



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4953

Introduced 1/27/2022, by Rep. David A. Welter

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 24986 RLC 34242 b

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 unless in accordance with
10 the Firearm Concealed Carry Act.

11 (o) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

24 (z) It is unlawful to take any game bird (excluding wild
25 turkeys and crippled pheasants not capable of normal flight
26 and otherwise irretrievable) protected by this Act when not

1 flying. Nothing in this Section shall prohibit a person from
2 carrying an uncased, unloaded shotgun in a boat, while in
3 pursuit of a crippled migratory waterfowl that is incapable of
4 normal flight, for the purpose of attempting to reduce the
5 migratory waterfowl to possession, provided that the attempt
6 is made immediately upon downing the migratory waterfowl and
7 is done within 400 yards of the blind from which the migratory
8 waterfowl was downed. This exception shall apply only to
9 migratory game birds that are not capable of normal flight.
10 Migratory waterfowl that are crippled may be taken only with a
11 shotgun as regulated by subsection (j) of this Section using
12 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

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

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

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

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

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

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

15 (jj) (Blank).

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

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

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

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

9 (nn) It shall be unlawful to possess any species of
10 wildlife or wildlife parts taken unlawfully in Illinois, any
11 other state, or any other country, whether or not the wildlife
12 or wildlife parts is indigenous to Illinois. For the purposes
13 of this subsection, the statute of limitations for unlawful
14 possession of wildlife or wildlife parts shall not cease until
15 2 years after the possession has permanently ended.

16 (Source: P.A. 102-237, eff. 1-1-22.)

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

19 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

23 (1) Sells, manufactures, purchases, possesses or
24 carries any bludgeon, black-jack, slung-shot, sand-club,

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

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

14 (2.5) Carries or possesses with intent to use the same
15 unlawfully against another, any firearm in a church,
16 synagogue, mosque, or other building, structure, or place
17 used for religious worship; or

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

24 (4) Carries or possesses in any vehicle or concealed
25 on or about his person except when on his land or in his
26 own abode, legal dwelling, or fixed place of business, or

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

17 (5) Sets a spring gun; or

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

1 in compliance with the National Firearms Act ~~firearm~~; or

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

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

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

23 (iii) any bomb, bomb-shell, grenade, bottle or
24 other container containing an explosive substance of
25 over one-quarter ounce for like purposes, such as, but
26 not limited to, black powder bombs and Molotov

1 cocktails or artillery projectiles; or

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

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

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

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

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

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

7 (ii) are not immediately accessible; or

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

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

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

1 to render him incapable of normal functioning; or

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

12 (12) (Blank); or

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

21 (b) Sentence. A person convicted of a violation of
22 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
23 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
24 Class A misdemeanor. A person convicted of a violation of
25 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;
26 a person convicted of a violation of subsection 24-1(a)(6) or

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

15 (c) Violations in specific places.

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

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

14 (1.5) A person who violates subsection 24-1(a)(4),
15 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
16 the time of day or the time of year, in residential
17 property owned, operated, or managed by a public housing
18 agency or leased by a public housing agency as part of a
19 scattered site or mixed-income development, in a public
20 park, in a courthouse, on the real property comprising any
21 school, regardless of the time of day or the time of year,
22 on residential property owned, operated, or managed by a
23 public housing agency or leased by a public housing agency
24 as part of a scattered site or mixed-income development,
25 on the real property comprising any public park, on the
26 real property comprising any courthouse, in any conveyance

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

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

1 transportation agency, or on any public way within 1,000
2 feet of the real property comprising any school, public
3 park, courthouse, public transportation facility, or
4 residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development
7 commits a Class 4 felony. "Courthouse" means any building
8 that is used by the Circuit, Appellate, or Supreme Court
9 of this State for the conduct of official business.

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

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

22 (5) For the purposes of this subsection (c), "public
23 transportation agency" means a public or private agency
24 that provides for the transportation or conveyance of
25 persons by means available to the general public, except
26 for transportation by automobiles not used for conveyance

1 of the general public as passengers; and "public
2 transportation facility" means a terminal or other place
3 where one may obtain public transportation.

4 (d) The presence in an automobile other than a public
5 omnibus of any weapon, instrument or substance referred to in
6 subsection (a) (7) is prima facie evidence that it is in the
7 possession of, and is being carried by, all persons occupying
8 such automobile at the time such weapon, instrument or
9 substance is found, except under the following circumstances:
10 (i) if such weapon, instrument or instrumentality is found
11 upon the person of one of the occupants therein; or (ii) if
12 such weapon, instrument or substance is found in an automobile
13 operated for hire by a duly licensed driver in the due, lawful
14 and proper pursuit of his or her trade, then such presumption
15 shall not apply to the driver.

16 (e) Exemptions.

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

21 (2) The provision of paragraph (1) of subsection (a)
22 of this Section prohibiting the sale, manufacture,
23 purchase, possession, or carrying of any knife, commonly
24 referred to as a switchblade knife, which has a blade that
25 opens automatically by hand pressure applied to a button,
26 spring or other device in the handle of the knife, does not

1 apply to a person who possesses a currently valid Firearm
2 Owner's Identification Card previously issued in his or
3 her name by the Illinois State Police or to a person or an
4 entity engaged in the business of selling or manufacturing
5 switchblade knives.

6 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21.)

7 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

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

25 "Mental institution" means any hospital,

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

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

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

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

20 (1) the sale of a firearm to a law enforcement officer if
21 the seller of the firearm knows that the person to whom he
22 or she is selling the firearm is a law enforcement officer
23 or the sale of a firearm to a person who desires to
24 purchase a firearm for use in promoting the public
25 interest incident to his or her employment as a bank
26 guard, armed truck guard, or other similar employment; (2)

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

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

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

26 (i) Sells or gives a firearm of any size to any person

1 under 18 years of age who does not possess a valid Firearm
2 Owner's Identification Card.

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

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

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

24 (k) Sells or transfers ownership of a firearm to a
25 person who does not display to the seller or transferor of
26 the firearm either: (1) a currently valid Firearm Owner's

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

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

23 (2) All sellers or transferors who have complied
24 with the requirements of subparagraph (1) of this
25 paragraph (k) shall not be liable for damages in any
26 civil action arising from the use or misuse by the

1 transferee of the firearm transferred, except for
2 willful or wanton misconduct on the part of the seller
3 or transferor.

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

10 (m) Transfers or gives a suppressor or silencer to a
11 person not authorized to possess the suppressor or
12 silencer under federal law.

13 (B) Paragraph (h) of subsection (A) does not include
14 firearms sold within 6 months after enactment of Public Act
15 78-355 (approved August 21, 1973, effective October 1, 1973),
16 nor is any firearm legally owned or possessed by any citizen or
17 purchased by any citizen within 6 months after the enactment
18 of Public Act 78-355 subject to confiscation or seizure under
19 the provisions of that Public Act. Nothing in Public Act
20 78-355 shall be construed to prohibit the gift or trade of any
21 firearm if that firearm was legally held or acquired within 6
22 months after the enactment of that Public Act.

23 (C) Sentence.

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

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

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

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

1 time of year at which the offense was committed, commits a
2 Class 1 felony for which the sentence shall be a term of
3 imprisonment of no less than 5 years and no more than 15
4 years.

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

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

25 (7) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (k) of subsection

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

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

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

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

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

26 (D) For purposes of this Section:

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

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

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

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
15 revised 10-12-21.)

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