

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 Firearm Owners Identification Card Act is  
5 amended by changing Section 3 as follows:

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

7 Sec. 3. (a) Except as provided in Section 3a, no person may  
8 knowingly transfer, or cause to be transferred, any firearm or  
9 any firearm ammunition to any person within this State unless  
10 the transferee with whom he deals displays a currently valid  
11 Firearm Owner's Identification Card which has previously been  
12 issued in his name by the Department of State Police under the  
13 provisions of this Act. In addition, all firearm transfers by  
14 federally licensed firearm dealers are subject to Section 3.1.

15 (b) Any person within this State who transfers or causes to  
16 be transferred any firearm shall keep a record of such transfer  
17 for a period of 10 years from the date of transfer. Such record  
18 shall contain the date of the transfer; the description, serial  
19 number or other information identifying the firearm if no  
20 serial number is available; and, if the transfer was completed  
21 within this State, the transferee's Firearm Owner's  
22 Identification Card number. On or after January 1, 2006, the  
23 record shall contain the date of application for transfer of  
24 the firearm. On demand of a peace officer such transferor shall  
25 produce for inspection such record of transfer.

26 (c) The provisions of this Section regarding the transfer  
27 of firearm ammunition shall not apply to those persons  
28 specified in paragraph (b) of Section 2 of this Act.

29 (Source: P.A. 92-442, eff. 8-17-01.)

30 Section 10. The Criminal Code of 1961 is amended by  
31 changing Sections 24-1, 24-1.1, 24-1.6, 24-3, and 24-3.1 as

1 follows:

2 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

3 Sec. 24-1. Unlawful Use of Weapons.

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

6 (1) Sells, manufactures, purchases, possesses or  
7 carries any bludgeon, black-jack, slung-shot, sand-club,  
8 sand-bag, metal knuckles, throwing star, or any knife,  
9 commonly referred to as a switchblade knife, which has a  
10 blade that opens automatically by hand pressure applied to  
11 a button, spring or other device in the handle of the  
12 knife, or a ballistic knife, which is a device that propels  
13 a knifelike blade as a projectile by means of a coil  
14 spring, elastic material or compressed gas; or

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

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

26 (4) Carries or possesses in any vehicle or concealed on  
27 or about his person except when on his land or in his own  
28 abode or fixed place of business any pistol, revolver, stun  
29 gun or taser or other firearm, except that this subsection  
30 (a) (4) does not apply to or affect transportation of  
31 weapons that meet one of the following conditions:

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

33 (ii) are not immediately accessible; or

34 (iii) are unloaded and enclosed in a case, firearm  
35 carrying box, shipping box, or other container by a

1 person who has been issued a currently valid Firearm  
2 Owner's Identification Card; or

3 (5) Sets a spring gun; or

4 (6) Possesses any device or attachment of any kind  
5 designed, used or intended for use in silencing the report  
6 of any firearm; or

7 (7) Sells, manufactures, purchases, possesses or  
8 carries:

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

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

28 (iii) any bomb, bomb-shell, grenade, bottle or  
29 other container containing an explosive substance of  
30 over one-quarter ounce for like purposes, such as, but  
31 not limited to, black powder bombs and Molotov  
32 cocktails or artillery projectiles; or

33 (8) Carries or possesses any firearm, stun gun or taser  
34 or other deadly weapon in any place which is licensed to  
35 sell intoxicating beverages, or at any public gathering  
36 held pursuant to a license issued by any governmental body

1 or any public gathering at which an admission is charged,  
2 excluding a place where a showing, demonstration or lecture  
3 involving the exhibition of unloaded firearms is  
4 conducted.

