

1                                    AMENDMENT TO HOUSE BILL 2579

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2579 by replacing  
3 the title with the following:

4            "AN ACT in relation to criminal law."; and

5 by replacing everything after the enacting clause with the  
6 following:

7            "Section 5. The Criminal Code of 1961 is amended by  
8 changing Section 24-3 and adding Section 24-3.1A as follows:

9            (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

10            Sec. 24-3. Unlawful Sale of Firearms.

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

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

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

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

21                    (d) Sells or gives any firearm to any person who

1 has been convicted of a felony under the laws of this or  
2 any other jurisdiction.

3 (e) Sells or gives any firearm to any person who  
4 has been a patient in a mental hospital within the past 5  
5 years.

6 (f) Sells or gives any firearms to any person who  
7 is mentally retarded.

8 (g) Delivers any firearm of a size which may be  
9 concealed upon the person, incidental to a sale, without  
10 withholding delivery of such firearm for at least 72  
11 hours after application for its purchase has been made,  
12 or delivers any rifle, shotgun or other long gun,  
13 incidental to a sale, without withholding delivery of  
14 such rifle, shotgun or other long gun for at least 24  
15 hours after application for its purchase has been made.  
16 However, this paragraph (g) does not apply to: (1) the  
17 sale of a firearm to a law enforcement officer or a  
18 person who desires to purchase a firearm for use in  
19 promoting the public interest incident to his or her  
20 employment as a bank guard, armed truck guard, or other  
21 similar employment; (2) a mail order sale of a firearm to  
22 a nonresident of Illinois under which the firearm is  
23 mailed to a point outside the boundaries of Illinois; (3)  
24 the sale of a firearm to a nonresident of Illinois while  
25 at a firearm showing or display recognized by the  
26 Illinois Department of State Police; or (4) the sale of a  
27 firearm to a dealer licensed under the Federal Firearms  
28 Act of the United States.

29 (h) While holding any license as a dealer,  
30 importer, manufacturer or pawnbroker under the federal  
31 Gun Control Act of 1968, manufactures, sells or delivers  
32 to any unlicensed person a handgun having a barrel,  
33 slide, frame or receiver which is a die casting of zinc  
34 alloy or any other nonhomogeneous metal which will melt

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

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

11 (i-5) While holding a license under the Federal Gun  
12 Control Act of 1968, sells or gives more than one handgun  
13 to any person within any 30-day period or sells or gives  
14 a handgun to any person he or she knows has purchased a  
15 handgun within the previous 30 days unless the purchase  
16 of multiple handguns is exempted under subsection (c) or  
17 (d) of Section 24-3.1A. It is not a violation of this  
18 subsection that the seller in good faith relied on the  
19 records of the Department of State Police in concluding  
20 that the seller had not transferred a handgun within the  
21 previous 30 days or that multiple purchases were  
22 authorized by subsection (b) of Section 24-3.1A, or  
23 relied in good faith on the records of a local law  
24 enforcement agency that the sale was authorized by  
25 subsection (c) of Section 24-3.1A.

26 (B) Paragraph (h) of subsection (A) does not include  
27 firearms sold within 6 months after enactment of Public Act  
28 78-355 (approved August 21, 1973, effective October 1, 1973),  
29 nor is any firearm legally owned or possessed by any citizen  
30 or purchased by any citizen within 6 months after the  
31 enactment of Public Act 78-355 subject to confiscation or  
32 seizure under the provisions of that Public Act. Nothing in  
33 Public Act 78-355 shall be construed to prohibit the gift or  
34 trade of any firearm if that firearm was legally held or

1 acquired within 6 months after the enactment of that Public  
2 Act.

3 (B-5) It is not a violation of paragraph (i-5) of  
4 subsection (A) that the sale or gift of a firearm was to a  
5 transferee who received the firearm as an heir, legatee, or  
6 beneficiary of or in a similar capacity to a deceased person  
7 who had owned the firearm. Nothing in this paragraph (B-5)  
8 makes lawful the sale or gift of a firearm, or any other  
9 possession or use of a firearm, in violation of any law,  
10 other than paragraph (i-5) of subsection (A), or in violation  
11 of any municipal or county ordinance.

12 (C) Sentence.

13 (1) Any person convicted of unlawful sale of  
14 firearms in violation of any of paragraphs (c) through  
15 (h) of subsection (A) commits a Class 4 felony. A person  
16 convicted of a violation of subsection (i-5) of  
17 subsection (A) of this Section commits a Class A  
18 misdemeanor for a first offense and a Class 4 felony for  
19 a second or subsequent offense.

