



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5234

by Rep. Grant Wehrli

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-1.2	from Ch. 38, par. 24-1.2
720 ILCS 5/24-1.2-5	
720 ILCS 5/24-1.5	
720 ILCS 5/24-1.6	
720 ILCS 5/24-1.8	
720 ILCS 5/24-3	from Ch. 38, par. 24-3
720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1
720 ILCS 5/24-3.3	from Ch. 38, par. 24-3.3
720 ILCS 5/24-3.5	
720 ILCS 5/24-3.7	
720 ILCS 5/24-3.8	
720 ILCS 5/24-3.9	
720 ILCS 5/24-3A	
720 ILCS 5/24-3B	
720 ILCS 5/24-4.1	
720 ILCS 5/24-5	from Ch. 38, par. 24-5
720 ILCS 5/24-9	

Amends the Criminal Code of 2012. Enhances various penalties for firearm offenses by at least one class. Increases mandatory minimum and maximum terms of imprisonment for various firearm offenses.

LRB101 17709 RLC 67136 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 Criminal Code of 2012 is amended by changing
5 Sections 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-1.6,
6 24-1.8, 24-3, 24-3.1, 24-3.3, 24-3.5, 24-3.7, 24-3.8, 24-3.9,
7 24-3A, 24-3B, 24-4.1, 24-5, and 24-9 as follows:

8 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

12 (1) Sells, manufactures, purchases, possesses or
13 carries any bludgeon, black-jack, slung-shot, sand-club,
14 sand-bag, metal knuckles or other knuckle weapon
15 regardless of its composition, throwing star, or any knife,
16 commonly referred to as a switchblade knife, which has a
17 blade that opens automatically by hand pressure applied to
18 a button, spring or other device in the handle of the
19 knife, or a ballistic knife, which is a device that propels
20 a knifelike blade as a projectile by means of a coil
21 spring, elastic material or compressed gas; or

22 (2) Carries or possesses with intent to use the same
23 unlawfully against another, a dagger, dirk, billy,

1 dangerous knife, razor, stiletto, broken bottle or other
2 piece of glass, stun gun or taser or any other dangerous or
3 deadly weapon or instrument of like character; or

4 (2.5) Carries or possesses with intent to use the same
5 unlawfully against another, any firearm in a church,
6 synagogue, mosque, or other building, structure, or place
7 used for religious worship; or

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

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

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

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm
26 carrying box, shipping box, or other container by a

1 person who has been issued a currently valid Firearm
2 Owner's Identification Card; or

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

7 (5) Sets a spring gun; or

8 (6) Possesses any device or attachment of any kind
9 designed, used or intended for use in silencing the report
10 of any firearm; or

11 (7) Sells, manufactures, purchases, possesses or
12 carries:

13 (i) a machine gun, which shall be defined for the
14 purposes of this subsection as any weapon, which
15 shoots, is designed to shoot, or can be readily
16 restored to shoot, automatically more than one shot
17 without manually reloading by a single function of the
18 trigger, including the frame or receiver of any such
19 weapon, or sells, manufactures, purchases, possesses,
20 or carries any combination of parts designed or
21 intended for use in converting any weapon into a
22 machine gun, or any combination or parts from which a
23 machine gun can be assembled if such parts are in the
24 possession or under the control of a person;

25 (ii) any rifle having one or more barrels less than
26 16 inches in length or a shotgun having one or more

1 barrels less than 18 inches in length or any weapon
2 made from a rifle or shotgun, whether by alteration,
3 modification, or otherwise, if such a weapon as
4 modified has an overall length of less than 26 inches;
5 or

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

11 (8) Carries or possesses any firearm, stun gun or taser
12 or other deadly weapon in any place which is licensed to
13 sell intoxicating beverages, or at any public gathering
14 held pursuant to a license issued by any governmental body
15 or any public gathering at which an admission is charged,
16 excluding a place where a showing, demonstration or lecture
17 involving the exhibition of unloaded firearms is
18 conducted.

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

23 (9) Carries or possesses in a vehicle or on or about
24 his or her person any pistol, revolver, stun gun or taser
25 or firearm or ballistic knife, when he or she is hooded,
26 robed or masked in such manner as to conceal his or her

1 identity; or

2 (10) Carries or possesses on or about his or her
3 person, upon any public street, alley, or other public
4 lands within the corporate limits of a city, village, or
5 incorporated town, except when an invitee thereon or
6 therein, for the purpose of the display of such weapon or
7 the lawful commerce in weapons, or except when on his land
8 or in his or her own abode, legal dwelling, or fixed place
9 of business, or on the land or in the legal dwelling of
10 another person as an invitee with that person's permission,
11 any pistol, revolver, stun gun, or taser or other firearm,
12 except that this subsection (a) (10) does not apply to or
13 affect transportation of weapons that meet one of the
14 following conditions:

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

16 (ii) are not immediately accessible; or

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

21 (iv) are carried or possessed in accordance with
22 the Firearm Concealed Carry Act by a person who has
23 been issued a currently valid license under the Firearm
24 Concealed Carry Act.

25 A "stun gun or taser", as used in this paragraph (a)
26 means (i) any device which is powered by electrical

1 charging units, such as, batteries, and which fires one or
2 several barbs attached to a length of wire and which, upon
3 hitting a human, can send out a current capable of
4 disrupting the person's nervous system in such a manner as
5 to render him incapable of normal functioning or (ii) any
6 device which is powered by electrical charging units, such
7 as batteries, and which, upon contact with a human or
8 clothing worn by a human, can send out current capable of
9 disrupting the person's nervous system in such a manner as
10 to render him incapable of normal functioning; or

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

21 (12) (Blank); or

22 (13) Carries or possesses on or about his or her person
23 while in a building occupied by a unit of government, a
24 billy club, other weapon of like character, or other
25 instrument of like character intended for use as a weapon.
26 For the purposes of this Section, "billy club" means a

1 short stick or club commonly carried by police officers
2 which is either telescopic or constructed of a solid piece
3 of wood or other man-made material.

