



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2481

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33	from Ch. 61, par. 2.33
720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-3	from Ch. 38, par. 24-3

Amends the Wildlife Code. Removes the prohibition on the use of a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun. Amends the Criminal Code of 2012. Provides that a person commits the offense of unlawful use of weapons when he knowingly uses, attaches, or possesses with the intent to use or attach any device or attachment of any kind for silencing the report of any handgun, unless the use, attachment, or possession with the intent to use the device or attachment is on the premises of a firing or shooting range; or possess any device or attachment of any kind designed, used, or intended for use in silencing the report of any other firearm if the device or attachment is not possessed in compliance with the National Firearms Act. Provides that a person commits the offense of unlawful sale or delivery of firearms when he or she knowingly transfers or gives a suppressor or silencer to a person not authorized to possess the suppressor or silencer under federal law. Provides that a violation of this provision is a Class 3 felony. Effective immediately.

LRB100 11062 SLF 21302 b

1 AN ACT concerning firearm silencers.

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

4 Section 5. The Wildlife Code is amended by changing Section
5 2.33 as follows:

6 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

7 Sec. 2.33. Prohibitions.

8 (a) It is unlawful to carry or possess any gun in any State
9 refuge unless otherwise permitted by administrative rule.

10 (b) It is unlawful to use or possess any snare or
11 snare-like device, deadfall, net, or pit trap to take any
12 species, except that snares not powered by springs or other
13 mechanical devices may be used to trap fur-bearing mammals, in
14 water sets only, if at least one-half of the snare noose is
15 located underwater at all times.

16 (c) It is unlawful for any person at any time to take a
17 wild mammal protected by this Act from its den by means of any
18 mechanical device, spade, or digging device or to use smoke or
19 other gases to dislodge or remove such mammal except as
20 provided in Section 2.37.

21 (d) It is unlawful to use a ferret or any other small
22 mammal which is used in the same or similar manner for which
23 ferrets are used for the purpose of frightening or driving any

1 mammals from their dens or hiding places.

2 (e) (Blank).

3 (f) It is unlawful to use spears, gigs, hooks or any like
4 device to take any species protected by this Act.

5 (g) It is unlawful to use poisons, chemicals or explosives
6 for the purpose of taking any species protected by this Act.

7 (h) It is unlawful to hunt adjacent to or near any peat,
8 grass, brush or other inflammable substance when it is burning.

9 (i) It is unlawful to take, pursue or intentionally harass
10 or disturb in any manner any wild birds or mammals by use or
11 aid of any vehicle or conveyance, except as permitted by the
12 Code of Federal Regulations for the taking of waterfowl. It is
13 also unlawful to use the lights of any vehicle or conveyance or
14 any light from or any light connected to the vehicle or
15 conveyance in any area where wildlife may be found except in
16 accordance with Section 2.37 of this Act; however, nothing in
17 this Section shall prohibit the normal use of headlamps for the
18 purpose of driving upon a roadway. Striped skunk, opossum, red
19 fox, gray fox, raccoon, bobcat, and coyote may be taken during
20 the open season by use of a small light which is worn on the
21 body or hand-held by a person on foot and not in any vehicle.

22 (j) It is unlawful to use any shotgun larger than 10 gauge
23 while taking or attempting to take any of the species protected
24 by this Act.

25 (k) It is unlawful to use or possess in the field any
26 shotgun shell loaded with a shot size larger than lead BB or

1 steel T (.20 diameter) when taking or attempting to take any
2 species of wild game mammals (excluding white-tailed deer),
3 wild game birds, migratory waterfowl or migratory game birds
4 protected by this Act, except white-tailed deer as provided for
5 in Section 2.26 and other species as provided for by subsection
6 (l) or administrative rule.

7 (l) It is unlawful to take any species of wild game, except
8 white-tailed deer and fur-bearing mammals, with a shotgun
9 loaded with slugs unless otherwise provided for by
10 administrative rule.