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

9 (9) Carries or possesses in a vehicle or on or about  
10 his person any pistol, revolver, stun gun or taser or  
11 firearm or ballistic knife, when he is hooded, robed or  
12 masked in such manner as to conceal his identity; or

13 (10) Carries or possesses on or about his person, upon  
14 any public street, alley, or other public lands within the  
15 corporate limits of a city, village or incorporated town,  
16 except when an invitee thereon or therein, for the purpose  
17 of the display of such weapon or the lawful commerce in  
18 weapons, or except when on his land or in his own abode or  
19 fixed place of business, any pistol, revolver, stun gun or  
20 taser or other firearm, except that this subsection (a)  
21 (10) does not apply to or affect transportation of weapons  
22 that meet one of the following conditions:

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

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm  
26 carrying box, shipping box, or other container by a  
27 person who has been issued a currently valid Firearm  
28 Owner's Identification Card.

29 A "stun gun or taser", as used in this paragraph (a)  
30 means (i) any device which is powered by electrical  
31 charging units, such as, batteries, and which fires one or  
32 several barbs attached to a length of wire and which, upon  
33 hitting a human, can send out a current capable of  
34 disrupting the person's nervous system in such a manner as  
35 to render him incapable of normal functioning or (ii) any  
36 device which is powered by electrical charging units, such

1 as batteries, and which, upon contact with a human or  
2 clothing worn by a human, can send out current capable of  
3 disrupting the person's nervous system in such a manner as  
4 to render him incapable of normal functioning; or

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

15 (12) (Blank).

16 (b) Sentence. A person convicted of a violation of  
17 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or  
18 subsection 24-1(a)(11) commits a Class A misdemeanor. A person  
19 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)  
20 commits a Class 4 felony; a person convicted of a violation of  
21 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a  
22 Class 3 felony. A person convicted of a violation of subsection  
23 24-1(a)(7)(i) commits a Class 2 felony, unless the weapon is  
24 possessed in the passenger compartment of a motor vehicle as  
25 defined in Section 1-146 of the Illinois Vehicle Code, or on  
26 the person, while the weapon is loaded, in which case it shall  
27 be a Class X felony. A person convicted of a second or  
28 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),  
29 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The  
30 possession of each weapon in violation of this Section  
31 constitutes a single and separate violation.

32 (c) Violations in specific places.

33 (1) A person who violates subsection 24-1(a)(6) or  
34 24-1(a)(7) in any school, regardless of the time of day or  
35 the time of year, in residential property owned, operated  
36 or managed by a public housing agency or leased by a public

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

17 (1.5) A person who violates subsection 24-1(a)(4),  
18 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
19 time of day or the time of year, in residential property  
20 owned, operated, or managed by a public housing agency or  
21 leased by a public housing agency as part of a scattered  
22 site or mixed-income development, in a public park, in a  
23 courthouse, on the real property comprising any school,  
24 regardless of the time of day or the time of year, on  
25 residential property owned, operated, or managed by a  
26 public housing agency or leased by a public housing agency  
27 as part of a scattered site or mixed-income development, on  
28 the real property comprising any public park, on the real  
29 property comprising any courthouse, in any conveyance  
30 owned, leased, or contracted by a school to transport  
31 students to or from school or a school related activity, or  
32 on any public way within 1,000 feet of the real property  
33 comprising any school, public park, courthouse, or  
34 residential property owned, operated, or managed by a  
35 public housing agency or leased by a public housing agency  
36 as part of a scattered site or mixed-income development

1 commits a Class 3 felony.

2 (2) A person who violates subsection 24-1(a)(1),  
3 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
4 time of day or the time of year, in residential property  
5 owned, operated or managed by a public housing agency or  
6 leased by a public housing agency as part of a scattered  
7 site or mixed-income development, in a public park, in a  
8 courthouse, on the real property comprising any school,  
9 regardless of the time of day or the time of year, on  
10 residential property owned, operated or managed by a public  
11 housing agency or leased by a public housing agency as part  
12 of a scattered site or mixed-income development, on the  
13 real property comprising any public park, on the real  
14 property comprising any courthouse, in any conveyance  
15 owned, leased or contracted by a school to transport  
16 students to or from school or a school related activity, or  
17 on any public way within 1,000 feet of the real property  
18 comprising any school, public park, courthouse, or  
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 commits a Class 4 felony. "Courthouse" means any building  
23 that is used by the Circuit, Appellate, or Supreme Court of  
24 this State for the conduct of official business.