4 (b) Sentence. A person convicted of a violation of
5 subsection 24-1(a)(1) through 24-1(a)(3) and 24-1(a)(5),
6 subsection 24-1(a)(10), subsection 24-1(a)(11), or subsection
7 24-1(a)(13) commits a Class A misdemeanor. A person convicted
8 of a violation of subsection ~~24-1(a)(8) or~~ 24-1(a)(9) commits a
9 Class 4 felony; a person convicted of a violation of subsection
10 24-1(a)(6) or 24-1(a)(7) ~~(ii) or~~ (iii) commits a Class 3 felony.
11 A person convicted of a violation of subsection 24-1(a)(8)
12 commits a Class 3 felony. A person convicted of a second or
13 subsequent violation of subsection 24-1(a)(8) commits a Class 2
14 felony. A person convicted of a violation of subsection
15 24-1(a)(7)(i) commits a Class 1 ~~2~~ felony and shall be sentenced
16 to a term of imprisonment of not less than 4 ~~3~~ years and not
17 more than 15 ~~7~~ years, unless the weapon is possessed in the
18 passenger compartment of a motor vehicle as defined in Section
19 1-146 of the Illinois Vehicle Code, or on the person, while the
20 weapon is loaded, in which case it shall be a Class X felony
21 and the person shall be sentenced to a term of imprisonment of
22 not less than 6 years and not more than 40 years. A person
23 convicted of a second or subsequent violation of subsection
24 ~~24-1(a)(4), 24-1(a)(8),~~ 24-1(a)(9), or 24-1(a)(10) commits a
25 Class 3 felony. A person convicted of a violation of subsection
26 24-1(a)(4) commits a Class 4 felony. A person convicted of a

1 second or subsequent violation of subsection 24-1(a)(4)
2 commits a Class 2 felony. A person convicted of a violation of
3 subsection 24-1(a)(7)(ii) commits a Class 2 felony. A person
4 convicted of a violation of subsection 24-1(a)(2.5) commits a
5 Class 1 ~~2~~ felony. The possession of each weapon in violation
6 of this Section constitutes a single and separate violation.

7 (c) Violations in specific places.

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

1 residential property owned, operated, or managed by a
2 public housing agency or leased by a public housing agency
3 as part of a scattered site or mixed-income development
4 commits a Class 2 felony and shall be sentenced to a term
5 of imprisonment of not less than 3 years and not more than
6 7 years.

7 (1.5) A person who violates subsection 24-1(a) (4) or ~~7~~
8 24-1(a) (9), ~~or 24-1(a) (10)~~ 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
16 public housing agency or leased by a public housing agency
17 as part of a scattered site or mixed-income development, on
18 the 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 3 felony.

4 (1.6) A person who violates subsection 24-1(a)(10) in
5 any school, regardless of the time of day or the time of
6 year, in residential property owned, operated, or managed
7 by a public housing agency or leased by a public housing
8 agency as part of a scattered site or mixed-income
9 development, in a public park, in a courthouse, on the real
10 property comprising any school, regardless of the time of
11 day or the time of year, on 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, on the real property comprising
15 any public park, on the real property comprising any
16 courthouse, in any conveyance owned, leased, or contracted
17 by a school to transport students to or from school or a
18 school related activity, in any conveyance owned, leased,
19 or contracted by a public transportation agency, or on any
20 public way within 1,000 feet of the real property
21 comprising any school, public park, courthouse, public
22 transportation facility, or residential property owned,
23 operated, or managed by a public housing agency or leased
24 by a public housing agency as part of a scattered site or
25 mixed-income development commits a Class 2 felony.

26 (2) A person who violates subsection 24-1(a)(1),

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

25 (3) Paragraphs (1), (1.5), and (2) of this subsection
26 (c) shall not apply to law enforcement officers or security

1 officers of such school, college, or university or to
2 students carrying or possessing firearms for use in
3 training courses, parades, hunting, target shooting on
4 school ranges, or otherwise with the consent of school
5 authorities and which firearms are transported unloaded
6 enclosed in a suitable case, box, or transportation
7 package.

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

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

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

1 weapon, instrument or substance is found in an automobile
2 operated for hire by a duly licensed driver in the due, lawful
3 and proper pursuit of his or her trade, then such presumption
4 shall not apply to the driver.

5 (e) Exemptions.

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

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

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

22 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

23 Sec. 24-1.1. Unlawful use or possession of weapons by
24 felons or persons in the custody of the Department of
25 Corrections facilities.

1 (a) It is unlawful for a person to knowingly possess on or
2 about his person or on his land or in his own abode or fixed
3 place of business any weapon prohibited under Section 24-1 of
4 this Act or any firearm or any firearm ammunition if the person
5 has been convicted of a felony under the laws of this State or
6 any other jurisdiction. This Section shall not apply if the
7 person has been granted relief by the Director of the
8 Department of State Police under Section 10 of the Firearm
9 Owners Identification Card Act.

10 (b) It is unlawful for any person confined in a penal
11 institution, which is a facility of the Illinois Department of
12 Corrections, to possess any weapon prohibited under Section
13 24-1 of this Code or any firearm or firearm ammunition,
14 regardless of the intent with which he possesses it.

15 (c) It shall be an affirmative defense to a violation of
16 subsection (b), that such possession was specifically
17 authorized by rule, regulation, or directive of the Illinois
18 Department of Corrections or order issued pursuant thereto.

19 (d) The defense of necessity is not available to a person
20 who is charged with a violation of subsection (b) of this
21 Section.

22 (e) Sentence. Violation of this Section by a person not
23 confined in a penal institution shall be a Class 2 ~~3~~ felony for
24 which the person shall be sentenced to no less than 3 ~~2~~ years
25 and no more than ~~10~~ years. A second or subsequent violation of
26 this Section shall be a Class 1 ~~2~~ felony for which the person

1 shall be sentenced to a term of imprisonment of not less than 4
2 ~~3~~ years and not more than 30 ~~14~~ years, except as provided for
3 in Section 5-4.5-110 of the Unified Code of Corrections.
4 Violation of this Section by a person not confined in a penal
5 institution who has been convicted of a forcible felony, a
6 felony violation of Article 24 of this Code or of the Firearm
7 Owners Identification Card Act, stalking or aggravated
8 stalking, or a Class 2 or greater felony under the Illinois
9 Controlled Substances Act, the Cannabis Control Act, or the
10 Methamphetamine Control and Community Protection Act is a Class
11 1 ~~2~~ felony for which the person shall be sentenced to not less
12 than 4 ~~3~~ years and not more than 30 ~~14~~ years, except as
13 provided for in Section 5-4.5-110 of the Unified Code of
14 Corrections. Violation of this Section by a person who is on
15 parole or mandatory supervised release is a Class 1 ~~2~~ felony
16 for which the person shall be sentenced to not less than 4 ~~3~~
17 years and not more than 30 ~~14~~ years, except as provided for in
18 Section 5-4.5-110 of the Unified Code of Corrections. Violation
19 of this Section by a person not confined in a penal institution
20 is a Class X felony for which the person shall be sentenced to
21 not less than 6 years and not more than 40 years when the
22 firearm possessed is a machine gun. Any person who violates
23 this Section while confined in a penal institution, which is a
24 facility of the Illinois Department of Corrections, is guilty
25 of a Class X ~~4~~ felony for which the person shall be sentenced
26 to not less than 6 years and not more than 40 years, if he