11 (m) It is unlawful to use any shotgun capable of holding
12 more than 3 shells in the magazine or chamber combined, except
13 on game breeding and hunting preserve areas licensed under
14 Section 3.27 and except as permitted by the Code of Federal
15 Regulations for the taking of waterfowl. If the shotgun is
16 capable of holding more than 3 shells, it shall, while being
17 used on an area other than a game breeding and shooting
18 preserve area licensed pursuant to Section 3.27, be fitted with
19 a one piece plug that is irremovable without dismantling the
20 shotgun or otherwise altered to render it incapable of holding
21 more than 3 shells in the magazine and chamber, combined.

22 (n) It is unlawful for any person, except persons who
23 possess a permit to hunt from a vehicle as provided in this
24 Section and persons otherwise permitted by law, to have or
25 carry any gun in or on any vehicle, conveyance or aircraft,
26 unless such gun is unloaded and enclosed in a case, except that

1 at field trials authorized by Section 2.34 of this Act,
2 unloaded guns or guns loaded with blank cartridges only, may be
3 carried on horseback while not contained in a case, or to have
4 or carry any bow or arrow device in or on any vehicle unless
5 such bow or arrow device is unstrung or enclosed in a case, or
6 otherwise made inoperable.

7 (o) It is unlawful to use any crossbow for the purpose of
8 taking any wild birds or mammals, except as provided for in
9 Section 2.5.

10 (p) It is unlawful to take game birds, migratory game birds
11 or migratory waterfowl with a rifle, pistol, revolver or
12 airgun.

13 (q) It is unlawful to fire a rifle, pistol, revolver or
14 airgun on, over or into any waters of this State, including
15 frozen waters.

16 (r) It is unlawful to discharge any gun or bow and arrow
17 device along, upon, across, or from any public right-of-way or
18 highway in this State.

19 (s) (Blank). ~~It is unlawful to use a silencer or other~~
20 ~~device to muffle or mute the sound of the explosion or report~~
21 ~~resulting from the firing of any gun.~~

22 (t) It is unlawful for any person to take or attempt to
23 take any species of wildlife or parts thereof, intentionally or
24 wantonly allow a dog to hunt, within or upon the land of
25 another, or upon waters flowing over or standing on the land of
26 another, or to knowingly shoot a gun or bow and arrow device at

1 any wildlife physically on or flying over the property of
2 another without first obtaining permission from the owner or
3 the owner's designee. For the purposes of this Section, the
4 owner's designee means anyone who the owner designates in a
5 written authorization and the authorization must contain (i)
6 the legal or common description of property for such authority
7 is given, (ii) the extent that the owner's designee is
8 authorized to make decisions regarding who is allowed to take
9 or attempt to take any species of wildlife or parts thereof,
10 and (iii) the owner's notarized signature. Before enforcing
11 this Section the law enforcement officer must have received
12 notice from the owner or the owner's designee of a violation of
13 this Section. Statements made to the law enforcement officer
14 regarding this notice shall not be rendered inadmissible by the
15 hearsay rule when offered for the purpose of showing the
16 required notice.

17 (u) It is unlawful for any person to discharge any firearm
18 for the purpose of taking any of the species protected by this
19 Act, or hunt with gun or dog, or intentionally or wantonly
20 allow a dog to hunt, within 300 yards of an inhabited dwelling
21 without first obtaining permission from the owner or tenant,
22 except that while trapping, hunting with bow and arrow, hunting
23 with dog and shotgun using shot shells only, or hunting with
24 shotgun using shot shells only, or providing outfitting
25 services under a waterfowl outfitter permit, or on licensed
26 game breeding and hunting preserve areas, as defined in Section

1 3.27, on federally owned and managed lands and on Department
2 owned, managed, leased, or controlled lands, a 100 yard
3 restriction shall apply.

4 (v) It is unlawful for any person to remove fur-bearing
5 mammals from, or to move or disturb in any manner, the traps
6 owned by another person without written authorization of the
7 owner to do so.

8 (w) It is unlawful for any owner of a dog to knowingly or
9 wantonly allow his or her dog to pursue, harass or kill deer,
10 except that nothing in this Section shall prohibit the tracking
11 of wounded deer with a dog in accordance with the provisions of
12 Section 2.26 of this Code.