25 (3) Paragraphs (1), (1.5), and (2) of this subsection  
26 (c) shall not apply to law enforcement officers or security  
27 officers of such school, college, or university or to  
28 students carrying or possessing firearms for use in  
29 training courses, parades, hunting, target shooting on  
30 school ranges, or otherwise with the consent of school  
31 authorities and which firearms are transported unloaded  
32 enclosed in a suitable case, box, or transportation  
33 package.

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

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

13 (e) Exemptions. Crossbows, Common or Compound bows and  
14 Underwater Spearguns are exempted from the definition of  
15 ballistic knife as defined in paragraph (1) of subsection (a)  
16 of this Section.

17 (Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99;  
18 91-690, eff. 4-13-00.)

19 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

20 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
21 Felons or Persons in the Custody of the Department of  
22 Corrections Facilities.

23 (a) It is unlawful for a person to knowingly possess on or  
24 about his person or on his land or in his own abode or fixed  
25 place of business any weapon prohibited under Section 24-1 of  
26 this Act or any firearm or any firearm ammunition if the person  
27 has been convicted of a felony under the laws of this State or  
28 any other jurisdiction. This Section shall not apply if the  
29 person has been granted relief by the Director of the  
30 Department of State Police under Section 10 of the Firearm  
31 Owners Identification Card Act.

32 (b) It is unlawful for any person confined in a penal  
33 institution, which is a facility of the Illinois Department of  
34 Corrections, to possess any weapon prohibited under Section  
35 24-1 of this Code or any firearm or firearm ammunition,



1 regardless of the intent with which he possesses it.

2 (c) It shall be an affirmative defense to a violation of  
3 subsection (b), that such possession was specifically  
4 authorized by rule, regulation, or directive of the Illinois  
5 Department of Corrections or order issued pursuant thereto.

6 (d) The defense of necessity is not available to a person  
7 who is charged with a violation of subsection (b) of this  
8 Section.

9 (e) Sentence. Violation of this Section by a person not  
10 confined in a penal institution shall be a Class 3 felony for  
11 which the person, if sentenced to a term of imprisonment, shall  
12 be sentenced to no less than 2 years and no more than 10 years.  
13 Violation of this Section by a person not confined in a penal  
14 institution who has been convicted of a forcible felony, a  
15 felony violation of Article 24 of this Code or of the Firearm  
16 Owners Identification Card Act, stalking or aggravated  
17 stalking, or a Class 2 or greater felony under the Illinois  
18 Controlled Substances Act or the Cannabis Control Act is a  
19 Class 2 felony for which the person, if sentenced to a term of  
20 imprisonment, shall be sentenced to not less than 3 years and  
21 not more than 14 years. Violation of this Section by a person  
22 who is on parole or mandatory supervised release is a Class 2  
23 felony for which the person, if sentenced to a term of  
24 imprisonment, shall be sentenced to not less than 3 years and  
25 not more than 14 years. Violation of this Section by a person  
26 not confined in a penal institution is a Class X felony when  
27 the firearm possessed is a machine gun. Any person who violates  
28 this Section while confined in a penal institution, which is a  
29 facility of the Illinois Department of Corrections, is guilty  
30 of a Class 1 felony, if he possesses any weapon prohibited  
31 under Section 24-1 of this Code regardless of the intent with  
32 which he possesses it, a Class X felony if he possesses any  
33 firearm, firearm ammunition or explosive, and a Class X felony  
34 for which the offender shall be sentenced to not less than 12  
35 years and not more than 50 years when the firearm possessed is  
36 a machine gun. A violation of this Section while wearing or in

1 possession of body armor as defined in Section 33F-1 is a Class  
2 X felony punishable by a term of imprisonment of not less than  
3 10 years and not more than 40 years. The possession of each  
4 firearm or firearm ammunition in violation of this Section  
5 constitutes a single and separate violation.