1 possesses any weapon prohibited under Section 24-1 of this Code
2 regardless of the intent with which he possesses it, ~~a Class X~~
3 ~~felony if he possesses any firearm, firearm ammunition or~~
4 ~~explosive,~~ and a Class X felony for which the offender shall be
5 sentenced to not less than 14 ~~12~~ years and not more than 60 ~~50~~
6 years when the firearm possessed is a machine gun. A violation
7 of this Section while wearing or in possession of body armor as
8 defined in Section 33F-1 is a Class X felony punishable by a
9 term of imprisonment of not less than 14 ~~10~~ years and up to
10 natural life imprisonment ~~not more than 40 years~~. The
11 possession of each firearm or firearm ammunition in violation
12 of this Section constitutes a single and separate violation.

13 (Source: P.A. 100-3, eff. 1-1-18.)

14 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

15 Sec. 24-1.2. Aggravated discharge of a firearm.

16 (a) A person commits aggravated discharge of a firearm when
17 he or she knowingly or intentionally:

18 (1) Discharges a firearm at or into a building he or
19 she knows or reasonably should know to be occupied and the
20 firearm is discharged from a place or position outside that
21 building;

22 (2) Discharges a firearm in the direction of another
23 person or in the direction of a vehicle he or she knows or
24 reasonably should know to be occupied by a person;

25 (3) Discharges a firearm in the direction of a person

1 he or she knows to be a peace officer, a community policing
2 volunteer, a correctional institution employee, or a
3 fireman while the officer, volunteer, employee or fireman
4 is engaged in the execution of any of his or her official
5 duties, or to prevent the officer, volunteer, employee or
6 fireman from performing his or her official duties, or in
7 retaliation for the officer, volunteer, employee or
8 fireman performing his or her official duties;

9 (4) Discharges a firearm in the direction of a vehicle
10 he or she knows to be occupied by a peace officer, a person
11 summoned or directed by a peace officer, a correctional
12 institution employee or a fireman while the officer,
13 employee or fireman is engaged in the execution of any of
14 his or her official duties, or to prevent the officer,
15 employee or fireman from performing his or her official
16 duties, or in retaliation for the officer, employee or
17 fireman performing his or her official duties;

18 (5) Discharges a firearm in the direction of a person
19 he or she knows to be emergency medical services personnel
20 who is engaged in the execution of any of his or her
21 official duties, or to prevent the emergency medical
22 services personnel from performing his or her official
23 duties, or in retaliation for the emergency medical
24 services personnel performing his or her official duties;

25 (6) Discharges a firearm in the direction of a vehicle
26 he or she knows to be occupied by emergency medical

1 services personnel while the emergency medical services
2 personnel is engaged in the execution of any of his or her
3 official duties, or to prevent the emergency medical
4 services personnel from performing his or her official
5 duties, or in retaliation for the emergency medical
6 services personnel performing his or her official duties;

7 (7) Discharges a firearm in the direction of a person
8 he or she knows to be a teacher or other person employed in
9 any school and the teacher or other employee is upon the
10 grounds of a school or grounds adjacent to a school, or is
11 in any part of a building used for school purposes;

12 (8) Discharges a firearm in the direction of a person
13 he or she knows to be an emergency management worker while
14 the emergency management worker is engaged in the execution
15 of any of his or her official duties, or to prevent the
16 emergency management worker from performing his or her
17 official duties, or in retaliation for the emergency
18 management worker performing his or her official duties; or

19 (9) Discharges a firearm in the direction of a vehicle
20 he or she knows to be occupied by an emergency management
21 worker while the emergency management worker is engaged in
22 the execution of any of his or her official duties, or to
23 prevent the emergency management worker from performing
24 his or her official duties, or in retaliation for the
25 emergency management worker performing his or her official
26 duties.

1 (b) A violation of subsection (a) (1) or subsection (a) (2)
2 of this Section is a Class X ~~4~~ felony. A violation of
3 subsection (a) (1) or (a) (2) of this Section committed in a
4 school, on the real property comprising a school, within 1,000
5 feet of the real property comprising a school, at a school
6 related activity or on or within 1,000 feet of any conveyance
7 owned, leased, or contracted by a school to transport students
8 to or from school or a school related activity, regardless of
9 the time of day or time of year that the offense was committed
10 is a Class X felony for which the person shall be sentenced to
11 not less than 6 years and not more than 40 years. A violation
12 of subsection (a) (3), (a) (4), (a) (5), (a) (6), (a) (7), (a) (8),
13 or (a) (9) of this Section is a Class X felony for which the
14 sentence shall be a term of imprisonment of no less than 12 ~~10~~
15 years and not more than 60 ~~45~~ years.

16 (c) For purposes of this Section:

17 "Emergency medical services personnel" has the meaning
18 specified in Section 3.5 of the Emergency Medical Services
19 (EMS) Systems Act and shall include all ambulance crew members,
20 including drivers or pilots.

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

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

1 (Source: P.A. 99-816, eff. 8-15-16.)

2 (720 ILCS 5/24-1.2-5)

3 Sec. 24-1.2-5. Aggravated discharge of a machine gun or a
4 firearm equipped with a device designed or used for silencing
5 the report of a firearm.