13 (x) It is unlawful for any person to wantonly or carelessly
14 injure or destroy, in any manner whatsoever, any real or
15 personal property on the land of another while engaged in
16 hunting or trapping thereon.

17 (y) It is unlawful to hunt wild game protected by this Act
18 between one half hour after sunset and one half hour before
19 sunrise, except that hunting hours between one half hour after
20 sunset and one half hour before sunrise may be established by
21 administrative rule for fur-bearing mammals.

22 (z) It is unlawful to take any game bird (excluding wild
23 turkeys and crippled pheasants not capable of normal flight and
24 otherwise irretrievable) protected by this Act when not flying.
25 Nothing in this Section shall prohibit a person from carrying
26 an uncased, unloaded shotgun in a boat, while in pursuit of a

1 crippled migratory waterfowl that is incapable of normal
2 flight, for the purpose of attempting to reduce the migratory
3 waterfowl to possession, provided that the attempt is made
4 immediately upon downing the migratory waterfowl and is done
5 within 400 yards of the blind from which the migratory
6 waterfowl was downed. This exception shall apply only to
7 migratory game birds that are not capable of normal flight.
8 Migratory waterfowl that are crippled may be taken only with a
9 shotgun as regulated by subsection (j) of this Section using
10 shotgun shells as regulated in subsection (k) of this Section.

11 (aa) It is unlawful to use or possess any device that may
12 be used for tree climbing or cutting, while hunting fur-bearing
13 mammals, excluding coyotes.

14 (bb) It is unlawful for any person, except licensed game
15 breeders, pursuant to Section 2.29 to import, carry into, or
16 possess alive in this State any species of wildlife taken
17 outside of this State, without obtaining permission to do so
18 from the Director.

19 (cc) It is unlawful for any person to have in his or her
20 possession any freshly killed species protected by this Act
21 during the season closed for taking.

22 (dd) It is unlawful to take any species protected by this
23 Act and retain it alive except as provided by administrative
24 rule.

25 (ee) It is unlawful to possess any rifle while in the field
26 during gun deer season except as provided in Section 2.26 and

1 administrative rules.

2 (ff) It is unlawful for any person to take any species
3 protected by this Act, except migratory waterfowl, during the
4 gun deer hunting season in those counties open to gun deer
5 hunting, unless he or she wears, when in the field, a cap and
6 upper outer garment of a solid blaze orange color, with such
7 articles of clothing displaying a minimum of 400 square inches
8 of blaze orange material.

9 (gg) It is unlawful during the upland game season for any
10 person to take upland game with a firearm unless he or she
11 wears, while in the field, a cap of solid blaze orange color.
12 For purposes of this Act, upland game is defined as Bobwhite
13 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
14 Cottontail and Swamp Rabbit.

15 (hh) It shall be unlawful to kill or cripple any species
16 protected by this Act for which there is a bag limit without
17 making a reasonable effort to retrieve such species and include
18 such in the bag limit. It shall be unlawful for any person
19 having control over harvested game mammals, game birds, or
20 migratory game birds for which there is a bag limit to wantonly
21 waste or destroy the usable meat of the game, except this shall
22 not apply to wildlife taken under Sections 2.37 or 3.22 of this
23 Code. For purposes of this subsection, "usable meat" means the
24 breast meat of a game bird or migratory game bird and the hind
25 ham and front shoulders of a game mammal. It shall be unlawful
26 for any person to place, leave, dump, or abandon a wildlife

1 carcass or parts of it along or upon a public right-of-way or
2 highway or on public or private property, including a waterway
3 or stream, without the permission of the owner or tenant. It
4 shall not be unlawful to discard game meat that is determined
5 to be unfit for human consumption.

6 (ii) This Section shall apply only to those species
7 protected by this Act taken within the State. Any species or
8 any parts thereof, legally taken in and transported from other
9 states or countries, may be possessed within the State, except
10 as provided in this Section and Sections 2.35, 2.36 and 3.21.

11 (jj) (Blank).

