

# SB1879



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1879

Introduced 2/15/2019, by Sen. Paul Schimpf

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
430 ILCS 65/3a	from Ch. 38, par. 83-3a
430 ILCS 68/5-125 new	
720 ILCS 5/24-3	from Ch. 38, par. 24-3

Amends the Firearm Dealer License Certification Act. Provides that the Act does not apply to any person, firm, corporation, or other entity who has been given, and is currently in possession of, a valid Federal Firearms License, during all State approved activities held at the World Shooting and Recreational Complex. Amends the Firearm Owners Identification Card Act and the Criminal Code of 2012 to make technical changes. Effective immediately.

SRS101 00019 JEJ 45019 b

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 1.1 and 3a as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or  
10 possession of cannabis, a controlled substance, or  
11 methamphetamine within the past year; or

12 (2) determined by the Department of State Police to be  
13 addicted to narcotics based upon federal law or federal  
14 guidelines.

15 "Addicted to narcotics" does not include possession or use  
16 of a prescribed controlled substance under the direction and  
17 authority of a physician or other person authorized to  
18 prescribe the controlled substance when the controlled  
19 substance is used in the prescribed manner.

20 "Adjudicated as a person with a mental disability" means  
21 the person is the subject of a determination by a court, board,  
22 commission or other lawful authority that the person, as a  
23 result of marked subnormal intelligence, or mental illness,

1 mental impairment, incompetency, condition, or disease:

2 (1) presents a clear and present danger to himself,  
3 herself, or to others;

4 (2) lacks the mental capacity to manage his or her own  
5 affairs or is adjudicated a person with a disability as  
6 defined in Section 11a-2 of the Probate Act of 1975;

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

9 (3.5) is guilty but mentally ill, as provided in  
10 Section 5-2-6 of the Unified Code of Corrections;

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

12 (5) is not guilty by reason of lack of mental  
13 responsibility under Articles 50a and 72b of the Uniform  
14 Code of Military Justice, 10 U.S.C. 850a, 876b;

15 (6) is a sexually violent person under subsection (f)  
16 of Section 5 of the Sexually Violent Persons Commitment  
17 Act;

18 (7) is a sexually dangerous person under the Sexually  
19 Dangerous Persons Act;

20 (8) is unfit to stand trial under the Juvenile Court  
21 Act of 1987;

22 (9) is not guilty by reason of insanity under the  
23 Juvenile Court Act of 1987;

24 (10) is subject to involuntary admission as an  
25 inpatient as defined in Section 1-119 of the Mental Health  
26 and Developmental Disabilities Code;

1           (11) is subject to involuntary admission as an  
2           outpatient as defined in Section 1-119.1 of the Mental  
3           Health and Developmental Disabilities Code;

4           (12) is subject to judicial admission as set forth in  
5           Section 4-500 of the Mental Health and Developmental  
6           Disabilities Code; or

7           (13) is subject to the provisions of the Interstate  
8           Agreements on Sexually Dangerous Persons Act.

9           "Clear and present danger" means a person who:

10           (1) communicates a serious threat of physical violence  
11           against a reasonably identifiable victim or poses a clear  
12           and imminent risk of serious physical injury to himself,  
13           herself, or another person as determined by a physician,  
14           clinical psychologist, or qualified examiner; or

15           (2) demonstrates threatening physical or verbal  
16           behavior, such as violent, suicidal, or assaultive  
17           threats, actions, or other behavior, as determined by a  
18           physician, clinical psychologist, qualified examiner,  
19           school administrator, or law enforcement official.

20           "Clinical psychologist" has the meaning provided in  
21           Section 1-103 of the Mental Health and Developmental  
22           Disabilities Code.

23           "Controlled substance" means a controlled substance or  
24           controlled substance analog as defined in the Illinois  
25           Controlled Substances Act.

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

1 authority, with intent to deceive.

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

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

9 (1) any pneumatic gun, spring gun, paint ball gun, or  
10 B-B gun which expels a single globular projectile not  
11 exceeding .18 inch in diameter or which has a maximum  
12 muzzle velocity of less than 700 feet per second;

13 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
14 B-B gun which expels breakable paint balls containing  
15 washable marking colors;

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

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

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

1 as a weapon.

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

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

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

12 "Gun show" means an event or function:

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

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

20 "Gun show" includes the entire premises provided for an  
21 event or function, including parking areas for the event or  
22 function, that is sponsored to facilitate the purchase, sale,  
23 transfer, or exchange of firearms as described in this Section.  
24 Nothing in this definition shall be construed to exclude a gun  
25 show held in conjunction with competitive shooting events at  
26 the World Shooting and Recreational Complex sanctioned by a

1 national governing body in which the sale or transfer of  
2 firearms is authorized under subparagraph (5) of paragraph (g)  
3 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

4 Unless otherwise expressly stated, "gun show" does not  
5 include training or safety classes, competitive shooting  
6 events, such as rifle, shotgun, or handgun matches, trap,  
7 skeet, or sporting clays shoots, dinners, banquets, raffles, or  
8 any other event where the sale or transfer of firearms is not  
9 the primary course of business.