6 (a) A person commits aggravated discharge of a machine gun
7 or a firearm equipped with a device designed or used for
8 silencing the report of a firearm when he or she knowingly or
9 intentionally:

10 (1) Discharges a machine gun or a firearm equipped with
11 a device designed or used for silencing the report of a
12 firearm at or into a building he or she knows to be
13 occupied and the machine gun or the firearm equipped with a
14 device designed or used for silencing the report of a
15 firearm is discharged from a place or position outside that
16 building;

17 (2) Discharges a machine gun or a firearm equipped with
18 a device designed or used for silencing the report of a
19 firearm in the direction of another person or in the
20 direction of a vehicle he or she knows to be occupied;

21 (3) Discharges a machine gun or a firearm equipped with
22 a device designed or used for silencing the report of a
23 firearm in the direction of a person he or she knows to be
24 a peace officer, a person summoned or directed by a peace
25 officer, a correctional institution employee, or a fireman

1 while the officer, employee or fireman is engaged in the
2 execution of any of his or her official duties, or to
3 prevent the officer, employee or fireman from performing
4 his or her official duties, or in retaliation for the
5 officer, employee or fireman performing his or her official
6 duties;

7 (4) Discharges a machine gun or a firearm equipped with
8 a device designed or used for silencing the report of a
9 firearm in the direction of a vehicle he or she knows to be
10 occupied by a peace officer, a person summoned or directed
11 by a peace officer, a correctional institution employee or
12 a fireman while the officer, employee or fireman is engaged
13 in the execution of any of his or her official duties, or
14 to prevent the officer, employee or fireman from performing
15 his or her official duties, or in retaliation for the
16 officer, employee or fireman performing his or her official
17 duties;

18 (5) Discharges a machine gun or a firearm equipped with
19 a device designed or used for silencing the report of a
20 firearm in the direction of a person he or she knows to be
21 emergency medical services personnel while the emergency
22 medical services personnel is engaged in the execution of
23 any of his or her official duties, or to prevent the
24 emergency medical services personnel from performing his
25 or her official duties, or in retaliation for the emergency
26 medical services personnel performing his or her official

1 duties;

2 (6) Discharges a machine gun or a firearm equipped with
3 a device designed or used for silencing the report of a
4 firearm in the direction of a vehicle he or she knows to be
5 occupied by emergency medical services personnel, while
6 the emergency medical services personnel is engaged in the
7 execution of any of his or her official duties, or to
8 prevent the emergency medical services personnel from
9 performing his or her official duties, or in retaliation
10 for the emergency medical services personnel performing
11 his or her official duties;

12 (7) Discharges a machine gun or a firearm equipped with
13 a device designed or used for silencing the report of a
14 firearm in the direction of a person he or she knows to be
15 an emergency management worker while the emergency
16 management worker is engaged in the execution of any of his
17 or her official duties, or to prevent the emergency
18 management worker from performing his or her official
19 duties, or in retaliation for the emergency management
20 worker performing his or her official duties; or

21 (8) Discharges a machine gun or a firearm equipped with
22 a device designed or used for silencing the report of a
23 firearm in the direction of a vehicle he or she knows to be
24 occupied by an emergency management worker while the
25 emergency management worker is engaged in the execution of
26 any of his or her official duties, or to prevent the

1 emergency management worker from performing his or her
2 official duties, or in retaliation for the emergency
3 management worker performing his or her official duties.

4 (b) A violation of subsection (a) (1) or subsection (a) (2)
5 of this Section is a Class X felony. A violation of subsection
6 (a) (3), (a) (4), (a) (5), (a) (6), (a) (7), or (a) (8) of this
7 Section is a Class X felony for which the sentence shall be a
8 term of imprisonment of no less than 14 ~~12~~ years and no more
9 than 60 ~~50~~ years. A violation of subsection (a)(1) or
10 subsection (a)(2) of this Section committed on school grounds
11 is is a Class X felony for which the sentence shall be a term of
12 imprisonment of no less than 6 years and no more than 40 years.

13 (c) For the purpose of this Section:

14 "Emergency medical services personnel" has the meaning
15 specified in Section 3.5 of the Emergency Medical Services
16 (EMS) Systems Act and shall include all ambulance crew
17 members, including drivers or pilots.

18 "Machine gun" has the meaning ascribed to it in clause
19 (i) of paragraph (7) of subsection (a) of Section 24-1 of
20 this Code.

21 (d) This Section does not apply to a peace officer while
22 serving as a member of a tactical response team or special
23 operations team. A peace officer may not personally own or
24 apply for ownership of a device or attachment of any kind
25 designed, used, or intended for use in silencing the report of
26 any firearm. These devices shall be owned and maintained by

1 lawfully recognized units of government whose duties include
2 the investigation of criminal acts.

3 (Source: P.A. 99-816, eff. 8-15-16.)

4 (720 ILCS 5/24-1.5)

5 Sec. 24-1.5. Reckless discharge of a firearm.

6 (a) A person commits reckless discharge of a firearm by
7 discharging a firearm in a reckless manner which endangers the
8 bodily safety of an individual.

9 (b) If the conduct described in subsection (a) is committed
10 by a passenger of a moving motor vehicle with the knowledge and
11 consent of the driver of the motor vehicle the driver is
12 accountable for such conduct.

13 (c) Reckless discharge of a firearm is a Class 3 4 felony.

14 (d) This Section does not apply to a peace officer while in
15 the performance of his or her official duties.

16 (Source: P.A. 88-217.)

17 (720 ILCS 5/24-1.6)

18 Sec. 24-1.6. Aggravated unlawful use of a weapon.

19 (a) A person commits the offense of aggravated unlawful use
20 of a weapon when he or she knowingly:

21 (1) Carries on or about his or her person or in any
22 vehicle or concealed on or about his or her person except
23 when on his or her land or in his or her abode, legal
24 dwelling, or fixed place of business, or on the land or in

1 the legal dwelling of another person as an invitee with
2 that person's permission, any pistol, revolver, stun gun or
3 taser or other firearm; or

4 (2) Carries or possesses on or about his or her person,
5 upon any public street, alley, or other public lands within
6 the corporate limits of a city, village or incorporated
7 town, except when an invitee thereon or therein, for the
8 purpose of the display of such weapon or the lawful
9 commerce in weapons, or except when on his or her own land
10 or in his or her own abode, legal dwelling, or fixed place
11 of business, or on the land or in the legal dwelling of
12 another person as an invitee with that person's permission,
13 any pistol, revolver, stun gun or taser or other firearm;
14 and

15 (3) One of the following factors is present:

16 (A) the firearm, other than a pistol, revolver, or
17 handgun, possessed was uncased, loaded, and
18 immediately accessible at the time of the offense; or