6 (Source: P.A. 93-906, eff. 8-11-04.)

7 (720 ILCS 5/24-1.6)

8 Sec. 24-1.6. Aggravated unlawful use of a weapon.

9 (a) A person commits the offense of aggravated unlawful use  
10 of a weapon when he or she knowingly:

11 (1) Carries on or about his or her person or in any  
12 vehicle or concealed on or about his or her person except  
13 when on his or her land or in his or her abode or fixed  
14 place of business any pistol, revolver, stun gun or taser  
15 or other firearm; or

16 (2) Carries or possesses on or about his or her person,  
17 upon any public street, alley, or other public lands within  
18 the corporate limits of a city, village or incorporated  
19 town, except when an invitee thereon or therein, for the  
20 purpose of the display of such weapon or the lawful  
21 commerce in weapons, or except when on his or her own land  
22 or in his or her own abode or fixed place of business, any  
23 pistol, revolver, stun gun or taser or other firearm; and

24 (3) One of the following factors is present:

25 (A) the firearm possessed was uncased, loaded and  
26 immediately accessible at the time of the offense; or

27 (B) the firearm possessed was uncased, unloaded  
28 and the ammunition for the weapon was immediately  
29 accessible at the time of the offense; or

30 (C) the person possessing the firearm has not been  
31 issued a currently valid Firearm Owner's  
32 Identification Card; or

33 (D) the person possessing the weapon was  
34 previously adjudicated a delinquent minor under the  
35 Juvenile Court Act of 1987 for an act that if committed

1 by an adult would be a felony; or

2 (E) the person possessing the weapon was engaged in  
3 a misdemeanor violation of the Cannabis Control Act or  
4 in a misdemeanor violation of the Illinois Controlled  
5 Substances Act; or

6 (F) the person possessing the weapon is a member of  
7 a street gang or is engaged in street gang related  
8 activity, as defined in Section 10 of the Illinois  
9 Streetgang Terrorism Omnibus Prevention Act; or

10 (G) the person possessing the weapon had a order of  
11 protection issued against him or her within the  
12 previous 2 years; or

13 (H) the person possessing the weapon was engaged in  
14 the commission or attempted commission of a  
15 misdemeanor involving the use or threat of violence  
16 against the person or property of another; or

17 (I) the person possessing the weapon was under 21  
18 years of age and in possession of a handgun as defined  
19 in Section 24-3, unless the person under 21 is engaged  
20 in lawful activities under the Wildlife Code or  
21 described in subsection 24-2(b)(1), (b)(3), or  
22 24-2(f).

23 (b) "Stun gun or taser" as used in this Section has the  
24 same definition given to it in Section 24-1 of this Code.

25 (c) This Section does not apply to or affect the  
26 transportation or possession of weapons that:

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

28 (ii) are not immediately accessible; or

29 (iii) are unloaded and enclosed in a case, firearm  
30 carrying box, shipping box, or other container by a  
31 person who has been issued a currently valid Firearm  
32 Owner's Identification Card.

33 (d) Sentence. Aggravated unlawful use of a weapon is a  
34 Class 4 felony; a second or subsequent offense is a Class 2  
35 felony. Aggravated unlawful use of a weapon by a person who has  
36 been previously convicted of a felony in this State or another

1 jurisdiction is a Class 2 felony. Aggravated unlawful use of a  
2 weapon while wearing or in possession of body armor as defined  
3 in Section 33F-1 by a person who has not been issued a valid  
4 Firearms Owner's Identification Card in accordance with  
5 Section 5 of the Firearm Owners Identification Card Act is a  
6 Class X felony. The possession of each firearm in violation of  
7 this Section constitutes a single and separate violation.

