening or assaultive behavior.

20 (g) A person who is intellectually disabled;

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

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

25 (i-5) An alien who has been admitted to the United  
26 States under a non-immigrant visa (as that term is defined

1 in Section 101(a)(26) of the Immigration and Nationality  
2 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
3 (i-5) does not apply to any alien who has been lawfully  
4 admitted to the United States under a non-immigrant visa if  
5 that alien is:

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

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

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

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

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

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

22 (5) one who has received a waiver from the Attorney  
23 General of the United States pursuant to 18 U.S.C.  
24 922(y)(3);

25 (j) (Blank);

26 (k) A person who has been convicted within the past 5



1 years of battery, assault, aggravated assault, violation  
2 of an order of protection, or a substantially similar  
3 offense in another jurisdiction, in which a firearm was  
4 used or possessed;

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

23 (m) (Blank);

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

1 (o) A minor subject to a petition filed under Section  
2 5-520 of the Juvenile Court Act of 1987 alleging that the  
3 minor is a delinquent minor for the commission of an  
4 offense that if committed by an adult would be a felony;

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

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

12 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
13 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

14 (Text of Section after amendment by P.A. 97-1167)

15 Sec. 8. Grounds for denial and revocation.

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

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

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

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

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

7 (d) A person addicted to narcotics;

8 (e) A person who has been a patient of a mental  
9 institution within the past 5 years. An active law  
10 enforcement officer employed by a unit of government who is  
11 denied, revoked, or has his or her Firearm Owner's  
12 Identification Card seized under this subsection (e) may  
13 obtain relief as described in subsection (c-5) of Section  
14 10 of this Act if the officer did not act in a manner  
15 threatening to the officer, another person, or the public  
16 as determined by the treating clinical psychologist or  
17 physician, and the officer seeks mental health treatment;

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

21 For the purposes of this Section, "mental condition"  
22 means a state of mind manifested by violent, suicidal,  
23 threatening or assaultive behavior.

24 (g) A person who is intellectually disabled;

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

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

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

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

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

14           (A) accredited to the United States Government or  
15 the Government's mission to an international  
16 organization having its headquarters in the United  
17 States; or

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

20           (3) an official of a foreign government or  
21 distinguished foreign visitor who has been so  
22 designated by the Department of State;

23           (4) a foreign law enforcement officer of a friendly  
24 foreign government entering the United States on  
25 official business; or

26           (5) one who has received a waiver from the Attorney

1           General of the United States pursuant to 18 U.S.C.

2           922 (y) (3);

3           (j) (Blank);

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

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

1 (m) (Blank);

2 (n) A person who is prohibited from acquiring or  
3 possessing firearms or firearm ammunition by any Illinois  
4 State statute or by federal law;

5 (o) A minor subject to a petition filed under Section  
6 5-520 of the Juvenile Court Act of 1987 alleging that the  
7 minor is a delinquent minor for the commission of an  
8 offense that if committed by an adult would be a felony;

9 (p) An adult who had been adjudicated a delinquent  
10 minor under the Juvenile Court Act of 1987 for the  
11 commission of an offense that if committed by an adult  
12 would be a felony;

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

16 (r) A person who has been adjudicated as a mental  
17 defective.

18 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
19 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;  
20 97-1167, eff. 6-1-13.)

21 Section 10. The Criminal Code of 2012 is amended by  
22 changing Section 24-3 and adding Section 24-4.1 as follows:

23 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

24 (Text of Section before amendment by P.A. 97-1167)

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

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

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

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

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

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

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

18                (f) Sells or gives any firearms to any person who is  
19 intellectually disabled.

