



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2523

Introduced 2/3/2004, by Don Harmon

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3.5

Amends the Criminal Code of 1961. Makes a technical change in the Section that creates the offense of unlawful purchase of a firearm.

LRB093 20378 RLC 46148 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 Criminal Code of 1961 is amended by changing
5 Section 24-3.5 as follows:

6 (720 ILCS 5/24-3.5)

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

8 (a) In ~~For purposes of~~ this Section, "firearms transaction
9 record form" means a form:

10 (1) executed by a transferee of a firearm stating: (i)
11 the transferee's name and address (including county or
12 similar political subdivision); (ii) whether the
13 transferee is a citizen of the United States; (iii) the
14 transferee's State of residence; and (iv) the date and
15 place of birth, height, weight, and race of the transferee;
16 and

17 (2) on which the transferee certifies that he or she is
18 not prohibited by federal law from transporting or shipping
19 a firearm in interstate or foreign commerce or receiving a
20 firearm that has been shipped or transported in interstate
21 or foreign commerce or possessing a firearm in or affecting
22 commerce.

23 (b) A person commits the offense of unlawful purchase of a
24 firearm who knowingly purchases or attempts to purchase a
25 firearm with the intent to deliver that firearm to another
26 person who is prohibited by federal or State law from
27 possessing a firearm.

28 (c) A person commits the offense of unlawful purchase of a
29 firearm when he or she, in purchasing or attempting to purchase
30 a firearm, intentionally provides false or misleading
31 information on a United States Department of the Treasury,
32 Bureau of Alcohol, Tobacco and Firearms firearms transaction

1 record form.

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

8 (e) Sentence.

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

11 (A) is guilty of a Class 4 felony for purchasing or
12 attempting to purchase one firearm;

13 (B) is guilty of a Class 3 felony for purchasing or
14 attempting to purchase not less than 2 firearms and not
15 more than 5 firearms at the same time or within a one
16 year period;

17 (C) is guilty of a Class 2 felony for purchasing or
18 attempting to purchase not less than 6 firearms and not
19 more than 10 firearms at the same time or within a 2
20 year period;

21 (D) is guilty of a Class 1 felony for purchasing or
22 attempting to purchase not less than 11 firearms and
23 not more than 20 firearms at the same time or within a
24 3 year period;

25 (E) is guilty of a Class X felony for which the
26 person shall be sentenced to a term of imprisonment of
27 not less than 6 years and not more than 30 years for
28 purchasing or attempting to purchase not less than 21
29 firearms and not more than 30 firearms at the same time
30 or within a 4 year period;

31 (F) is guilty of a Class X felony for which the
32 person shall be sentenced to a term of imprisonment of
33 not less than 6 years and not more than 40 years for
34 purchasing or attempting to purchase not less than 31
35 firearms and not more than 40 firearms at the same time
36 or within a 5 year period;

1 (G) is guilty of a Class X felony for which the
2 person shall be sentenced to a term of imprisonment of
3 not less than 6 years and not more than 50 years for
4 purchasing or attempting to purchase more than 40
5 firearms at the same time or within a 6 year period.

6

7 (2) In addition to any other penalty that may be
8 imposed for a violation of this Section, the court may
9 sentence a person convicted of a violation of subsection
10 (c) of this Section to a fine not to exceed \$250,000 for
11 each violation.

12 (Source: P.A. 93-451, eff. 8-7-03.)