



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB1891

Introduced 2/17/2021, by Rep. Amy Elik and Andrew S. Chesney

#### 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.

LRB102 11927 KMF 17263 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  
5 Section 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  
9 burning.

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

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

1           (k) It is unlawful to use or possess in the field any  
2 shotgun shell loaded with a shot size larger than lead BB or  
3 steel T (.20 diameter) when taking or attempting to take any  
4 species of wild game mammals (excluding white-tailed deer),  
5 wild game birds, migratory waterfowl or migratory game birds  
6 protected by this Act, except white-tailed deer as provided  
7 for in Section 2.26 and other species as provided for by  
8 subsection (l) or administrative rule.

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

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

25           (n) It is unlawful for any person, except persons who  
26 possess a permit to hunt from a vehicle as provided in this

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

10 (o) (Blank).

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

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

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

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

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

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

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

1 licensed game breeding and hunting preserve areas, as defined  
2 in Section 3.27, on federally owned and managed lands and on  
3 Department owned, managed, leased, or controlled lands, a 100  
4 yard restriction shall apply.

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

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

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

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

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

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

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

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

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

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

26 (ee) It is unlawful to possess any rifle while in the field



1 during gun deer season except as provided in Section 2.26 and  
2 administrative rules.

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

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

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

1 bird and the hind ham and front shoulders of a game mammal. It  
2 shall be unlawful for any person to place, leave, dump, or  
3 abandon a wildlife carcass or parts of it along or upon a  
4 public right-of-way or highway or on public or private  
5 property, including a waterway or stream, without the  
6 permission of the owner or tenant. It shall not be unlawful to  
7 discard game meat that is determined to be unfit for human  
8 consumption.

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

14 (jj) (Blank).

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

21 (ll) Nothing contained in this Act shall prohibit the  
22 taking of aquatic life protected by the Fish and Aquatic Life  
23 Code or birds and mammals protected by this Act, except deer  
24 and fur-bearing mammals, from a boat not camouflaged or  
25 disguised to alter its identity or to further provide a place  
26 of concealment and not propelled by sail or mechanical power.

1       However, only shotguns not larger than 10 gauge nor smaller  
2       than .410 bore loaded with not more than 3 shells of a shot  
3       size no larger than lead BB or steel T (.20 diameter) may be  
4       used to take species protected by this Act.

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

8               (nn) It shall be unlawful to possess any species of  
9       wildlife or wildlife parts taken unlawfully in Illinois, any  
10       other state, or any other country, whether or not the wildlife  
11       or wildlife parts is indigenous to Illinois. For the purposes  
12       of this subsection, the statute of limitations for unlawful  
13       possession of wildlife or wildlife parts shall not cease until  
14       2 years after the possession has permanently ended.

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

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

20               (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

24               (1) Sells, manufactures, purchases, possesses or

1 carries any bludgeon, black-jack, slung-shot, sand-club,  
2 sand-bag, metal knuckles or other knuckle weapon  
3 regardless of its composition, throwing star, or any  
4 knife, commonly referred to as a switchblade knife, which  
5 has a blade that opens automatically by hand pressure  
6 applied to a button, spring or other device in the handle  
7 of the knife, or a ballistic knife, which is a device that  
8 propels a knifelike blade as a projectile by means of a  
9 coil spring, elastic material or compressed gas; or

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

15 (2.5) Carries or possesses with intent to use the same  
16 unlawfully against another, any firearm in a church,  
17 synagogue, mosque, or other building, structure, or place  
18 used for religious worship; or

19 (3) Carries on or about his person or in any vehicle, a  
20 tear gas gun projector or bomb or any object containing  
21 noxious liquid gas or substance, other than an object  
22 containing a non-lethal noxious liquid gas or substance  
23 designed solely for personal defense carried by a person  
24 18 years of age or older; or

25 (4) Carries or possesses in any vehicle or concealed  
26 on or about his person except when on his land or in his

1 own abode, legal dwelling, or fixed place of business, or  
2 on the land or in the legal dwelling of another person as  
3 an invitee with that person's permission, any pistol,  
4 revolver, stun gun or taser or other firearm, except that  
5 this subsection (a) (4) does not apply to or affect  
6 transportation of weapons that meet one of the following  
7 conditions:

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

9 (ii) are not immediately accessible; or

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

14 (iv) are carried or possessed in accordance with  
15 the Firearm Concealed Carry Act by a person who has  
16 been issued a currently valid license under the  
17 Firearm Concealed Carry Act; or