12 (kk) Nothing contained in this Section shall prohibit the
13 Director from issuing permits to paraplegics or to other
14 persons with disabilities who meet the requirements set forth
15 in administrative rule to shoot or hunt from a vehicle as
16 provided by that rule, provided that such is otherwise in
17 accord with this Act.

18 (ll) Nothing contained in this Act shall prohibit the
19 taking of aquatic life protected by the Fish and Aquatic Life
20 Code or birds and mammals protected by this Act, except deer
21 and fur-bearing mammals, from a boat not camouflaged or
22 disguised to alter its identity or to further provide a place
23 of concealment and not propelled by sail or mechanical power.
24 However, only shotguns not larger than 10 gauge nor smaller
25 than .410 bore loaded with not more than 3 shells of a shot
26 size no larger than lead BB or steel T (.20 diameter) may be

1 used to take species protected by this Act.

2 (mm) Nothing contained in this Act shall prohibit the use
3 of a shotgun, not larger than 10 gauge nor smaller than a 20
4 gauge, with a rifled barrel.

5 (nn) It shall be unlawful to possess any species of
6 wildlife or wildlife parts taken unlawfully in Illinois, any
7 other state, or any other country, whether or not the wildlife
8 or wildlife parts is indigenous to Illinois. For the purposes
9 of this subsection, the statute of limitations for unlawful
10 possession of wildlife or wildlife parts shall not cease until
11 2 years after the possession has permanently ended.

12 (Source: P.A. 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183,
13 eff. 1-1-14; 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914,
14 eff. 1-1-15; 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,
15 eff. 7-28-16.)

16 Section 10. The Criminal Code of 2012 is amended by
17 changing Section 24-1 and 24-3 as follows:

18 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

19 Sec. 24-1. Unlawful use of weapons.

20 (a) A person commits the offense of unlawful use of weapons
21 when he knowingly:

22 (1) Sells, manufactures, purchases, possesses or
23 carries any bludgeon, black-jack, slung-shot, sand-club,
24 sand-bag, metal knuckles or other knuckle weapon

1 regardless of its composition, throwing star, or any knife,
2 commonly referred to as a switchblade knife, which has a
3 blade that opens automatically by hand pressure applied to
4 a button, spring or other device in the handle of the
5 knife, or a ballistic knife, which is a device that propels
6 a knifelike blade as a projectile by means of a coil
7 spring, elastic material or compressed gas; or

8 (2) Carries or possesses with intent to use the same
9 unlawfully against another, a dagger, dirk, billy,
10 dangerous knife, razor, stiletto, broken bottle or other
11 piece of glass, stun gun or taser or any other dangerous or
12 deadly weapon or instrument of like character; or

13 (3) Carries on or about his person or in any vehicle, a
14 tear gas gun projector or bomb or any object containing
15 noxious liquid gas or substance, other than an object
16 containing a non-lethal noxious liquid gas or substance
17 designed solely for personal defense carried by a person 18
18 years of age or older; or

19 (4) Carries or possesses in any vehicle or concealed on
20 or about his person except when on his land or in his own
21 abode, legal dwelling, or fixed place of business, or on
22 the land or in the legal dwelling of another person as an
23 invitee with that person's permission, any pistol,
24 revolver, stun gun or taser or other firearm, except that
25 this subsection (a) (4) does not apply to or affect
26 transportation of weapons that meet one of the following

1 conditions:

2 (i) are broken down in a non-functioning state; or

3 (ii) are not immediately accessible; or

4 (iii) are unloaded and enclosed in a case, firearm
5 carrying box, shipping box, or other container by a
6 person who has been issued a currently valid Firearm
7 Owner's Identification Card; or

8 (iv) are carried or possessed in accordance with
9 the Firearm Concealed Carry Act by a person who has
10 been issued a currently valid license under the Firearm
11 Concealed Carry Act; or

12 (5) Sets a spring gun; or

13 (6) Uses, attaches, or possesses with the intent to use
14 or attach ~~Possesses~~ any device or attachment of any kind
15 for ~~designed, used or intended for use in~~ silencing the
16 report of any handgun, unless the use, attachment, or
17 possession with the intent to use the device or attachment
18 is on the premises of a firing or shooting range; or
19 possesses any device or attachment of any kind designed,
20 used, or intended for use in silencing the report of any
21 other firearm if the device or attachment is not possessed
22 in compliance with the National Firearms Act ~~firearm~~; or