10 "Gun show promoter" means a person who organizes or  
11 operates a gun show.

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

17 "Involuntarily admitted" has the meaning as prescribed in  
18 Sections 1-119 and 1-119.1 of the Mental Health and  
19 Developmental Disabilities Code.

20 "Mental health facility" means any licensed private  
21 hospital or hospital affiliate, institution, or facility, or  
22 part thereof, and any facility, or part thereof, operated by  
23 the State or a political subdivision thereof which provide  
24 treatment of persons with mental illness and includes all  
25 hospitals, institutions, clinics, evaluation facilities,  
26 mental health centers, colleges, universities, long-term care

1 facilities, and nursing homes, or parts thereof, which provide  
2 treatment of persons with mental illness whether or not the  
3 primary purpose is to provide treatment of persons with mental  
4 illness.

5 "National governing body" means a group of persons who  
6 adopt rules and formulate policy on behalf of a national  
7 firearm sporting organization.

8 "Patient" means:

9 (1) a person who is admitted as an inpatient or  
10 resident of a public or private mental health facility for  
11 mental health treatment under Chapter III of the Mental  
12 Health and Developmental Disabilities Code as an informal  
13 admission, a voluntary admission, a minor admission, an  
14 emergency admission, or an involuntary admission, unless  
15 the treatment was solely for an alcohol abuse disorder; or

16 (2) a person who voluntarily or involuntarily receives  
17 mental health treatment as an out-patient or is otherwise  
18 provided services by a public or private mental health  
19 facility, and who poses a clear and present danger to  
20 himself, herself, or to others.

21 "Person with a developmental disability" means a person  
22 with a disability which is attributable to any other condition  
23 which results in impairment similar to that caused by an  
24 intellectual disability and which requires services similar to  
25 those required by persons with intellectual disabilities. The  
26 disability must originate before the age of 18 years, be



1 expected to continue indefinitely, and constitute a  
2 substantial disability. This disability results, in the  
3 professional opinion of a physician, clinical psychologist, or  
4 qualified examiner, in significant functional limitations in 3  
5 or more of the following areas of major life activity:

- 6 (i) self-care;
- 7 (ii) receptive and expressive language;
- 8 (iii) learning;
- 9 (iv) mobility; or
- 10 (v) self-direction.

11 "Person with an intellectual disability" means a person  
12 with a significantly subaverage general intellectual  
13 functioning which exists concurrently with impairment in  
14 adaptive behavior and which originates before the age of 18  
15 years.

16 "Physician" has the meaning as defined in Section 1-120 of  
17 the Mental Health and Developmental Disabilities Code.

18 "Qualified examiner" has the meaning provided in Section  
19 1-122 of the Mental Health and Developmental Disabilities Code.

20 "Sanctioned competitive shooting event" means a shooting  
21 contest officially recognized by a national or state shooting  
22 sport association, and includes any sight-in or practice  
23 conducted in conjunction with the event.

24 "School administrator" means the person required to report  
25 under the School Administrator Reporting of Mental Health Clear  
26 and Present Danger Determinations Law.

1 "Stun gun or taser" has the meaning ascribed to it in  
2 Section 24-1 of the Criminal Code of 2012.

3 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;  
4 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

5 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

6 Sec. 3a. (a) Any resident of Illinois who has obtained a  
7 firearm owner's identification card pursuant to this Act and  
8 who is not otherwise prohibited from obtaining, possessing or  
9 using a firearm may purchase or obtain a rifle or shotgun or  
10 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,  
11 Wisconsin or Kentucky.

12 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or  
13 Kentucky or a non-resident with a valid non-resident hunting  
14 license, who is 18 years of age or older and who is not  
15 prohibited by the laws of Illinois, the state of his domicile,  
16 or the United States from obtaining, possessing or using a  
17 firearm, may purchase or obtain a rifle, shotgun or ammunition  
18 for a rifle or shotgun in Illinois.

19 (b-5) Any non-resident who is participating in a sanctioned  
20 competitive shooting event, who is 18 years of age or older and  
21 who is not prohibited by the laws of Illinois, the state of his  
22 or her domicile, or the United States from obtaining,  
23 possessing, or using a firearm, may purchase or obtain a  
24 shotgun or shotgun ammunition in Illinois for the purpose of  
25 participating in that event. A person may purchase or obtain a

1 shotgun or shotgun ammunition under this subsection only at the  
2 site where the sanctioned competitive shooting event is being  
3 held.

4 (b-10) Any non-resident registered competitor or attendee  
5 of a competitive shooting event held at the World Shooting and  
6 Recreational Complex sanctioned by a national governing body,  
7 who is not prohibited by the laws of Illinois, the state of his  
8 or her domicile, or the United States from obtaining,  
9 possessing, or using a firearm may purchase or obtain a rifle,  
10 shotgun, or other long gun or ammunition for a rifle, shotgun,  
11 or other long gun at the competitive shooting event. The  
12 sanctioning body shall provide a list of registered competitors  
13 and attendees as required under subparagraph (5) of paragraph  
14 (g) of subsection (A) of Section 24-3 of the Criminal Code of  
15 2012. A competitor or attendee of a competitive shooting event  
16 who does not wish to purchase a firearm at the event is not  
17 required to register or have his or her name appear on a list  
18 of registered competitors and attendees provided to the  
19 Department of State Police by the sanctioning body.