19 (A-5) the pistol, revolver, or handgun possessed
20 was uncased, loaded, and immediately accessible at the
21 time of the offense and the person possessing the
22 pistol, revolver, or handgun has not been issued a
23 currently valid license under the Firearm Concealed
24 Carry Act; or

25 (B) the firearm, other than a pistol, revolver, or
26 handgun, possessed was uncased, unloaded, and the

1 ammunition for the weapon was immediately accessible
2 at the time of the offense; or

3 (B-5) the pistol, revolver, or handgun possessed
4 was uncased, unloaded, and the ammunition for the
5 weapon was immediately accessible at the time of the
6 offense and the person possessing the pistol,
7 revolver, or handgun has not been issued a currently
8 valid license under the Firearm Concealed Carry Act; or

9 (C) the person possessing the firearm has not been
10 issued a currently valid Firearm Owner's
11 Identification Card; or

12 (D) the person possessing the weapon was
13 previously adjudicated a delinquent minor under the
14 Juvenile Court Act of 1987 for an act that if committed
15 by an adult would be a felony; or

16 (E) the person possessing the weapon was engaged in
17 a misdemeanor violation of the Cannabis Control Act, in
18 a misdemeanor violation of the Illinois Controlled
19 Substances Act, or in a misdemeanor violation of the
20 Methamphetamine Control and Community Protection Act;
21 or

22 (F) (blank); or

23 (G) the person possessing the weapon had an order
24 of protection issued against him or her within the
25 previous 2 years; or

26 (H) the person possessing the weapon was engaged in

1 the commission or attempted commission of a
2 misdemeanor involving the use or threat of violence
3 against the person or property of another; or

4 (I) the person possessing the weapon was under 21
5 years of age and in possession of a handgun, unless the
6 person under 21 is engaged in lawful activities under
7 the Wildlife Code or described in subsection
8 24-2(b)(1), (b)(3), or 24-2(f).

9 (a-5) "Handgun" as used in this Section has the meaning
10 given to it in Section 5 of the Firearm Concealed Carry Act.

11 (b) "Stun gun or taser" as used in this Section has the
12 same definition given to it in Section 24-1 of this Code.

13 (c) This Section does not apply to or affect the
14 transportation or possession of weapons that:

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

16 (ii) are not immediately accessible; or

17 (iii) are unloaded and enclosed in a case, firearm
18 carrying box, shipping box, or other container by a person
19 who has been issued a currently valid Firearm Owner's
20 Identification Card.

21 (d) Sentence.

22 (1) Aggravated unlawful use of a weapon is a Class 3 ~~4~~
23 felony; a second or subsequent offense is a Class 1 ~~2~~
24 felony for which the person shall be sentenced to a term of
25 imprisonment of not less than 4 ~~3~~ years and not more than
26 15 ~~7~~ years, except as provided for in Section 5-4.5-110 of

1 the Unified Code of Corrections.

2 (2) Except as otherwise provided in paragraphs (3) and
3 (4) of this subsection (d), a first offense of aggravated
4 unlawful use of a weapon committed with a firearm by a
5 person 18 years of age or older where the factors listed in
6 both items (A) and (C) or both items (A-5) and (C) of
7 paragraph (3) of subsection (a) are present is a Class 3 ~~4~~
8 felony, for which the person shall be sentenced to a term
9 of imprisonment of not less than 2 years ~~one year~~ and not
10 more than 5 ~~3~~ years.

11 (3) Aggravated unlawful use of a weapon by a person who
12 has been previously convicted of a felony in this State or
13 another jurisdiction is a Class 1 ~~2~~ felony for which the
14 person shall be sentenced to a term of imprisonment of not
15 less than 4 ~~3~~ years and not more than 15 ~~7~~ years, except as
16 provided for in Section 5-4.5-110 of the Unified Code of
17 Corrections.

18 (4) Aggravated unlawful use of a weapon while wearing
19 or in possession of body armor as defined in Section 33F-1
20 by a person who has not been issued a valid Firearms
21 Owner's Identification Card in accordance with Section 5 of
22 the Firearm Owners Identification Card Act is a Class X
23 felony, for which the person shall be sentenced to a term
24 of imprisonment of not less 6 years and not more than 40
25 years.

26 (e) The possession of each firearm in violation of this

1 Section constitutes a single and separate violation.

2 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

3 (720 ILCS 5/24-1.8)

4 Sec. 24-1.8. Unlawful possession of a firearm by a street
5 gang member.

6 (a) A person commits unlawful possession of a firearm by a
7 street gang member when he or she knowingly:

8 (1) possesses, carries, or conceals on or about his or
9 her person a firearm and firearm ammunition while on any
10 street, road, alley, gangway, sidewalk, or any other lands,
11 except when inside his or her own abode or inside his or
12 her fixed place of business, and has not been issued a
13 currently valid Firearm Owner's Identification Card and is
14 a member of a street gang; or

15 (2) possesses or carries in any vehicle a firearm and
16 firearm ammunition which are both immediately accessible
17 at the time of the offense while on any street, road,
18 alley, or any other lands, except when inside his or her
19 own abode or garage, and has not been issued a currently
20 valid Firearm Owner's Identification Card and is a member
21 of a street gang.

22 (b) Unlawful possession of a firearm by a street gang
23 member is a Class 1 ~~2~~ felony for which the person, if sentenced
24 to a term of imprisonment, shall be sentenced to no less than 4
25 ~~3~~ years and no more than 30 ~~10~~ years. A period of probation, a

1 term of periodic imprisonment or conditional discharge shall
2 not be imposed for the offense of unlawful possession of a
3 firearm by a street gang member when the firearm was loaded or
4 contained firearm ammunition and the court shall sentence the
5 offender to not less than the minimum term of imprisonment
6 authorized for the Class 1 2 felony for which the person shall
7 be sentenced to no less than 4 years and no more than 30 years.

8 (c) For purposes of this Section:

9 "Street gang" or "gang" has the meaning ascribed to it
10 in Section 10 of the Illinois Streetgang Terrorism Omnibus
11 Prevention Act.

12 "Street gang member" or "gang member" has the meaning
13 ascribed to it in Section 10 of the Illinois Streetgang
14 Terrorism Omnibus Prevention Act.

15 (Source: P.A. 96-829, eff. 12-3-09.)

16 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

24 (b) Sells or gives any firearm to a person under 21
25 years of age who has been convicted of a misdemeanor other

1 than a traffic offense or adjudged delinquent.