20                (g) Delivers any firearm of a size which may be  
21 concealed upon the person, incidental to a sale, without  
22 withholding delivery of such firearm for at least 72 hours  
23 after application for its purchase has been made, or  
24 delivers any rifle, shotgun or other long gun, or a stun  
25 gun or taser, incidental to a sale, without withholding  
26 delivery of such rifle, shotgun or other long gun, or a

1           stun gun or taser for at least 24 hours after application  
2           for its purchase has been made. However, this paragraph (g)  
3           does not apply to: (1) the sale of a firearm to a law  
4           enforcement officer if the seller of the firearm knows that  
5           the person to whom he or she is selling the firearm is a  
6           law enforcement officer or the sale of a firearm to a  
7           person who desires to purchase a firearm for use in  
8           promoting the public interest incident to his or her  
9           employment as a bank guard, armed truck guard, or other  
10          similar employment; (2) a mail order sale of a firearm to a  
11          nonresident of Illinois under which the firearm is mailed  
12          to a point outside the boundaries of Illinois; (3) the sale  
13          of a firearm to a nonresident of Illinois while at a  
14          firearm showing or display recognized by the Illinois  
15          Department of State Police; or (4) the sale of a firearm to  
16          a dealer licensed as a federal firearms dealer under  
17          Section 923 of the federal Gun Control Act of 1968 (18  
18          U.S.C. 923). For purposes of this paragraph (g),  
19          "application" means when the buyer and seller reach an  
20          agreement to purchase a firearm.

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 without  
13 being licensed as a federal firearms dealer under Section  
14 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
15 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 intents,

1 such as improving or liquidating a personal firearms  
2 collection; however, proof of profit shall not be required  
3 as to a person who engages in the regular and repetitive  
4 purchase and disposition of firearms for criminal purposes  
5 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 a currently valid Firearm Owner's  
9 Identification Card that has previously been issued in the  
10 transferee's name by the Department of State Police under  
11 the provisions of the Firearm Owners Identification Card  
12 Act. This paragraph (k) does not apply to the transfer of a  
13 firearm to a person who is exempt from the requirement of  
14 possessing a Firearm Owner's Identification Card under  
15 Section 2 of the Firearm Owners Identification Card Act.  
16 For the purposes of this Section, a currently valid Firearm  
17 Owner's Identification Card means (i) a Firearm Owner's  
18 Identification Card that has not expired or (ii) ~~if the~~  
19 ~~transferor is licensed as a federal firearms dealer under~~  
20 ~~Section 923 of the federal Gun Control Act of 1968 (18~~  
21 ~~U.S.C. 923),~~ an approval number issued in accordance with  
22 subsection (a-10) of Section 3 or Section 3.1 of the  
23 Firearm Owners Identification Card Act shall be proof that  
24 the Firearm Owner's Identification Card was valid.

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 a  
15           firearm with knowledge that its serial number has been  
16           removed or altered has knowledge that the firearm is stolen  
17           or converted.

18           (B) Paragraph (h) of subsection (A) does not include  
19           firearms sold within 6 months after enactment of Public Act  
20           78-355 (approved August 21, 1973, effective October 1, 1973),  
21           nor is any firearm legally owned or possessed by any citizen or  
22           purchased by any citizen within 6 months after the enactment of  
23           Public Act 78-355 subject to confiscation or seizure under the  
24           provisions of that Public Act. Nothing in Public Act 78-355  
25           shall be construed to prohibit the gift or trade of any firearm  
26           if that firearm was legally held or acquired within 6 months

1 after the enactment of that Public Act.

2 (C) Sentence.

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

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

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

12 (4) Any person convicted of unlawful sale or delivery  
13 of 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 property  
16 comprising a school, at a school related activity, or on or  
17 within 1,000 feet of any conveyance owned, leased, or  
18 contracted by a school or school district to transport  
19 students to or from school or a school related activity,  
20 regardless of the time of day or time of year at which the  
21 offense was committed, commits a Class 1 felony. Any person  
22 convicted of a second or subsequent violation of unlawful  
23 sale or delivery of firearms in violation of paragraph (a),  
24 (b), or (i) of subsection (A) in any school, on the real  
25 property comprising a school, within 1,000 feet of the real  
26 property comprising a school, at a school related activity,

1 or on or within 1,000 feet of any conveyance owned, leased,  
2 or contracted by a school or school district to transport  
3 students to or from school or a school related activity,  
4 regardless of the time of day or time of year at which the  
5 offense was committed, commits a Class 1 felony for which  
6 the sentence shall be a term of imprisonment of no less  
7 than 5 years and no more than 15 years.

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

24 (6) Any person convicted of unlawful sale or delivery  
25 of firearms in violation of paragraph (j) of subsection (A)  
26 commits a Class A misdemeanor. A second or subsequent

1 violation is a Class 4 felony.