20 (c) Any transaction under this Section is subject to the  
21 provisions of the Gun Control Act of 1968 (18 U.S.C. 922  
22 (b) (3)).

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

24 Section 10. The Firearm Dealer License Certification Act is  
25 amended by adding Section 5-125 as follows:

1 (430 ILCS 68/5-125 new)

2 Sec. 5-125. World Shooting and Recreational Complex.

3 This Act shall not apply to any person, firm, corporation,  
4 or other entity who has been given, and is currently in  
5 possession of, a valid Federal Firearms License, during all  
6 State approved activities held at the World Shooting and  
7 Recreational Complex.

8 Section 15. The Criminal Code of 2012 is amended by  
9 changing Section 24-3 as follows:

10 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

22 (d) Sells or gives any firearm to any person who has  
23 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, incidental to a sale, without  
19 withholding delivery of the firearm for at least 72 hours  
20 after application for its purchase has been made, or  
21 delivers a stun gun or taser, incidental to a sale, without  
22 withholding delivery of the stun gun or taser for at least  
23 24 hours after application for its purchase has been made.  
24 However, this paragraph (g) does not apply to: (1) the sale  
25 of a firearm to a law enforcement officer if the seller of  
26 the firearm knows that the person to whom he or she is

1 selling the firearm is a law enforcement officer or the  
2 sale of a firearm to a person who desires to purchase a  
3 firearm for use in promoting the public interest incident  
4 to his or her employment as a bank guard, armed truck  
5 guard, or other similar employment; (2) a mail order sale  
6 of a firearm from a federally licensed firearms dealer to a  
7 nonresident of Illinois under which the firearm is mailed  
8 to a federally licensed firearms dealer outside the  
9 boundaries of Illinois; (3) (blank); (4) the sale of a  
10 firearm to a dealer licensed as a federal firearms dealer  
11 under Section 923 of the federal Gun Control Act of 1968  
12 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,  
13 shotgun, or other long gun to a resident registered  
14 competitor or attendee or non-resident registered  
15 competitor or attendee by any dealer licensed as a federal  
16 firearms dealer under Section 923 of the federal Gun  
17 Control Act of 1968 at competitive shooting events held at  
18 the World Shooting and Recreational Complex sanctioned by a  
19 national governing body. For purposes of transfers or sales  
20 under subparagraph (5) of this paragraph (g), the  
21 Department of Natural Resources shall give notice to the  
22 Department of State Police at least 30 calendar days prior  
23 to any competitive shooting events at the World Shooting  
24 and Recreational Complex sanctioned by a national  
25 governing body. The notification shall be made on a form  
26 prescribed by the Department of State Police. The

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

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

1 "handgun" is defined as a firearm designed to be held and  
2 fired by the use of a single hand, and includes a  
3 combination of parts from which such a firearm can be  
4 assembled.

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

8 (j) Sells or gives a firearm while engaged in the  
9 business of selling firearms at wholesale or retail without  
10 being licensed as a federal firearms dealer under Section  
11 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
12 In this paragraph (j):

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

20 "With the principal objective of livelihood and  
21 profit" means that the intent underlying the sale or  
22 disposition of firearms is predominantly one of obtaining  
23 livelihood and pecuniary gain, as opposed to other intents,  
24 such as improving or liquidating a personal firearms  
25 collection; however, proof of profit shall not be required  
26 as to a person who engages in the regular and repetitive



1 purchase and disposition of firearms for criminal purposes  
2 or terrorism.

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

23 (1) In addition to the other requirements of this  
24 paragraph (k), all persons who are not federally  
25 licensed firearms dealers must also have complied with  
26 subsection (a-10) of Section 3 of the Firearm Owners

1 Identification Card Act by determining the validity of  
2 a purchaser's Firearm Owner's Identification Card.

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

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

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

26 (C) Sentence.

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

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

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

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

1 students to or from school or a school related activity,  
2 regardless of the time of day or time of year at which the  
3 offense was committed, commits a Class 1 felony for which  
4 the sentence shall be a term of imprisonment of no less  
5 than 5 years and no more than 15 years.

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

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

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

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

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

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

19 (10) Any person convicted of unlawful sale or delivery  
20 of firearms in violation of paragraph (l) of subsection (A)  
21 commits a Class 2 felony if the delivery is of one firearm.  
22 Any person convicted of unlawful sale or delivery of  
23 firearms in violation of paragraph (l) of subsection (A)  
24 commits a Class 1 felony if the delivery is of not less  
25 than 2 and not more than 5 firearms at the same time or  
26 within a one year period. Any person convicted of unlawful

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

26 (D) For purposes of this Section:

1 "School" means a public or private elementary or secondary  
2 school, community college, college, or university.

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

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

14 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;  
15 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.