



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5078

Introduced 2/18/2020, by Rep. Nathan D. Reitz

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 the person 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 possesses 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 (rather than a person commits the offense of unlawful use of weapons when the person possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm). 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.

LRB101 18675 RLC 68130 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The 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) (Blank).

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

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

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

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

20 (t) It is unlawful for any person to take or attempt to
21 take any species of wildlife or parts thereof, intentionally or
22 wantonly allow a dog to hunt, within or upon the land of
23 another, or upon waters flowing over or standing on the land of
24 another, or to knowingly shoot a gun or bow and arrow device at
25 any wildlife physically on or flying over the property of
26 another without first obtaining permission from the owner or

1 the owner's designee. For the purposes of this Section, the
2 owner's designee means anyone who the owner designates in a
3 written authorization and the authorization must contain (i)
4 the legal or common description of property for such authority
5 is given, (ii) the extent that the owner's designee is
6 authorized to make decisions regarding who is allowed to take
7 or attempt to take any species of wildlife or parts thereof,
8 and (iii) the owner's notarized signature. Before enforcing
9 this Section the law enforcement officer must have received
10 notice from the owner or the owner's designee of a violation of
11 this Section. Statements made to the law enforcement officer
12 regarding this notice shall not be rendered inadmissible by the
13 hearsay rule when offered for the purpose of showing the
14 required notice.

15 (u) It is unlawful for any person to discharge any firearm
16 for the purpose of taking any of the species protected by this
17 Act, or hunt with gun or dog, or intentionally or wantonly
18 allow a dog to hunt, within 300 yards of an inhabited dwelling
19 without first obtaining permission from the owner or tenant,
20 except that while trapping, hunting with bow and arrow, hunting
21 with dog and shotgun using shot shells only, or hunting with
22 shotgun using shot shells only, or providing outfitting
23 services under a waterfowl outfitter permit, or on licensed
24 game breeding and hunting preserve areas, as defined in Section
25 3.27, on federally owned and managed lands and on Department
26 owned, managed, leased, or controlled lands, a 100 yard

1 restriction shall apply.

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

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

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

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

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

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

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

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

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

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

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

26 (ff) It is unlawful for any person to take any species

1 protected by this Act, except migratory waterfowl, during the
2 gun deer hunting season in those counties open to gun deer
3 hunting, unless he or she wears, when in the field, a cap and
4 upper outer garment of a solid blaze orange color or solid
5 blaze pink color, with such articles of clothing displaying a
6 minimum of 400 square inches of blaze orange or solid blaze
7 pink color material.

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

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

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

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

10 (jj) (Blank).

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

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

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

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

11 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,
12 eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff. 1-1-19.)

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

15 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

19 (1) Sells, manufactures, purchases, possesses or
20 carries any bludgeon, black-jack, slung-shot, sand-club,
21 sand-bag, metal knuckles or other knuckle weapon
22 regardless of its composition, throwing star, or any knife,
23 commonly referred to as a switchblade knife, which has a
24 blade that opens automatically by hand pressure applied to

1 a button, spring or other device in the handle of the
2 knife, or a ballistic knife, which is a device that propels
3 a knifelike blade as a projectile by means of a coil
4 spring, elastic material or compressed gas; or

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

10 (2.5) Carries or possesses with intent to use the same
11 unlawfully against another, any firearm in a church,
12 synagogue, mosque, or other building, structure, or place
13 used for religious worship; or

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

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

1 transportation of weapons that meet one of the following
2 conditions:

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

4 (ii) are not immediately accessible; or

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

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

13 (5) Sets a spring gun; or

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

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

26 (i) a machine gun, which shall be defined for the

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

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

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

24 (8) Carries or possesses any firearm, stun gun or taser
25 or other deadly weapon in any place which is licensed to
26 sell intoxicating beverages, or at any public gathering

1 held pursuant to a license issued by any governmental body
2 or any public gathering at which an admission is charged,
3 excluding a place where a showing, demonstration or lecture
4 involving the exhibition of unloaded firearms is
5 conducted.

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

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

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

1 following 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.

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

24 (11) Sells, manufactures, or purchases any explosive
25 bullet. For purposes of this paragraph (a) "explosive
26 bullet" means the projectile portion of an ammunition

1 cartridge which contains or carries an explosive charge
2 which will explode upon contact with the flesh of a human
3 or an animal. "Cartridge" means a tubular metal case having
4 a projectile affixed at the front thereof and a cap or
5 primer at the rear end thereof, with the propellant
6 contained in such tube between the projectile and the cap;
7 or

8 (12) (Blank); or

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

17 (b) Sentence. A person convicted of a violation of
18 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
19 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
20 Class A misdemeanor. A person convicted of a violation of
21 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
22 person convicted of a violation of subsection 24-1(a)(6) or
23 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
24 convicted of a violation of subsection 24-1(a)(7)(i) commits a
25 Class 2 felony and shall be sentenced to a term of imprisonment
26 of not less than 3 years and not more than 7 years, unless the

1 weapon is possessed in the passenger compartment of a motor
2 vehicle as defined in Section 1-146 of the Illinois Vehicle
3 Code, or on the person, while the weapon is loaded, in which
4 case it shall be a Class X felony. A person convicted of a
5 second or subsequent violation of subsection 24-1(a)(4),
6 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
7 felony. A person convicted of a violation of subsection
8 24-1(a)(2.5) commits a Class 2 felony. The possession of each
9 weapon in violation of this Section constitutes a single and
10 separate violation.