2 (7) Any person convicted of unlawful sale or delivery  
3 of firearms in violation of paragraph (k) of subsection (A)  
4 commits a Class 4 felony, except that a violation of  
5 subparagraph (1) of paragraph (k) of subsection (A) shall  
6 not be punishable as a crime or petty offense. A third or  
7 subsequent conviction for a violation of paragraph (k) of  
8 subsection (A) is a Class 1 felony.

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

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

21 (10) Any person convicted of unlawful sale or delivery  
22 of firearms in violation of paragraph (l) of subsection (A)  
23 commits a Class 2 felony if the delivery is of one firearm.  
24 Any person convicted of unlawful sale or delivery of  
25 firearms in violation of paragraph (l) of subsection (A)  
26 commits a Class 1 felony if the delivery is of not less

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

1 time or within a 5 year period.

2 (D) For purposes of this Section:

3 "School" means a public or private elementary or secondary  
4 school, community college, college, or university.

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

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

16 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,  
17 eff. 1-1-12; 97-813, eff. 7-13-12.)

18 (Text of Section after amendment by P.A. 97-1167)

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

20 (A) A person commits the offense of unlawful sale or  
21 delivery of firearms when he or she knowingly does any of the  
22 following:

23 (a) Sells or gives any firearm of a size which may be  
24 concealed upon the person to any person under 18 years of  
25 age.



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

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

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

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

11                 "Mental institution" means any hospital,  
12 institution, clinic, evaluation facility, mental  
13 health center, or part thereof, which is used primarily  
14 for the care or treatment of persons with mental  
15 illness.

16                 "Patient in a mental institution" means the person  
17 was admitted, either voluntarily or involuntarily, to  
18 a mental institution for mental health treatment,  
19 unless the treatment was voluntary and solely for an  
20 alcohol abuse disorder and no other secondary  
21 substance abuse disorder or mental illness.

22           (f) Sells or gives any firearms to any person who is  
23 intellectually disabled.

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

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

25 (h) While holding any license as a dealer, importer,  
26 manufacturer or pawnbroker under the federal Gun Control

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

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

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

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

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

10 (k) Sells or transfers ownership of a firearm to a  
11 person who does not display to the seller or transferor of  
12 the firearm a currently valid Firearm Owner's  
13 Identification Card that has previously been issued in the  
14 transferee's name by the Department of State Police under  
15 the provisions of the Firearm Owners Identification Card  
16 Act. This paragraph (k) does not apply to the transfer of a  
17 firearm to a person who is exempt from the requirement of  
18 possessing a Firearm Owner's Identification Card under  
19 Section 2 of the Firearm Owners Identification Card Act.  
20 For the purposes of this Section, a currently valid Firearm  
21 Owner's Identification Card means (i) a Firearm Owner's  
22 Identification Card that has not expired or (ii) ~~if the~~  
23 ~~transferor is licensed as a federal firearms dealer under~~  
24 ~~Section 923 of the federal Gun Control Act of 1968 (18~~  
25 ~~U.S.C. 923),~~ an approval number issued in accordance with  
26 subsection (a-10) of subsection 3 or Section 3.1 of the

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

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

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

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

22 (B) Paragraph (h) of subsection (A) does not include  
23 firearms sold within 6 months after enactment of Public Act  
24 78-355 (approved August 21, 1973, effective October 1, 1973),  
25 nor is any firearm legally owned or possessed by any citizen or  
26 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 or delivery  
8 of firearms in violation of paragraph (c), (e), (f), (g),  
9 or (h) of subsection (A) commits a Class 4 felony.

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

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

16 (4) Any person convicted of unlawful sale or delivery  
17 of firearms in violation of paragraph (a), (b), or (i) of  
18 subsection (A) in any school, on the real property  
19 comprising a school, within 1,000 feet of the real property  
20 comprising a school, at a school related activity, or on or  
21 within 1,000 feet of any conveyance owned, leased, or  
22 contracted by a school or school district to transport  
23 students to or from school or a school related activity,  
24 regardless of the time of day or time of year at which the  
25 offense was committed, commits a Class 1 felony. Any person  
26 convicted of a second or subsequent violation of unlawful

