

1 AN ACT in relation to criminal law.

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

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

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

7 Sec. 24-3. Unlawful transfer Sale of firearms.

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

11 (a) Transfers or possesses with intent to transfer
12 ~~Sells-or-gives~~ any firearm of a size which may be
13 concealed upon the person to any person he or she has
14 reasonable cause to believe is under 18 years of age.

15 (b) Transfers or possesses with intent to transfer
16 ~~Sells--or-gives~~ any firearm to a person under 21 years of
17 age who has been convicted of a misdemeanor other than a
18 traffic offense or adjudged delinquent.

19 ~~(b-5)~~ Transfers or possesses with intent to
20 transfer any firearm to a person he or she has reasonable
21 cause to believe is under 18 years of age.

22 (c) Transfers or possesses with intent to transfer
23 ~~Sells--or--gives~~ any firearm to any person he or she has
24 reasonable cause to believe is a narcotic addict.

25 (d) Transfers or possesses with intent to transfer
26 ~~Sells--or--gives~~ any firearm to any person he or she has
27 reasonable cause to believe who has been convicted of a
28 felony under the laws of this or any other jurisdiction.

29 (e) Transfers or possesses with intent to transfer
30 ~~Sells-or-gives~~ any firearm to any person he or she has
31 reasonable cause to believe who has been a patient in a

1 mental hospital within the past 5 years.

2 (f) Transfers or possesses with intent to transfer
3 Sells-or-gives any firearms to any person he or she knows
4 or has reasonable cause to believe who is mentally
5 retarded.

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

27 (h) While holding any license as a dealer,
28 importer, manufacturer or pawnbroker under the federal
29 Gun Control Act of 1968, knowingly manufactures, sells or
30 delivers to any unlicensed person a handgun having a
31 barrel, slide, frame or receiver which is a die casting
32 of zinc alloy or any other nonhomogeneous metal which
33 will melt or deform at a temperature of less than 800
34 degrees Fahrenheit. For purposes of this paragraph, (1)

1 "firearm" is defined as in the Firearm Owners
2 Identification Card Act; and (2) "handgun" is defined as
3 a firearm designed to be held and fired by the use of a
4 single hand, and includes a combination of parts from
5 which such a firearm can be assembled.

6 (i) Transfers or possesses with intent to transfer
7 Sells-or-gives a firearm of any size to any person he or
8 she knows or has reasonable cause to believe is under 18
9 years of age who does not possess a valid Firearm Owner's
10 Identification Card.

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

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

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

4 (B-5) As used in this Section, "transfer" means the
5 actual or attempted transfer of a firearm or firearm
6 ammunition, with or without consideration, but does not
7 include the lease of a firearm, or the provision of
8 ammunition specifically for that firearm, if the firearm and
9 the ammunition are to be used on the lessor's premises, and
10 does not include any transfer of possession when the
11 transferor maintains supervision and control over the firearm
12 or ammunition.

13 (B-10) It is an affirmative defense to a violation of
14 paragraph (i-5) of subsection (A) that the transfer or
15 possession with intent to transfer of a firearm was to a
16 transferee who received the firearm as an heir, legatee, or
17 beneficiary of or in a similar capacity to a deceased person
18 who had owned the firearm. Nothing in this paragraph (B-10)
19 makes lawful any transfer or possession with intent to
20 transfer of a firearm, or any other possession or use of a
21 firearm, in violation of any law, other than paragraph (i-5)
22 of subsection (A), or in violation of any municipal or county
23 ordinance.

24 (C) Sentence.

25 (1) Any person convicted of unlawful transfer sale
26 of firearms in violation of any of paragraph (c), (e),
27 (f), (g), or paragraphs-(e)-through (h) of subsection (A)
28 commits a Class 4 felony. A person convicted of a
29 violation of subsection (i-5) of subsection (A) of this
30 Section commits a Class A misdemeanor for a first offense
31 and a Class 4 felony for a second or subsequent offense.

32 (2) Any person convicted of unlawful transfer sale
33 of firearms in violation of paragraph (b), (b-5), or (i)
34 of subsection (A) commits a Class 3 felony.

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

4 (4) Any person convicted of unlawful transfer sale
5 of firearms in violation of paragraph (a), (b), (b-5), or
6 (i) of subsection (A) in any school, on the real property
7 comprising a school, within 1,000 feet of the real
8 property comprising a school, at a school related
9 activity, or on or within 1,000 feet of any conveyance
10 owned, leased, or contracted by a school or school
11 district to transport students to or from school or a
12 school related activity, regardless of the time of day or
13 time of year at which the offense was committed, commits
14 a Class 1 felony. Any person convicted of a second or
15 subsequent violation of unlawful transfer sale of
16 firearms in violation of paragraph (a), (b), (b-5), or
17 (i) of subsection (A) in any school, on the real property
18 comprising a school, within 1,000 feet of the real
19 property comprising a school, at a school related
20 activity, or on or within 1,000 feet of any conveyance
21 owned, leased, or contracted by a school or school
22 district to transport students to or from school or a
23 school related activity, regardless of the time of day or
24 time of year at which the offense was committed, commits
25 a Class 1 felony for which the sentence shall be a term
26 of imprisonment of no less than 5 years and no more than
27 15 years.