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

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

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

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

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

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

22 (g) Delivers any firearm, incidental to a sale, without
23 withholding delivery of the firearm for at least 72 hours
24 after application for its purchase has been made, or
25 delivers a stun gun or taser, incidental to a sale, without
26 withholding delivery of the stun gun or taser for at least

1 24 hours after application for its purchase has been made.
2 However, this paragraph (g) does not apply to: (1) the sale
3 of a firearm to a law enforcement officer if the seller of
4 the firearm knows that the person to whom he or she is
5 selling the firearm is a law enforcement officer or the
6 sale of a firearm to a person who desires to purchase a
7 firearm for use in promoting the public interest incident
8 to his or her employment as a bank guard, armed truck
9 guard, or other similar employment; (2) a mail order sale
10 of a firearm from a federally licensed firearms dealer to a
11 nonresident of Illinois under which the firearm is mailed
12 to a federally licensed firearms dealer outside the
13 boundaries of Illinois; (3) (blank); (4) the sale of a
14 firearm to a dealer licensed as a federal firearms dealer
15 under Section 923 of the federal Gun Control Act of 1968
16 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
17 shotgun, or other long gun to a resident registered
18 competitor or attendee or non-resident registered
19 competitor or attendee by any dealer licensed as a federal
20 firearms dealer under Section 923 of the federal Gun
21 Control Act of 1968 at competitive shooting events held at
22 the World Shooting Complex sanctioned by a national
23 governing body. For purposes of transfers or sales under
24 subparagraph (5) of this paragraph (g), the Department of
25 Natural Resources shall give notice to the Department of
26 State Police at least 30 calendar days prior to any

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

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

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

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

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

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

23 "With the principal objective of livelihood and
24 profit" means that the intent underlying the sale or
25 disposition of firearms is predominantly one of obtaining
26 livelihood and pecuniary gain, as opposed to other intents,

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

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

26 (1) In addition to the other requirements of this

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

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

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

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

1 if that firearm was legally held or acquired within 6 months
2 after the enactment of that Public Act.

3 (C) Sentence.

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

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

10 (3) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (a) of subsection (A)
12 commits a Class 1 ~~2~~-felony.

13 (4) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (a), (b), or (i) of
15 subsection (A) in any school, on the real property
16 comprising a school, within 1,000 feet of the real property
17 comprising a school, at a school related activity, or on or
18 within 1,000 feet of any conveyance owned, leased, or
19 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 X ~~1~~ felony. Any
23 person convicted of a second or subsequent violation of
24 unlawful sale or delivery of firearms in violation of
25 paragraph (a), (b), or (i) of subsection (A) in any school,
26 on the real property comprising a school, within 1,000 feet

1 of the real property comprising a school, at a school
2 related activity, or on or within 1,000 feet of any
3 conveyance owned, leased, or contracted by a school or
4 school district to transport students to or from school or
5 a school related activity, regardless of the time of day or
6 time of year at which the offense was committed, commits a
7 Class X ~~±~~ felony for which the sentence shall be a term of
8 imprisonment of no less than 6 ~~5~~ years and no more than 30
9 ~~15~~ years.

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

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

1 of firearms in violation of paragraph (j) of subsection (A)
2 commits a Class 4 ~~felony~~ ~~A misdemeanor~~. A second or
3 subsequent violation is a Class 3 ~~4~~ felony.

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

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

20 (9) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (d) of subsection (A)
22 commits a Class 2 ~~3~~ felony.

23 (10) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (l) of subsection (A)
25 commits a Class 1 ~~2~~ felony if the delivery is of one
26 firearm. Any person convicted of unlawful sale or delivery

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

1 imprisonment of not less than 6 years and not more than 60
2 years if the delivery is of 31 or more firearms at the same
3 time or within a 5 year period.

4 (D) For purposes of this Section:

5 "School" means a public or private elementary or secondary
6 school, community college, college, or university.

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

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

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

20 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

21 Sec. 24-3.1. Unlawful possession of firearms and firearm
22 ammunition.

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

25 (1) He is under 18 years of age and has in his

1 possession any firearm of a size which may be concealed
2 upon the person; or

3 (2) He is under 21 years of age, has been convicted of
4 a misdemeanor other than a traffic offense or adjudged
5 delinquent and has any firearms or firearm ammunition in
6 his possession; or

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

9 (4) He has been a patient in a mental institution
10 within the past 5 years and has any firearms or firearm
11 ammunition in his possession. For purposes of this
12 paragraph (4):

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

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

24 (5) He is a person with an intellectual disability and
25 has any firearms or firearm ammunition in his possession;
26 or

1 (6) He has in his possession any explosive bullet.

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

10 (b) Sentence.

11 Unlawful possession of firearms, other than handguns, and
12 firearm ammunition is a Class 4 felony ~~A misdemeanor~~. Unlawful
13 possession of handguns is a Class 3 ~~4~~ felony. The possession of
14 each firearm or firearm ammunition in violation of this Section
15 constitutes a single and separate violation.

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

23 (Source: P.A. 99-143, eff. 7-27-15.)

24 (720 ILCS 5/24-3.3) (from Ch. 38, par. 24-3.3)

25 Sec. 24-3.3. Unlawful Sale or Delivery of Firearms on the

1 Premises of Any School, regardless of the time of day or the
2 time of year, or any conveyance owned, leased or contracted by
3 a school to transport students to or from school or a school
4 related activity, or residential property owned, operated or
5 managed by a public housing agency. Any person 18 years of age
6 or older who sells, gives or delivers any firearm to any person
7 under 18 years of age in any school, regardless of the time of
8 day or the time of year or residential property owned, operated
9 or 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, on the real property comprising any school,
12 regardless of the time of day or the time of year or
13 residential property owned, operated or managed by a public
14 housing agency or leased by a public housing agency as part of
15 a scattered site or mixed-income development commits a Class 2
16 ~~3~~ felony. School is defined, for the purposes of this Section,
17 as any public or private elementary or secondary school,
18 community college, college or university. This does not apply
19 to peace officers or to students carrying or possessing
20 firearms for use in school training courses, parades, target
21 shooting on school ranges, or otherwise with the consent of
22 school authorities and which firearms are transported unloaded
23 and enclosed in a suitable case, box or transportation package.
24 (Source: P.A. 91-673, eff. 12-22-99.)