23 (7) Sells, manufactures, purchases, possesses or
24 carries:

25 (i) a machine gun, which shall be defined for the
26 purposes of this subsection as any weapon, which

1 shoots, is designed to shoot, or can be readily
2 restored to shoot, automatically more than one shot
3 without manually reloading by a single function of the
4 trigger, including the frame or receiver of any such
5 weapon, or sells, manufactures, purchases, possesses,
6 or carries any combination of parts designed or
7 intended for use in converting any weapon into a
8 machine gun, or any combination or parts from which a
9 machine gun can be assembled if such parts are in the
10 possession or under the control of a person;

11 (ii) any rifle having one or more barrels less than
12 16 inches in length or a shotgun having one or more
13 barrels less than 18 inches in length or any weapon
14 made from a rifle or shotgun, whether by alteration,
15 modification, or otherwise, if such a weapon as
16 modified has an overall length of less than 26 inches;
17 or

18 (iii) any bomb, bomb-shell, grenade, bottle or
19 other container containing an explosive substance of
20 over one-quarter ounce for like purposes, such as, but
21 not limited to, black powder bombs and Molotov
22 cocktails or artillery projectiles; or

23 (8) Carries or possesses any firearm, stun gun or taser
24 or other deadly weapon in any place which is licensed to
25 sell intoxicating beverages, or at any public gathering
26 held pursuant to a license issued by any governmental body

1 or any public gathering at which an admission is charged,
2 excluding a place where a showing, demonstration or lecture
3 involving the exhibition of unloaded firearms is
4 conducted.

5 This subsection (a) (8) does not apply to any auction or
6 raffle of a firearm held pursuant to a license or permit
7 issued by a governmental body, nor does it apply to persons
8 engaged in firearm safety training courses; or

9 (9) Carries or possesses in a vehicle or on or about
10 his person any pistol, revolver, stun gun or taser or
11 firearm or ballistic knife, when he is hooded, robed or
12 masked in such manner as to conceal his identity; or

13 (10) Carries or possesses on or about his person, upon
14 any public street, alley, or other public lands within the
15 corporate limits of a city, village or incorporated town,
16 except when an invitee thereon or therein, for the purpose
17 of the display of such weapon or the lawful commerce in
18 weapons, or except when on his land or in his own abode,
19 legal dwelling, or fixed place of business, or on the land
20 or in the legal dwelling of another person as an invitee
21 with that person's permission, any pistol, revolver, stun
22 gun or taser or other firearm, except that this subsection
23 (a) (10) does not apply to or affect transportation of
24 weapons that meet one of the following conditions:

25 (i) are broken down in a non-functioning state; or

26 (ii) are not immediately accessible; or

1 (iii) are unloaded and enclosed in a case, firearm
2 carrying box, shipping box, or other container by a
3 person who has been issued a currently valid Firearm
4 Owner's Identification Card; or

5 (iv) are carried or possessed in accordance with
6 the Firearm Concealed Carry Act by a person who has
7 been issued a currently valid license under the Firearm
8 Concealed Carry Act.

9 A "stun gun or taser", as used in this paragraph (a)
10 means (i) any device which is powered by electrical
11 charging units, such as, batteries, and which fires one or
12 several barbs attached to a length of wire and which, upon
13 hitting a human, can send out a current capable of
14 disrupting the person's nervous system in such a manner as
15 to render him incapable of normal functioning or (ii) any
16 device which is powered by electrical charging units, such
17 as batteries, and which, upon contact with a human or
18 clothing worn by a human, can send out current capable of
19 disrupting the person's nervous system in such a manner as
20 to render him incapable of normal functioning; or

21 (11) Sells, manufactures or purchases any explosive
22 bullet. For purposes of this paragraph (a) "explosive
23 bullet" means the projectile portion of an ammunition
24 cartridge which contains or carries an explosive charge
25 which will explode upon contact with the flesh of a human
26 or an animal. "Cartridge" means a tubular metal case having

