



Rep. Ron Stephens

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1 AMENDMENT TO HOUSE BILL 2941

2 AMENDMENT NO. _____. Amend House Bill 2941, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 7, line 33, by inserting "by changing Section 24-3
5 and", after "amended"; and

6 on page 8, by inserting immediately below line 1, the
7 following:

8 "(720 ILCS 5/24-3) (from Ch. 38, par. 24-3)
9 Sec. 24-3. Unlawful Sale of Firearms.

10 (A) A person commits the offense of unlawful sale of
11 firearms when he or she knowingly does any of the 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 hospital within the past 5
24 years.

1 (f) Sells or gives any firearms to any person who is
2 mentally retarded.

3 (g) Delivers any firearm of a size which may be
4 concealed upon the person, incidental to a sale, without
5 withholding delivery of such firearm for at least 72 hours
6 after application for its purchase has been made, or
7 delivers any rifle, shotgun, ~~or~~ other long gun, stun gun,
8 or taser incidental to a sale, without withholding delivery
9 of such rifle, shotgun, ~~or~~ other long gun, stun gun, or
10 taser for at least 24 hours after application for its
11 purchase has been made. However, this paragraph (g) does
12 not apply to: (1) the sale of a firearm, stun gun, or taser
13 to a law enforcement officer or a person who desires to
14 purchase a firearm, stun gun, or taser for use in promoting
15 the public interest incident to his or her employment as a
16 bank guard, armed truck guard, or other similar employment;
17 (2) a mail order sale of a firearm, stun gun, or taser to a
18 nonresident of Illinois under which the firearm, stun gun,
19 or taser is mailed to a point outside the boundaries of
20 Illinois; (3) the sale of a firearm, stun gun, or taser to
21 a nonresident of Illinois while at a firearm, stun gun, or
22 taser showing or display recognized by the Illinois
23 Department of State Police; or (4) the sale of a firearm,
24 stun gun, or taser to a dealer licensed as a federal
25 firearms dealer under Section 923 of the federal Gun
26 Control Act of 1968 (18 U.S.C. 923).

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

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

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

9 (j) Sells or gives a firearm while engaged in the
10 business of selling firearms at wholesale or retail without
11 being licensed as a federal firearms dealer under Section
12 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

13 In this paragraph (j):

14 A person "engaged in the business" means a person who
15 devotes time, attention, and labor to engaging in the
16 activity as a regular course of trade or business with the
17 principal objective of livelihood and profit, but does not
18 include a person who makes occasional repairs of firearms
19 or who occasionally fits special barrels, stocks, or
20 trigger mechanisms to firearms.

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

30 (k) Sells or transfers ownership of a firearm to a
31 person who does not display to the seller or transferor of
32 the firearm a currently valid Firearm Owner's
33 Identification Card that has previously been issued in the
34 transferee's name by the Department of State Police under

1 the provisions of the Firearm Owners Identification Card
2 Act. This paragraph (k) does not apply to the transfer of a
3 firearm to a person who is exempt from the requirement of
4 possessing a Firearm Owner's Identification Card under
5 Section 2 of the Firearm Owners Identification Card Act.
6 For the purposes of this Section, a currently valid Firearm
7 Owner's Identification Card means (i) a Firearm Owner's
8 Identification Card that has not expired or (ii) if the
9 transferor is licensed as a federal firearms dealer under
10 Section 923 of the federal Gun Control Act of 1968 (18
11 U.S.C. 923), an approval number issued in accordance with
12 Section 3.1 of the Firearm Owners Identification Card Act
13 shall be proof that the Firearm Owner's Identification Card
14 was valid.

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

25 (C) Sentence.

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

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

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

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

23 (5) Any person convicted of unlawful sale of firearms
24 in violation of paragraph (a) or (i) of subsection (A) in
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, in
28 a public park, in a courthouse, on residential property
29 owned, operated, or managed by a public housing agency or
30 leased by a public housing agency as part of a scattered
31 site or mixed-income development, on the real property
32 comprising any public park, on the real property comprising
33 any courthouse, or on any public way within 1,000 feet of
34 the real property comprising any public park, courthouse,

1 or residential property owned, operated, or managed by a
2 public housing agency or leased by a public housing agency
3 as part of a scattered site or mixed-income development
4 commits a Class 2 felony.

5 (6) Any person convicted of unlawful sale of firearms
6 in violation of paragraph (j) of subsection (A) commits a
7 Class A misdemeanor. A second or subsequent violation is a
8 Class 4 felony.

9 (7) Any person convicted of unlawful sale of firearms
10 in violation of paragraph (k) of subsection (A) commits a
11 Class 4 felony. A third or subsequent conviction for a
12 violation of paragraph (k) of subsection (A) is a Class 1
13 felony.

14 (D) For purposes of this Section:

15 "School" means a public or private elementary or secondary
16 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 in
20 part by a school or school district.

21 (E) A prosecution for a violation of paragraph (k) of
22 subsection (A) of this Section may be commenced within 6 years
23 after the commission of the offense. A prosecution for a
24 violation of this Section other than paragraph (g) of
25 subsection (A) of this Section may be commenced within 5 years
26 after the commission of the offense defined in the particular
27 paragraph.

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