28 (5) Any person convicted of unlawful transfer sale
29 of firearms in violation of paragraph (a) or (i) of
30 subsection (A) in residential property owned, operated,
31 or managed by a public housing agency or leased by a
32 public housing agency as part of a scattered site or
33 mixed-income development, in a public park, in a
34 courthouse, on residential property owned, operated, or

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

11 (6) A person convicted of unlawful transfer of
 12 firearms in violation of paragraph (d) of subsection (A)
 13 commits a Class 2 felony.

14 (D) For purposes of this Section:

15 "School" means a public or private elementary or
 16 secondary school, community college, college, or university.

17 "School related activity" means any sporting, social,
 18 academic, or other activity for which students' attendance or
 19 participation is sponsored, organized, or funded in whole or
 20 in part by a school or school district.

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

23 (720 ILCS 5/24-3.1A new)

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

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

29 (b) Acquisitions in excess of one handgun within a
 30 30-day period may be made upon completion of an enhanced
 31 background check, as described in this Section, by special
 32 application to the Department of State Police listing the
 33 number and type of handguns to be acquired and transferred

1 for lawful business or personal use, in a collector series,
2 for collections, as a bulk purchase from estate sales, and
3 for similar purposes. The application must be signed under
4 oath by the applicant on forms provided by the Department of
5 State Police, must state the purpose for the acquisition
6 above the limit, and must require satisfactory proof of
7 residency and identity. The application is in addition to
8 the firearms transfer report required by the Bureau of
9 Alcohol, Tobacco and Firearms (ATF). The Director of State
10 Police shall adopt rules, under the Illinois Administrative
11 Procedure Act, for the implementation of an application
12 process for acquisitions of handguns above the limit.

13 Upon being satisfied that these requirements have been
14 met, the Department of State Police must forthwith issue to
15 the applicant a nontransferable certificate that is valid for
16 7 days from the date of issue. The certificate must be
17 surrendered to the transferor by the prospective transferee
18 before the consummation of the transfer and must be kept on
19 file at the transferor's place of business for inspection as
20 provided in Section 24-4. Upon request of any local law
21 enforcement agency, and under its rules, the Department of
22 State Police may certify the local law enforcement agency to
23 serve as its agent to receive applications and, upon
24 authorization by the Department of State Police, issue
25 certificates forthwith under this Section. Applications and
26 certificates issued under this Section must be maintained as
27 records by the Department of State Police, and made available
28 to local law enforcement agencies.

29 (c) This Section does not apply to:

30 (1) A law enforcement agency;

31 (2) State and local correctional agencies and
32 departments;

33 (3) The acquisition of antique firearms as defined
34 by paragraph (4) of Section 1.1 of the Firearm Owners

1 Identification Card Act; or

2 (4) A person whose handgun is stolen or
3 irretrievably lost who deems it essential that the
4 handgun be replaced immediately. The person may acquire
5 another handgun, even if the person has previously
6 acquired a handgun within a 30-day period, if: (i) the
7 person provides the firearms transferor with a copy of
8 the official police report or a summary of the official
9 police report, on forms provided by the Department of
10 State Police, from the law enforcement agency that took
11 the report of the lost or stolen handgun; (ii) the
12 official police report or summary of the official police
13 report contains the name and address of the handgun
14 owner, the description and serial number of the handgun,
15 the location of the loss or theft, the date of the loss
16 or theft, and the date the loss or theft was reported to
17 the law enforcement agency; and (iii) the date of the
18 loss or theft as reflected on the official police report
19 or summary of the official police report occurred within
20 30 days of the person's attempt to replace the handgun.
21 The firearms transferor must attach a copy of the
22 official police report or summary of the official police
23 report to the original copy of the form provided by the
24 Department of State Police completed for the transaction,
25 retain it for the period prescribed by the Department of
26 State Police, and forward a copy of the documents to the
27 Department of State Police. The documents must be
28 maintained by the Department of State Police and made
29 available to local law enforcement agencies.

30 (d) For the purposes of this Section, "acquisition" does
31 not include the exchange or replacement of a handgun by a
32 transferor for a handgun transferred from the transferor by
33 the same person seeking the exchange or replacement within
34 the 30-day period immediately preceding the date of exchange

1 or replacement.

2 (e) The exemptions set forth in subsections (b) and (c)
3 are affirmatives defenses to a violation of subsection (a).

4 (f) A violation of this Section is a Class A misdemeanor
5 for a first offense and a Class 4 felony for a second or
6 subsequent offense.