1 a projectile affixed at the front thereof and a cap or
2 primer at the rear end thereof, with the propellant
3 contained in such tube between the projectile and the cap;
4 or

5 (12) (Blank); or

6 (13) Carries or possesses on or about his or her person
7 while in a building occupied by a unit of government, a
8 billy club, other weapon of like character, or other
9 instrument of like character intended for use as a weapon.
10 For the purposes of this Section, "billy club" means a
11 short stick or club commonly carried by police officers
12 which is either telescopic or constructed of a solid piece
13 of wood or other man-made material.

14 (b) Sentence. A person convicted of a violation of
15 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
16 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
17 Class A misdemeanor. A person convicted of a violation of
18 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
19 person convicted of a violation of subsection 24-1(a)(6) or
20 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
21 convicted of a violation of subsection 24-1(a)(7)(i) commits a
22 Class 2 felony and shall be sentenced to a term of imprisonment
23 of not less than 3 years and not more than 7 years, unless the
24 weapon is possessed in the passenger compartment of a motor
25 vehicle as defined in Section 1-146 of the Illinois Vehicle
26 Code, or on the person, while the weapon is loaded, in which

1 case it shall be a Class X felony. A person convicted of a
2 second or subsequent violation of subsection 24-1(a)(4),
3 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
4 felony. The possession of each weapon in violation of this
5 Section constitutes a single and separate violation.

6 (c) Violations in specific places.

7 (1) A person who violates subsection 24-1(a)(6) or
8 24-1(a)(7) in any school, regardless of the time of day or
9 the time of year, in residential property owned, operated
10 or managed by a public housing agency or leased by a public
11 housing agency as part of a scattered site or mixed-income
12 development, in a public park, in a courthouse, on the real
13 property comprising any school, regardless of the time of
14 day or the time of year, on residential property owned,
15 operated or managed by a public housing agency or leased by
16 a public housing agency as part of a scattered site or
17 mixed-income development, on the real property comprising
18 any public park, on the real property comprising any
19 courthouse, in any conveyance owned, leased or contracted
20 by a school to transport students to or from school or a
21 school related activity, in any conveyance owned, leased,
22 or contracted by a public transportation agency, or on any
23 public way within 1,000 feet of the real property
24 comprising any school, public park, courthouse, public
25 transportation facility, or residential property owned,
26 operated, or managed by a public housing agency or leased

1 by a public housing agency as part of a scattered site or
2 mixed-income development commits a Class 2 felony and shall
3 be sentenced to a term of imprisonment of not less than 3
4 years and not more than 7 years.

5 (1.5) A person who violates subsection 24-1(a)(4),
6 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
7 time of day or the time of year, in residential property
8 owned, operated, or managed by a public housing agency or
9 leased by a public housing agency as part of a scattered
10 site or mixed-income development, in a public park, in a
11 courthouse, on the real property comprising any school,
12 regardless of the time of day or the time of year, on
13 residential property owned, operated, or managed by a
14 public housing agency or leased by a public housing agency
15 as part of a scattered site or mixed-income development, on
16 the real property comprising any public park, on the real
17 property comprising any courthouse, in any conveyance
18 owned, leased, or contracted by a school to transport
19 students to or from school or a school related activity, in
20 any conveyance owned, leased, or contracted by a public
21 transportation agency, or on any public way within 1,000
22 feet of the real property comprising any school, public
23 park, courthouse, public transportation facility, or
24 residential property owned, operated, or managed by a
25 public housing agency or leased by a public housing agency
26 as part of a scattered site or mixed-income development

1 commits a Class 3 felony.