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

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

26 (4) Any person convicted of unlawful sale of  
27 firearms in violation of paragraph (a), (b), or (i) of  
28 subsection (A) in any school, on the real property  
29 comprising a school, within 1,000 feet of the real  
30 property comprising a school, at a school related  
31 activity, or on or within 1,000 feet of any conveyance  
32 owned, leased, or contracted by a school or school  
33 district to transport students to or from school or a  
34 school related activity, regardless of the time of day or

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

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

32 (6) A person convicted of unlawful sale of firearms  
33 in violation of paragraph (d) of subsection (A) commits a  
34 Class 2 felony.

1 (D) For purposes of this Section:

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

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

8 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;  
9 91-696, eff. 4-13-00.)

10 (720 ILCS 5/24-3.1A new)

11 Sec. 24-3.1A. Unlawful acquisition of handguns.

12 (a) Except as exempted in subsections (b) and (c), it is  
13 unlawful for any person other than a person holding a license  
14 under the Federal Gun Control Act of 1968, as amended, to  
15 acquire more than one handgun within any 30-day period.

16 (b) Acquisitions in excess of one handgun within a  
17 30-day period may be made upon completion of an enhanced  
18 background check, as described in this Section, by special  
19 application to the Department of State Police listing the  
20 number and type of handguns to be acquired and transferred  
21 for lawful business or personal use in a collector series,  
22 for collections, as a bulk purchase from estate sales, and  
23 for similar purposes. The application must be signed under  
24 oath by the applicant on forms provided by the Department of  
25 State Police, must state the purpose for the acquisition  
26 above the limit, and must require satisfactory proof of  
27 residency and identity. The application is in addition to  
28 the firearms transfer report required by the Bureau of  
29 Alcohol, Tobacco and Firearms (ATF). The Director of State  
30 Police shall adopt rules, under the Illinois Administrative  
31 Procedure Act, for the implementation of an application  
32 process for acquisitions of handguns above the limit.

33 Upon being satisfied that these requirements have been

1 met, the Department of State Police must forthwith issue to  
2 the applicant a nontransferable certificate that is valid for  
3 7 days from the date of issue. The certificate must be  
4 surrendered to the transferor by the prospective transferee  
5 before the consummation of the transfer and must be kept on  
6 file at the transferor's place of business for inspection as  
7 provided in Section 24-4. Upon request of any local law  
8 enforcement agency, and under its rules, the Department of  
9 State Police may certify the local law enforcement agency to  
10 serve as its agent to receive applications and, upon  
11 authorization by the Department of State Police, issue  
12 certificates forthwith under this Section. Applications and  
13 certificates issued under this Section must be maintained as  
14 records by the Department of State Police, and made available  
15 to local law enforcement agencies.

16 (c) This Section does not apply to:

17 (1) A law enforcement agency;

18 (2) State and local correctional agencies and  
19 departments;

20 (3) The acquisition of antique firearms as defined  
21 by paragraph (4) of Section 1.1 of the Firearm Owners  
22 Identification Card Act; or

23 (4) A person whose handgun is stolen or  
24 irretrievably lost who deems it essential that the  
25 handgun be replaced immediately. The person may acquire  
26 another handgun, even if the person has previously  
27 acquired a handgun within a 30-day period, if: (i) the  
28 person provides the firearms transferor with a copy of  
29 the official police report or a summary of the official  
30 police report, on forms provided by the Department of  
31 State Police, from the law enforcement agency that took  
32 the report of the lost or stolen handgun; (ii) the  
33 official police report or summary of the official police  
34 report contains the name and address of the handgun

1 owner, the description and serial number of the handgun,  
2 the location of the loss or theft, the date of the loss  
3 or theft, and the date the loss or theft was reported to  
4 the law enforcement agency; and (iii) the date of the  
5 loss or theft as reflected on the official police report  
6 or summary of the official police report occurred within  
7 30 days of the person's attempt to replace the handgun.  
8 The firearms transferor must attach a copy of the  
9 official police report or summary of the official police  
10 report to the original copy of the form provided by the  
11 Department of State Police completed for the transaction,  
12 retain it for the period prescribed by the Department of  
13 State Police, and forward a copy of the documents to the  
14 Department of State Police. The documents must be  
15 maintained by the Department of State Police and made  
16 available to local law enforcement agencies.

17 (d) For the purposes of this Section, "acquisition" does  
18 not include the exchange or replacement of a handgun within  
19 the 30-day period immediately preceding the date of exchange  
20 or replacement.

21 (e) A violation of this Section is a Class A misdemeanor  
22 for a first offense and a Class 4 felony for a second or  
23 subsequent offense."