11 (c) Violations in specific places.

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

1 or contracted by a public transportation agency, or on any
2 public way within 1,000 feet of the real property
3 comprising any school, public park, courthouse, public
4 transportation facility, or residential property owned,
5 operated, or managed by a public housing agency or leased
6 by a public housing agency as part of a scattered site or
7 mixed-income development commits a Class 2 felony and shall
8 be sentenced to a term of imprisonment of not less than 3
9 years and not more than 7 years.

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

1 feet of the real property comprising any school, public
2 park, courthouse, public transportation facility, or
3 residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development
6 commits a Class 3 felony.

7 (2) A person who violates subsection 24-1(a)(1),
8 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
9 time of day or the time of year, in residential property
10 owned, operated or managed by a public housing agency or
11 leased by a public housing agency as part of a scattered
12 site or mixed-income development, in a public park, in a
13 courthouse, on the real property comprising any school,
14 regardless of the time of day or the time of year, on
15 residential property owned, operated or managed by a public
16 housing agency or leased by a public housing agency as part
17 of a scattered site or mixed-income development, on the
18 real property comprising any public park, on the real
19 property comprising any courthouse, in any conveyance
20 owned, leased or contracted by a school to transport
21 students to or from school or a school related activity, in
22 any conveyance owned, leased, or contracted by a public
23 transportation agency, or on any public way within 1,000
24 feet of the real property comprising any school, public
25 park, courthouse, public transportation facility, or
26 residential property owned, operated, or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development
3 commits a Class 4 felony. "Courthouse" means any building
4 that is used by the Circuit, Appellate, or Supreme Court of
5 this State for the conduct of official business.

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

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

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

26 (d) The presence in an automobile other than a public

1 omnibus of any weapon, instrument or substance referred to in
2 subsection (a) (7) is prima facie evidence that it is in the
3 possession of, and is being carried by, all persons occupying
4 such automobile at the time such weapon, instrument or
5 substance is found, except under the following circumstances:

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

12 (e) Exemptions.

13 (1) Crossbows, Common or Compound bows and Underwater
14 Spearguns are exempted from the definition of ballistic
15 knife as defined in paragraph (1) of subsection (a) of this
16 Section.

17 (2) The provision of paragraph (1) of subsection (a) of
18 this Section prohibiting the sale, manufacture, purchase,
19 possession, or carrying of any knife, commonly referred to
20 as a switchblade knife, which has a blade that opens
21 automatically by hand pressure applied to a button, spring
22 or other device in the handle of the knife, does not apply
23 to a person who possesses a currently valid Firearm Owner's
24 Identification Card previously issued in his or her name by
25 the Department of State Police or to a person or an entity
26 engaged in the business of selling or manufacturing

1 switchblade knives.

2 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)

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

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

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

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

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

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

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

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

21 "Mental institution" means any hospital,
22 institution, clinic, evaluation facility, mental
23 health center, or part thereof, which is used primarily
24 for the care or treatment of persons with mental
25 illness.

1 "Patient in a mental institution" means the person
2 was admitted, either voluntarily or involuntarily, to
3 a mental institution for mental health treatment,
4 unless the treatment was voluntary and solely for an
5 alcohol abuse disorder and no other secondary
6 substance abuse disorder or mental illness.

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

9 (g) Delivers any firearm, incidental to a sale, without
10 withholding delivery of the firearm for at least 72 hours
11 after application for its purchase has been made, or
12 delivers a stun gun or taser, incidental to a sale, without
13 withholding delivery of the stun gun or taser for at least
14 24 hours after application for its purchase has been made.
15 However, this paragraph (g) does not apply to: (1) the sale
16 of a firearm to a law enforcement officer if the seller of
17 the firearm knows that the person to whom he or she is
18 selling the firearm is a law enforcement officer or the
19 sale of a firearm to a person who desires to purchase a
20 firearm for use in promoting the public interest incident
21 to his or her employment as a bank guard, armed truck
22 guard, or other similar employment; (2) a mail order sale
23 of a firearm from a federally licensed firearms dealer to a
24 nonresident of Illinois under which the firearm is mailed
25 to a federally licensed firearms dealer outside the
26 boundaries of Illinois; (3) (blank); (4) the sale of a