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

12 (5) Any person convicted of unlawful sale or delivery  
13 of firearms in violation of paragraph (a) or (i) of  
14 subsection (A) in residential property owned, operated, or  
15 managed by a public housing agency or leased by a public  
16 housing agency as part of a scattered site or mixed-income  
17 development, in a public park, in a courthouse, on  
18 residential property owned, operated, or managed by a  
19 public housing agency or leased by a public housing agency  
20 as part of a scattered site or mixed-income development, on  
21 the real property comprising any public park, on the real  
22 property comprising any courthouse, or on any public way  
23 within 1,000 feet of the real property comprising any  
24 public park, courthouse, or residential property owned,  
25 operated, or managed by a public housing agency or leased  
26 by a public housing agency as part of a scattered site or

1 mixed-income development commits a Class 2 felony.

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

6 (7) Any person convicted of unlawful sale or delivery  
7 of firearms in violation of paragraph (k) of subsection (A)  
8 commits a Class 4 felony, except that a violation of  
9 subparagraph (1) of paragraph (k) of subsection (A) shall  
10 not be punishable as a crime or petty offense. A third or  
11 subsequent conviction for a violation of paragraph (k) of  
12 subsection (A) is a Class 1 felony.

13 (8) A person 18 years of age or older convicted of  
14 unlawful sale or delivery of firearms in violation of  
15 paragraph (a) or (i) of subsection (A), when the firearm  
16 that was sold or given to another person under 18 years of  
17 age was used in the commission of or attempt to commit a  
18 forcible felony, shall be fined or imprisoned, or both, not  
19 to exceed the maximum provided for the most serious  
20 forcible felony so committed or attempted by the person  
21 under 18 years of age who was sold or given the firearm.

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

25 (10) Any person convicted of unlawful sale or delivery  
26 of firearms in violation of paragraph (l) of subsection (A)



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

1 paragraph (1) of subsection (A) commits a Class X felony  
2 for which he or she shall be sentenced to a term of  
3 imprisonment of not less than 6 years and not more than 60  
4 years if the delivery is of 31 or more firearms at the same  
5 time or within a 5 year period.

6 (D) For purposes of this Section:

7 "School" means a public or private elementary or secondary  
8 school, community college, college, or university.

9 "School related activity" means any sporting, social,  
10 academic, or other activity for which students' attendance or  
11 participation is sponsored, organized, or funded in whole or in  
12 part by a school or school district.

13 (E) A prosecution for a violation of paragraph (k) of  
14 subsection (A) of this Section may be commenced within 6 years  
15 after the commission of the offense. A prosecution for a  
16 violation of this Section other than paragraph (g) of  
17 subsection (A) of this Section may be commenced within 5 years  
18 after the commission of the offense defined in the particular  
19 paragraph.

20 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,  
21 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1167, eff. 6-1-13.)

22 (720 ILCS 5/24-4.1 new)

23 Sec. 24-4.1. Report of lost or stolen firearms.

24 (a) If a person who possesses a valid Firearm Owner's  
25 Identification Card and who possesses or acquires a firearm

1 thereafter loses the firearm, or if the firearm is stolen from  
2 the person, the person must report the loss or theft to the  
3 local law enforcement agency within 72 hours after obtaining  
4 knowledge of the loss or theft.

5 (b) A law enforcement agency having jurisdiction shall take  
6 a written report and shall, as soon as practical, enter the  
7 firearm's serial number as stolen into the Law Enforcement  
8 Agencies Data System (LEADS).

9 (c) A person shall not be in violation of this Section if:

10 (1) the failure to report is due to an act of God, act  
11 of war, or inability of a law enforcement agency to receive  
12 the report;

13 (2) the person is hospitalized, in a coma, or is  
14 otherwise seriously physically or mentally impaired as to  
15 prevent the person from reporting; or

16 (3) the person's designee makes a report if the person  
17 is unable to make the report.

18 (d) Sentence. A person who violates this Section is guilty  
19 of a petty offense for a first violation. A second or  
20 subsequent violation of this Section is a Class A misdemeanor.

21 Section 95. No acceleration or delay. Where this Act makes  
22 changes in a statute that is represented in this Act by text  
23 that is not yet or no longer in effect (for example, a Section  
24 represented by multiple versions), the use of that text does  
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other  
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.