1 Sec. 24-3.5. Unlawful purchase of a firearm.

2 (a) For purposes of this Section, "firearms transaction
3 record form" means a form:

4 (1) executed by a transferee of a firearm stating: (i)
5 the transferee's name and address (including county or
6 similar political subdivision); (ii) whether the
7 transferee is a citizen of the United States; (iii) the
8 transferee's State of residence; and (iv) the date and
9 place of birth, height, weight, and race of the transferee;
10 and

11 (2) on which the transferee certifies that he or she is
12 not prohibited by federal law from transporting or shipping
13 a firearm in interstate or foreign commerce or receiving a
14 firearm that has been shipped or transported in interstate
15 or foreign commerce or possessing a firearm in or affecting
16 commerce.

17 (b) A person commits the offense of unlawful purchase of a
18 firearm who knowingly purchases or attempts to purchase a
19 firearm with the intent to deliver that firearm to another
20 person who is prohibited by federal or State law from
21 possessing a firearm.

22 (c) A person commits the offense of unlawful purchase of a
23 firearm when he or she, in purchasing or attempting to purchase
24 a firearm, intentionally provides false or misleading
25 information on a United States Department of the Treasury,
26 Bureau of Alcohol, Tobacco and Firearms firearms transaction

1 record form.

2 (d) Exemption. It is not a violation of subsection (b) of
3 this Section for a person to make a gift or loan of a firearm to
4 a person who is not prohibited by federal or State law from
5 possessing a firearm if the transfer of the firearm is made in
6 accordance with Section 3 of the Firearm Owners Identification
7 Card Act.

8 (e) Sentence.

9 (1) A person who commits the offense of unlawful
10 purchase of a firearm:

11 (A) is guilty of a Class 1 ~~2~~ felony for purchasing
12 or attempting to purchase one firearm;

13 (B) is guilty of a Class X ~~1~~ felony for purchasing
14 or attempting to purchase not less than 2 firearms and
15 not more than 5 firearms at the same time or within a
16 one year period;

17 (C) is guilty of a Class X felony for which the
18 offender shall be sentenced to a term of imprisonment
19 of not less than 12 ~~9~~ years and not more than 50 ~~40~~
20 years for purchasing or attempting to purchase not less
21 than 6 firearms at the same time or within a 2 year
22 period.

23 (2) In addition to any other penalty that may be
24 imposed for a violation of this Section, the court may
25 sentence a person convicted of a violation of subsection
26 (c) of this Section to a fine not to exceed \$250,000 for

1 each violation.

2 (f) A prosecution for unlawful purchase of a firearm may be
3 commenced within 6 years after the commission of the offense.

4 (Source: P.A. 95-882, eff. 1-1-09.)

5 (720 ILCS 5/24-3.7)

6 Sec. 24-3.7. Use of a stolen firearm in the commission of
7 an offense.

8 (a) A person commits the offense of use of a stolen firearm
9 in the commission of an offense when he or she knowingly uses a
10 stolen firearm in the commission of any offense and the person
11 knows that the firearm was stolen.

12 (b) Sentence. Use of a stolen firearm in the commission of
13 an offense is a Class 1 ~~2~~ felony.

14 (Source: P.A. 96-190, eff. 1-1-10.)

15 (720 ILCS 5/24-3.8)

16 Sec. 24-3.8. Possession of a stolen firearm.

17 (a) A person commits possession of a stolen firearm when he
18 or she, not being entitled to the possession of a firearm,
19 possesses the firearm, knowing it to have been stolen or
20 converted. The trier of fact may infer that a person who
21 possesses a firearm with knowledge that its serial number has
22 been removed or altered has knowledge that the firearm is
23 stolen or converted.

24 (b) Possession of a stolen firearm is a Class 1 ~~2~~ felony.

1 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.
2 1-1-12; 97-1109, eff. 1-1-13.)

3 (720 ILCS 5/24-3.9)

4 Sec. 24-3.9. Aggravated possession of a stolen firearm.

5 (a) A person commits aggravated possession of a stolen
6 firearm when he or she:

7 (1) Not being entitled to the possession of not less
8 than 2 and not more than 5 firearms, possesses those
9 firearms at the same time or within a one-year period,
10 knowing the firearms to have been stolen or converted.

11 (2) Not being entitled to the possession of not less
12 than 6 and not more than 10 firearms, possesses those
13 firearms at the same time or within a 2-year period,
14 knowing the firearms to have been stolen or converted.

15 (3) Not being entitled to the possession of not less
16 than 11 and not more than 20 firearms, possesses those
17 firearms at the same time or within a 3-year period,
18 knowing the firearms to have been stolen or converted.

19 (4) Not being entitled to the possession of not less
20 than 21 and not more than 30 firearms, possesses those
21 firearms at the same time or within a 4-year period,
22 knowing the firearms to have been stolen or converted.

23 (5) Not being entitled to the possession of more than
24 30 firearms, possesses those firearms at the same time or
25 within a 5-year period, knowing the firearms to have been

1 stolen or converted.

2 (b) The trier of fact may infer that a person who possesses
3 a firearm with knowledge that its serial number has been
4 removed or altered has knowledge that the firearm is stolen or
5 converted.

6 (c) Sentence.

7 (1) A person who violates paragraph (1) of subsection
8 (a) of this Section commits a Class X ~~±~~ felony.

9 (2) A person who violates paragraph (2) of subsection
10 (a) of this Section commits a Class X felony for which he
11 or she shall be sentenced to a term of imprisonment of not
12 less than 6 years and not more than 40 ~~30~~ years.

13 (3) A person who violates paragraph (3) of subsection
14 (a) of this Section commits a Class X felony for which he
15 or she shall be sentenced to a term of imprisonment of not
16 less than 6 years and not more than 50 ~~40~~ years.

17 (4) A person who violates paragraph (4) of subsection
18 (a) of this Section commits a Class X felony for which he
19 or she shall be sentenced to a term of imprisonment of not
20 less than 6 years and not more than 60 ~~50~~ years.

21 (5) A person who violates paragraph (5) of subsection
22 (a) of this Section commits a Class X felony for which he
23 or she shall be sentenced to a term of imprisonment of not
24 less than 6 years and not more than 70 ~~60~~ years.

25 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.
26 1-1-12; 97-1109, eff. 1-1-13.)