18 (5) Sets a spring gun; or

19 (6) Uses, attaches, or possesses with the intent to  
20 use or attach ~~Possesses~~ any device or attachment of any  
21 kind for ~~designed, used or intended for use in~~ silencing  
22 the report of any handgun, unless the use, attachment, or  
23 possession with the intent to use the device or attachment  
24 is on the premises of a firing or shooting range; or  
25 possesses any device or attachment of any kind designed,  
26 used, or intended for use in silencing the report of any

1 other firearm if the device or attachment is not possessed  
2 in compliance with the National Firearms Act ~~firearm~~; or

3 (7) Sells, manufactures, purchases, possesses or  
4 carries:

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

17 (ii) any rifle having one or more barrels less  
18 than 16 inches in length or a shotgun having one or  
19 more barrels less than 18 inches in length or any  
20 weapon made from a rifle or shotgun, whether by  
21 alteration, modification, or otherwise, if such a  
22 weapon as modified has an overall length of less than  
23 26 inches; or

24 (iii) any bomb, bomb-shell, grenade, bottle or  
25 other container containing an explosive substance of  
26 over one-quarter ounce for like purposes, such as, but

1 not limited to, black powder bombs and Molotov  
2 cocktails or artillery projectiles; or

3 (8) Carries or possesses any firearm, stun gun or  
4 taser or other deadly weapon in any place which is  
5 licensed to sell intoxicating beverages, or at any public  
6 gathering held pursuant to a license issued by any  
7 governmental body or any public gathering at which an  
8 admission is charged, excluding a place where a showing,  
9 demonstration or lecture involving the exhibition of  
10 unloaded firearms is conducted.

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

15 (9) Carries or possesses in a vehicle or on or about  
16 his or her person any pistol, revolver, stun gun or taser  
17 or firearm or ballistic knife, when he or she is hooded,  
18 robed or masked in such manner as to conceal his or her  
19 identity; or

20 (10) Carries or possesses on or about his or her  
21 person, upon any public street, alley, or other public  
22 lands within the corporate limits of a city, village, or  
23 incorporated town, except when an invitee thereon or  
24 therein, for the purpose of the display of such weapon or  
25 the lawful commerce in weapons, or except when on his land  
26 or in his or her own abode, legal dwelling, or fixed place

1 of business, or on the land or in the legal dwelling of  
2 another person as an invitee with that person's  
3 permission, any pistol, revolver, stun gun, or taser or  
4 other firearm, except that this subsection (a) (10) does  
5 not apply to or affect transportation of weapons that meet  
6 one of the following conditions:

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

8 (ii) are not immediately accessible; or

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

13 (iv) are carried or possessed in accordance with  
14 the Firearm Concealed Carry Act by a person who has  
15 been issued a currently valid license under the  
16 Firearm Concealed Carry Act.

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



1           disrupting the person's nervous system in such a manner as  
2           to render him incapable of normal functioning; or

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

13          (12) (Blank); or

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

22          (b) Sentence. A person convicted of a violation of  
23          subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
24          subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
25          Class A misdemeanor. A person convicted of a violation of  
26          subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;

1 a person convicted of a violation of subsection 24-1(a)(6) or  
2 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
3 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
4 Class 2 felony and shall be sentenced to a term of imprisonment  
5 of not less than 3 years and not more than 7 years, unless the  
6 weapon is possessed in the passenger compartment of a motor  
7 vehicle as defined in Section 1-146 of the Illinois Vehicle  
8 Code, or on the person, while the weapon is loaded, in which  
9 case it shall be a Class X felony. A person convicted of a  
10 second or subsequent violation of subsection 24-1(a)(4),  
11 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
12 felony. A person convicted of a violation of subsection  
13 24-1(a)(2.5) commits a Class 2 felony. The possession of each  
14 weapon in violation of this Section constitutes a single and  
15 separate violation.

16 (c) Violations in specific places.

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

1 site or mixed-income development, on the real property  
2 comprising any public park, on the real property  
3 comprising any courthouse, in any conveyance owned, leased  
4 or contracted by a school to transport students to or from  
5 school or a school related activity, in any conveyance  
6 owned, leased, or contracted by a public transportation  
7 agency, or on any public way within 1,000 feet of the real  
8 property comprising any school, public park, courthouse,  
9 public transportation facility, or 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 commits a Class 2 felony  
13 and shall be sentenced to a term of imprisonment of not  
14 less than 3 years and not more than 7 years.