8 (Source: P.A. 93-906, eff. 8-11-04.)

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 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 hospital within the past 5  
25 years.

26 (f) Sells or gives any firearms to any person who is  
27 mentally retarded.

28 (g) Delivers any firearm of a size which may be  
29 concealed upon the person, incidental to a sale, without  
30 withholding delivery of such firearm for at least 72 hours  
31 after application for its purchase has been made, or  
32 delivers any rifle, shotgun or other long gun, incidental  
33 to a sale, without withholding delivery of such rifle,  
34 shotgun or other long gun for at least 24 hours after  
35 application for its purchase has been made. However, this

1 paragraph (g) does not apply to: (1) the sale of a firearm  
2 to a law enforcement officer if the seller of the firearm  
3 knows that the person to whom he or she is selling the  
4 firearm is a law enforcement officer or the sale of a  
5 firearm to a person who desires to purchase a firearm for  
6 use in promoting the public interest incident to his or her  
7 employment as a bank guard, armed truck guard, or other  
8 similar employment; (2) a mail order sale of a firearm to a  
9 nonresident of Illinois under which the firearm is mailed  
10 to a point outside the boundaries of Illinois; (3) the sale  
11 of a firearm to a nonresident of Illinois while at a  
12 firearm showing or display recognized by the Illinois  
13 Department of State Police; or (4) the sale of a firearm to  
14 a dealer licensed as a federal firearms dealer under  
15 Section 923 of the federal Gun Control Act of 1968 (18  
16 U.S.C. 923). For purposes of this paragraph (g),  
17 "application" means when the buyer and seller reach an  
18 agreement to purchase a firearm.

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

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

35 (j) Sells or gives a firearm while engaged in the  
36 business of selling firearms at wholesale or retail without

1 being licensed as a federal firearms dealer under Section  
2 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
3 In this paragraph (j):

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

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

20 (k) Sells or transfers ownership of a firearm to a  
21 person who does not display to the seller or transferor of  
22 the firearm a currently valid Firearm Owner's  
23 Identification Card that has previously been issued in the  
24 transferee's name by the Department of State Police under  
25 the provisions of the Firearm Owners Identification Card  
26 Act. This paragraph (k) does not apply to the transfer of a  
27 firearm to a person who is exempt from the requirement of  
28 possessing a Firearm Owner's Identification Card under  
29 Section 2 of the Firearm Owners Identification Card Act.  
30 For the purposes of this Section, a currently valid Firearm  
31 Owner's Identification Card means (i) a Firearm Owner's  
32 Identification Card that has not expired or (ii) if the  
33 transferor is licensed as a federal firearms dealer under  
34 Section 923 of the federal Gun Control Act of 1968 (18  
35 U.S.C. 923), an approval number issued in accordance with  
36 Section 3.1 of the Firearm Owners Identification Card Act

1 shall be proof that the Firearm Owner's Identification Card  
2 was valid.

3 (B) Paragraph (h) of subsection (A) does not include  
4 firearms sold within 6 months after enactment of Public Act  
5 78-355 (approved August 21, 1973, effective October 1, 1973),  
6 nor is any firearm legally owned or possessed by any citizen or  
7 purchased by any citizen within 6 months after the enactment of  
8 Public Act 78-355 subject to confiscation or seizure under the  
9 provisions of that Public Act. Nothing in Public Act 78-355  
10 shall be construed to prohibit the gift or trade of any firearm  
11 if that firearm was legally held or acquired within 6 months  
12 after the enactment of that Public Act.

13 (C) Sentence.

14 (1) Any person convicted of unlawful sale of firearms  
15 in violation of any of paragraphs (c) through (h) of  
16 subsection (A) commits a Class 4 felony.