2 (2) A person who violates subsection 24-1(a)(1),
3 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
4 time of day or the time of year, in residential property
5 owned, operated or managed by a public housing agency or
6 leased by a public housing agency as part of a scattered
7 site or mixed-income development, in a public park, in a
8 courthouse, on the real property comprising any school,
9 regardless of the time of day or the time of year, on
10 residential property owned, operated or managed by a public
11 housing agency or leased by a public housing agency as part
12 of a scattered site or mixed-income development, on the
13 real property comprising any public park, on the real
14 property comprising any courthouse, in any conveyance
15 owned, leased or contracted by a school to transport
16 students to or from school or a school related activity, in
17 any conveyance owned, leased, or contracted by a public
18 transportation agency, or on any public way within 1,000
19 feet of the real property comprising any school, public
20 park, courthouse, public transportation facility, or
21 residential property owned, operated, or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development
24 commits a Class 4 felony. "Courthouse" means any building
25 that is used by the Circuit, Appellate, or Supreme Court of
26 this State for the conduct of official business.

1 (3) Paragraphs (1), (1.5), and (2) of this subsection
2 (c) shall not apply to law enforcement officers or security
3 officers of such school, college, or university or to
4 students carrying or possessing firearms for use in
5 training courses, parades, hunting, target shooting on
6 school ranges, or otherwise with the consent of school
7 authorities and which firearms are transported unloaded
8 enclosed in a suitable case, box, or transportation
9 package.

10 (4) For the purposes of this subsection (c), "school"
11 means any public or private elementary or secondary school,
12 community college, college, or university.

13 (5) For the purposes of this subsection (c), "public
14 transportation agency" means a public or private agency
15 that provides for the transportation or conveyance of
16 persons by means available to the general public, except
17 for transportation by automobiles not used for conveyance
18 of the general public as passengers; and "public
19 transportation facility" means a terminal or other place
20 where one may obtain public transportation.

21 (d) The presence in an automobile other than a public
22 omnibus of any weapon, instrument or substance referred to in
23 subsection (a)(7) is prima facie evidence that it is in the
24 possession of, and is being carried by, all persons occupying
25 such automobile at the time such weapon, instrument or
26 substance is found, except under the following circumstances:

1 (i) if such weapon, instrument or instrumentality is found upon
2 the person of one of the occupants therein; or (ii) if such
3 weapon, instrument or substance is found in an automobile
4 operated for hire by a duly licensed driver in the due, lawful
5 and proper pursuit of his trade, then such presumption shall
6 not apply to the driver.

7 (e) Exemptions. Crossbows, Common or Compound bows and
8 Underwater Spearguns are exempted from the definition of
9 ballistic knife as defined in paragraph (1) of subsection (a)
10 of this Section.

11 (Source: P.A. 99-29, eff. 7-10-15.)

12 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

24 (d) Sells or gives any firearm to any person who has
25 been convicted of a felony under the laws of this or any

1 other jurisdiction.

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

5 "Mental institution" means any hospital,
6 institution, clinic, evaluation facility, mental
7 health center, or part thereof, which is used primarily
8 for the care or treatment of persons with mental
9 illness.

10 "Patient in a mental institution" means the person
11 was admitted, either voluntarily or involuntarily, to
12 a mental institution for mental health treatment,
13 unless the treatment was voluntary and solely for an
14 alcohol abuse disorder and no other secondary
15 substance abuse disorder or mental illness.

16 (f) Sells or gives any firearms to any person who is a
17 person with an intellectual disability.

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

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

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

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

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

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

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

16 In this paragraph (j):

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

24 "With the principal objective of livelihood and
25 profit" means that the intent underlying the sale or
26 disposition of firearms is predominantly one of obtaining

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

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

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

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

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

20 (m) Transfers or gives a suppressor or silencer to a person
21 not authorized to possess the suppressor or silencer under
22 federal law.

23 (B) Paragraph (h) of subsection (A) does not include
24 firearms sold within 6 months after enactment of Public Act
25 78-355 (approved August 21, 1973, effective October 1, 1973),
26 nor is any firearm legally owned or possessed by any citizen or

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

7 (C) Sentence.

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

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

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

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

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

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

1 by a public housing agency as part of a scattered site or
2 mixed-income development commits a Class 2 felony.

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

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

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

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

26 (10) Any person convicted of unlawful sale or delivery

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

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

7 (D) For purposes of this Section:

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

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

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

21 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;
22 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.