15 (1.5) A person who violates subsection 24-1(a)(4),  
16 24-1(a)(9), or 24-1(a)(10) in any school, regardless of  
17 the time of day or the time of year, in residential  
18 property owned, operated, or managed by a public housing  
19 agency or leased by a public housing agency as part of a  
20 scattered site or mixed-income development, in a public  
21 park, in a courthouse, on the real property comprising any  
22 school, regardless of the time of day or the time of year,  
23 on residential property owned, operated, or managed by a  
24 public housing agency or leased by a public housing agency  
25 as part of a scattered site or mixed-income development,  
26 on the real property comprising any public park, on the

1 real property comprising any courthouse, in any conveyance  
2 owned, leased, or contracted by a school to transport  
3 students to or from school or a school related activity,  
4 in any conveyance owned, leased, or contracted by a public  
5 transportation agency, or on any public way within 1,000  
6 feet of the real property comprising any school, public  
7 park, courthouse, public transportation facility, or  
8 residential property owned, operated, or managed by a  
9 public housing agency or leased by a public housing agency  
10 as part of a scattered site or mixed-income development  
11 commits a Class 3 felony.

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

1 in any conveyance owned, leased, or contracted by a public  
2 transportation agency, or on any public way within 1,000  
3 feet of the real property comprising any school, public  
4 park, courthouse, public transportation facility, or  
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  
8 commits a Class 4 felony. "Courthouse" means any building  
9 that is used by the Circuit, Appellate, or Supreme Court  
10 of this State for the conduct of official business.

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

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

23 (5) For the purposes of this subsection (c), "public  
24 transportation agency" means a public or private agency  
25 that provides for the transportation or conveyance of  
26 persons by means available to the general public, except

1 for transportation by automobiles not used for conveyance  
2 of the general public as passengers; and "public  
3 transportation facility" means a terminal or other place  
4 where one may obtain public transportation.

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

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

17 (e) Exemptions.

18 (1) Crossbows, Common or Compound bows and Underwater  
19 Spearguns are exempted from the definition of ballistic  
20 knife as defined in paragraph (1) of subsection (a) of  
21 this Section.

22 (2) The provision of paragraph (1) of subsection (a)  
23 of this Section prohibiting the sale, manufacture,  
24 purchase, possession, or carrying of any knife, commonly  
25 referred to as a switchblade knife, which has a blade that  
26 opens automatically by hand pressure applied to a button,

1           spring or other device in the handle of the knife, does not  
2           apply to a person who possesses a currently valid Firearm  
3           Owner's Identification Card previously issued in his or  
4           her name by the Department of State Police or to a person  
5           or an entity engaged in the business of selling or  
6           manufacturing switchblade knives.

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

8           (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

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

1            "Mental institution" means any hospital,  
2            institution, clinic, evaluation facility, mental  
3            health center, or part thereof, which is used  
4            primarily for the care or treatment of persons with  
5            mental illness.

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

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

14           (g) Delivers any firearm, incidental to a sale,  
15           without withholding delivery of the firearm for at least  
16           72 hours after application for its purchase has been made,  
17           or delivers a stun gun or taser, incidental to a sale,  
18           without withholding delivery of the stun gun or taser for  
19           at least 24 hours after application for its purchase has  
20           been made. However, this paragraph (g) does not apply to:

21           (1) the sale of a firearm to a law enforcement officer if  
22           the seller of the firearm knows that the person to whom he  
23           or she is selling the firearm is a law enforcement officer  
24           or the sale of a firearm to a person who desires to  
25           purchase a firearm for use in promoting the public  
26           interest incident to his or her employment as a bank



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

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

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

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

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

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

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

25          (k) Sells or transfers ownership of a firearm to a  
26          person who does not display to the seller or transferor of

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

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

26 (2) All sellers or transferors who have complied

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

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

13 (m) Transfers or gives a suppressor or silencer to a  
14 person not authorized to possess the suppressor or  
15 silencer under federal law.

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

26 (C) Sentence.

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

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

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

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

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

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

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

1 violation is a Class 4 felony.

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

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

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

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



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

1 time or within a 5 year period.

2 (D) For purposes of this Section:

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

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

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

16 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;  
17 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.