1 (720 ILCS 5/24-3A)

2 Sec. 24-3A. Gunrunning.

3 (a) A person commits gunrunning when he or she transfers 3
4 or more firearms in violation of any of the paragraphs of
5 Section 24-3 of this Code.

6 (b) Sentence. A person who commits gunrunning:

7 (1) is guilty of a Class ~~X~~ X felony;

8 (2) is guilty of a Class X felony for which the
9 sentence shall be a term of imprisonment of not less than
10 10 ~~8~~ years and not more than 50 ~~40~~ years if the transfer is
11 of not less than 11 firearms and not more than 20 firearms;

12 (3) is guilty of a Class X felony for which the
13 sentence shall be a term of imprisonment of not less than
14 15 ~~10~~ years and not more than 60 ~~50~~ years if the transfer
15 is of more than 20 firearms.

16 A person who commits gunrunning by transferring firearms to a
17 person who, at the time of the commission of the offense, is
18 under 18 years of age is guilty of a Class X felony for which
19 the sentence shall be a term of imprisonment of no less than 6
20 years and no more than 40 years.

21 (Source: P.A. 93-906, eff. 8-11-04.)

22 (720 ILCS 5/24-3B)

23 Sec. 24-3B. Firearms trafficking.

24 (a) A person commits firearms trafficking when he or she

1 has not been issued a currently valid Firearm Owner's
2 Identification Card and knowingly:

3 (1) brings, or causes to be brought, into this State, a
4 firearm or firearm ammunition for the purpose of sale,
5 delivery, or transfer to any other person or with the
6 intent to sell, deliver, or transfer the firearm or firearm
7 ammunition to any other person; or

8 (2) brings, or causes to be brought, into this State, a
9 firearm and firearm ammunition for the purpose of sale,
10 delivery, or transfer to any other person or with the
11 intent to sell, deliver, or transfer the firearm and
12 firearm ammunition to any other person.

13 (a-5) This Section does not apply to:

14 (1) a person exempt under Section 2 of the Firearm
15 Owners Identification Card Act from the requirement of
16 having possession of a Firearm Owner's Identification Card
17 previously issued in his or her name by the Department of
18 State Police in order to acquire or possess a firearm or
19 firearm ammunition;

20 (2) a common carrier under subsection (i) of Section
21 24-2 of this Code; or

22 (3) a non-resident who may lawfully possess a firearm
23 in his or her resident state.

24 (b) Sentence.

25 (1) Firearms trafficking is a Class X ~~±~~ felony ~~for~~
26 ~~which the person, if sentenced to a term of imprisonment,~~

1 ~~shall be sentenced to not less than 4 years and not more~~
2 ~~than 20 years.~~

3 (2) Firearms trafficking by a person who has been
4 previously convicted of firearms trafficking, gunrunning,
5 or a felony offense for the unlawful sale, delivery, or
6 transfer of a firearm or firearm ammunition in this State
7 or another jurisdiction is a Class X felony for which the
8 person shall be sentenced to no less than 10 years and no
9 more than 60 years.

10 (Source: P.A. 99-885, eff. 8-23-16.)

11 (720 ILCS 5/24-4.1)

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

13 (a) If a person who possesses a valid Firearm Owner's
14 Identification Card and who possesses or acquires a firearm
15 thereafter loses the firearm, or if the firearm is stolen from
16 the person, the person must report the loss or theft to the
17 local law enforcement agency within 72 hours after obtaining
18 knowledge of the loss or theft.

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

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

24 (1) the failure to report is due to an act of God, act
25 of war, or inability of a law enforcement agency to receive

1 the report;

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

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

7 (d) Sentence. A person who violates this Section is guilty
8 of a Class A misdemeanor ~~petty offense~~ for a first violation. A
9 second or subsequent violation of this Section is a Class 4
10 felony ~~A misdemeanor~~.

11 (Source: P.A. 98-508, eff. 8-19-13.)

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

13 Sec. 24-5. Defacing identification marks of firearms.

14 (a) Any person who shall knowingly or intentionally change,
15 alter, remove or obliterate the name of the importer's or
16 manufacturer's serial number of any firearm commits a Class 1 ~~2~~
17 felony.

18 (b) A person who possesses any firearm upon which any such
19 importer's or manufacturer's serial number has been changed,
20 altered, removed or obliterated commits a Class 3 felony.

21 (c) Nothing in this Section shall prevent a person from
22 making repairs, replacement of parts, or other changes to a
23 firearm if those repairs, replacement of parts, or changes
24 cause the removal of the name of the maker, model, or other
25 marks of identification other than the serial number on the

1 firearm's frame or receiver.

2 (d) A prosecution for a violation of this Section may be
3 commenced within 6 years after the commission of the offense.

4 (Source: P.A. 93-906, eff. 8-11-04.)

5 (720 ILCS 5/24-9)

6 Sec. 24-9. Firearms; Child Protection.

7 (a) Except as provided in subsection (c), it is unlawful
8 for any person to store or leave, within premises under his or
9 her control, a firearm if the person knows or has reason to
10 believe that a minor under the age of 14 years who does not
11 have a Firearm Owners Identification Card is likely to gain
12 access to the firearm without the lawful permission of the
13 minor's parent, guardian, or person having charge of the minor,
14 and the minor causes death or great bodily harm with the
15 firearm, unless the firearm is:

16 (1) secured by a device or mechanism, other than the
17 firearm safety, designed to render a firearm temporarily
18 inoperable; or

19 (2) placed in a securely locked box or container; or

20 (3) placed in some other location that a reasonable
21 person would believe to be secure from a minor under the
22 age of 14 years.

23 (b) Sentence. A person who violates this Section is guilty
24 of a Class A € misdemeanor and shall be fined not less than
25 \$1,000. A second or subsequent violation of this Section is a

1 Class 4 felony ~~A misdemeanor~~.

2 (c) Subsection (a) does not apply:

3 (1) if the minor under 14 years of age gains access to
4 a firearm and uses it in a lawful act of self-defense or
5 defense of another; or

6 (2) to any firearm obtained by a minor under the age of
7 14 because of an unlawful entry of the premises by the
8 minor or another person.

9 (d) For the purposes of this Section, "firearm" has the
10 meaning ascribed to it in Section 1.1 of the Firearm Owners
11 Identification Card Act.

12 (Source: P.A. 91-18, eff. 1-1-00.)