1 firearm to a dealer licensed as a federal firearms dealer
2 under Section 923 of the federal Gun Control Act of 1968
3 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
4 shotgun, or other long gun to a resident registered
5 competitor or attendee or non-resident registered
6 competitor or attendee by any dealer licensed as a federal
7 firearms dealer under Section 923 of the federal Gun
8 Control Act of 1968 at competitive shooting events held at
9 the World Shooting Complex sanctioned by a national
10 governing body. For purposes of transfers or sales under
11 subparagraph (5) of this paragraph (g), the Department of
12 Natural Resources shall give notice to the Department of
13 State Police at least 30 calendar days prior to any
14 competitive shooting events at the World Shooting Complex
15 sanctioned by a national governing body. The notification
16 shall be made on a form prescribed by the Department of
17 State Police. The sanctioning body shall provide a list of
18 all registered competitors and attendees at least 24 hours
19 before the events to the Department of State Police. Any
20 changes to the list of registered competitors and attendees
21 shall be forwarded to the Department of State Police as
22 soon as practicable. The Department of State Police must
23 destroy the list of registered competitors and attendees no
24 later than 30 days after the date of the event. Nothing in
25 this paragraph (g) relieves a federally licensed firearm
26 dealer from the requirements of conducting a NICS

1 background check through the Illinois Point of Contact
2 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
3 "application" means when the buyer and seller reach an
4 agreement to purchase a firearm. For purposes of this
5 paragraph (g), "national governing body" means a group of
6 persons who adopt rules and formulate policy on behalf of a
7 national firearm sporting organization.

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

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

24 (j) Sells or gives a firearm while engaged in the
25 business of selling firearms at wholesale or retail without
26 being licensed as a federal firearms dealer under Section

1 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

2 In this paragraph (j):

3 A person "engaged in the business" means a person who
4 devotes time, attention, and labor to engaging in the
5 activity as a regular course of trade or business with the
6 principal objective of livelihood and profit, but does not
7 include a person who makes occasional repairs of firearms
8 or who occasionally fits special barrels, stocks, or
9 trigger mechanisms to firearms.

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

19 (k) Sells or transfers ownership of a firearm to a
20 person who does not display to the seller or transferor of
21 the firearm either: (1) a currently valid Firearm Owner's
22 Identification Card that has previously been issued in the
23 transferee's name by the Department of State Police under
24 the provisions of the Firearm Owners Identification Card
25 Act; or (2) a currently valid license to carry a concealed
26 firearm that has previously been issued in the transferee's

1 name by the Department of State Police under the Firearm
2 Concealed Carry Act. This paragraph (k) does not apply to
3 the transfer of a firearm to a person who is exempt from
4 the requirement of possessing a Firearm Owner's
5 Identification Card under Section 2 of the Firearm Owners
6 Identification Card Act. For the purposes of this Section,
7 a currently valid Firearm Owner's Identification Card
8 means (i) a Firearm Owner's Identification Card that has
9 not expired or (ii) an approval number issued in accordance
10 with subsection (a-10) of subsection 3 or Section 3.1 of
11 the Firearm Owners Identification Card Act shall be proof
12 that the Firearm Owner's Identification Card was valid.

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

19 (2) All sellers or transferors who have complied
20 with the requirements of subparagraph (1) of this
21 paragraph (k) shall not be liable for damages in any
22 civil action arising from the use or misuse by the
23 transferee of the firearm transferred, except for
24 willful or wanton misconduct on the part of the seller
25 or transferor.

26 (1) Not being entitled to the possession of a firearm,

1 delivers the firearm, knowing it to have been stolen or
2 converted. It may be inferred that a person who possesses a
3 firearm with knowledge that its serial number has been
4 removed or altered has knowledge that the firearm is stolen
5 or converted.

6 (m) Transfers or gives a suppressor or silencer to a
7 person not authorized to possess the suppressor or silencer
8 under federal law.

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

19 (C) Sentence.

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

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

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

1 of firearms in violation of paragraph (a) of subsection (A)
2 commits a Class 2 felony.

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

25 (5) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (a) or (i) of

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

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

19 (7) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (k) of subsection (A)
21 commits a Class 4 felony, except that a violation of
22 subparagraph (1) of paragraph (k) of subsection (A) shall
23 not be punishable as a crime or petty offense. A third or
24 subsequent conviction for a violation of paragraph (k) of
25 subsection (A) is a Class 1 felony.

26 (8) A person 18 years of age or older convicted of

1 unlawful sale or delivery of firearms in violation of
2 paragraph (a) or (i) of subsection (A), when the firearm
3 that was sold or given to another person under 18 years of
4 age was used in the commission of or attempt to commit a
5 forcible felony, shall be fined or imprisoned, or both, not
6 to exceed the maximum provided for the most serious
7 forcible felony so committed or attempted by the person
8 under 18 years of age who was sold or given the firearm.

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

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

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

19 (D) For purposes of this Section:

20 "School" means a public or private elementary or secondary
21 school, community college, college, or university.

22 "School related activity" means any sporting, social,
23 academic, or other activity for which students' attendance or
24 participation is sponsored, organized, or funded in whole or in
25 part by a school or school district.

26 (E) A prosecution for a violation of paragraph (k) of

1 subsection (A) of this Section may be commenced within 6 years
2 after the commission of the offense. A prosecution for a
3 violation of this Section other than paragraph (g) of
4 subsection (A) of this Section may be commenced within 5 years
5 after the commission of the offense defined in the particular
6 paragraph.

7 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
8 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.