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

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

23 (4) Any person convicted of unlawful sale of firearms  
24 in violation of paragraph (a), (b), or (i) of subsection  
25 (A) in any school, on the real property comprising a  
26 school, within 1,000 feet of the real property comprising a  
27 school, at a school related activity, or on or within 1,000  
28 feet of any conveyance owned, leased, or contracted by a  
29 school or school district to transport students to or from  
30 school or a school related activity, regardless of the time  
31 of day or time of year at which the offense was committed,  
32 commits a Class 1 felony. Any person convicted of a second  
33 or subsequent violation of unlawful sale of firearms in  
34 violation of paragraph (a), (b), or (i) of subsection (A)  
35 in any school, on the real property comprising a school,  
36 within 1,000 feet of the real property comprising a school,

1 at a school related activity, or on or within 1,000 feet of  
2 any conveyance owned, leased, or contracted by a school or  
3 school district to transport students to or from school or  
4 a school related activity, regardless of the time of day or  
5 time of year at which the offense was committed, commits a  
6 Class 1 felony for which the sentence shall be a term of  
7 imprisonment of no less than 5 years and no more than 15  
8 years.

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

25 (6) Any person convicted of unlawful sale of firearms  
26 in violation of paragraph (j) of subsection (A) commits a  
27 Class A misdemeanor. A second or subsequent violation is a  
28 Class 4 felony.

29 (7) Any person convicted of unlawful sale of firearms  
30 in violation of paragraph (k) of subsection (A) commits a  
31 Class 4 felony. A third or subsequent conviction for a  
32 violation of paragraph (k) of subsection (A) is a Class 1  
33 felony.

34 (D) For purposes of this Section:

35 "School" means a public or private elementary or secondary  
36 school, community college, college, or university.



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

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

12 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04.)

13 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

14 Sec. 24-3.1. Unlawful possession of firearms and firearm  
15 ammunition.

16 (a) A person commits the offense of unlawful possession of  
17 firearms or firearm ammunition when:

18 (1) He is under 18 years of age and has in his  
19 possession any firearm of a size which may be concealed  
20 upon the person; or

21 (2) He is under 21 years of age, has been convicted of  
22 a misdemeanor other than a traffic offense or adjudged  
23 delinquent and has any firearms or firearm ammunition in  
24 his possession; or

25 (3) He is a narcotic addict and has any firearms or  
26 firearm ammunition in his possession; or

27 (4) He has been a patient in a mental hospital within  
28 the past 5 years and has any firearms or firearm ammunition  
29 in his possession; or

30 (5) He is mentally retarded and has any firearms or  
31 firearm ammunition in his possession; or

32 (6) He has in his possession any explosive bullet.

33 For purposes of this paragraph "explosive bullet" means the  
34 projectile portion of an ammunition cartridge which contains or  
35 carries an explosive charge which will explode upon contact

1 with the flesh of a human or an animal. "Cartridge" means a  
2 tubular metal case having a projectile affixed at the front  
3 thereof and a cap or primer at the rear end thereof, with the  
4 propellant contained in such tube between the projectile and  
5 the cap; or

6 (b) Sentence.

7 Unlawful possession of firearms, other than handguns, and  
8 firearm ammunition is a Class A misdemeanor. Unlawful  
9 possession of handguns is a Class 4 felony. The possession of  
10 each firearm or firearm ammunition in violation of this Section  
11 constitutes a single and separate violation.

12 (c) Nothing in paragraph (1) of subsection (a) of this  
13 Section prohibits a person under 18 years of age from  
14 participating in any lawful recreational activity with a  
15 firearm such as, but not limited to, practice shooting at  
16 targets upon established public or private target ranges or  
17 hunting, trapping, or fishing in accordance with the Wildlife  
18 Code or the Fish and Aquatic Life Code.

19 (Source: P.A. 91-696, eff. 4-13-00; 92-839, eff. 8-22-02.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.