



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4142

Introduced 10/25/05, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/3.1	from Ch. 38, par. 83-3.1
720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.6	
720 ILCS 5/24-2	from Ch. 38, par. 24-2
720 ILCS 5/24-3	from Ch. 38, par. 24-3

Amends the Firearm Owners Identification Card Act. Eliminates the provisions that permit a person to acquire and possess a stun gun or taser if he or she has in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police. Amends the Criminal Code of 1961. Prohibits the sale, manufacture, purchase, possession, or use of stun guns and tasers. Establishes penalties. Provides that these provisions shall not be construed to permit the sale, possession, carrying, or use of a stun gun or taser by a peace officer.

LRB094 13286 RLC 48140 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Sections 1.1, 2, 3, and 3.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Counterfeit" means to copy or imitate, without legal
9 authority, with intent to deceive.

10 "Federally licensed firearm dealer" means a person who is
11 licensed as a federal firearms dealer under Section 923 of the
12 federal Gun Control Act of 1968 (18 U.S.C. 923).

13 "Firearm" means any device, by whatever name known, which
14 is designed to expel a projectile or projectiles by the action
15 of an explosion, expansion of gas or escape of gas; excluding,
16 however:

17 (1) any pneumatic gun, spring gun, paint ball gun or
18 B-B gun which either expels a single globular projectile
19 not exceeding .18 inch in diameter and which has a maximum
20 muzzle velocity of less than 700 feet per second or
21 breakable paint balls containing washable marking colors;

22 (2) any device used exclusively for signalling or
23 safety and required or recommended by the United States
24 Coast Guard or the Interstate Commerce Commission;

25 (3) any device used exclusively for the firing of stud
26 cartridges, explosive rivets or similar industrial
27 ammunition; and

28 (4) an antique firearm (other than a machine-gun)
29 which, although designed as a weapon, the Department of
30 State Police finds by reason of the date of its
31 manufacture, value, design, and other characteristics is
32 primarily a collector's item and is not likely to be used

1 as a weapon.

2 "Firearm ammunition" means any self-contained cartridge or
3 shotgun shell, by whatever name known, which is designed to be
4 used or adaptable to use in a firearm; excluding, however:

5 (1) any ammunition exclusively designed for use with a
6 device used exclusively for signalling or safety and
7 required or recommended by the United States Coast Guard or
8 the Interstate Commerce Commission; and

9 (2) any ammunition designed exclusively for use with a
10 stud or rivet driver or other similar industrial
11 ammunition.

12 "Gun show" means an event or function:

13 (1) at which the sale and transfer of firearms is the
14 regular and normal course of business and where 50 or more
15 firearms are displayed, offered, or exhibited for sale,
16 transfer, or exchange; or

17 (2) at which not less than 10 gun show vendors display,
18 offer, or exhibit for sale, sell, transfer, or exchange
19 firearms.

20 "Gun show" includes the entire premises provided for an
21 event or function, including parking areas for the event or
22 function, that is sponsored to facilitate the purchase, sale,
23 transfer, or exchange of firearms as described in this Section.

24 "Gun show" does not include training or safety classes,
25 competitive shooting events, such as rifle, shotgun, or handgun
26 matches, trap, skeet, or sporting clays shoots, dinners,
27 banquets, raffles, or any other event where the sale or
28 transfer of firearms is not the primary course of business.

29 "Gun show promoter" means a person who organizes or
30 operates a gun show.

31 "Gun show vendor" means a person who exhibits, sells,
32 offers for sale, transfers, or exchanges any firearms at a gun
33 show, regardless of whether the person arranges with a gun show
34 promoter for a fixed location from which to exhibit, sell,
35 offer for sale, transfer, or exchange any firearm.

36 "Sanctioned competitive shooting event" means a shooting

1 contest officially recognized by a national or state shooting
2 sport association, and includes any sight-in or practice
3 conducted in conjunction with the event.

4 ~~"Stun gun or taser" has the meaning ascribed to it in~~
5 ~~Section 24-1 of the Criminal Code of 1961.~~

6 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
7 8-19-05.)

8 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

9 Sec. 2. Firearm Owner's Identification Card required;
10 exceptions.

11 (a) (1) No person may acquire or possess any firearm, ~~stun~~
12 ~~gun, or taser~~ within this State without having in his or
13 her possession a Firearm Owner's Identification Card
14 previously issued in his or her name by the Department of
15 State Police under the provisions of this Act.

16 (2) No person may acquire or possess firearm ammunition
17 within this State without having in his or her possession a
18 Firearm Owner's Identification Card previously issued in
19 his or her name by the Department of State Police under the
20 provisions of this Act.

21 (b) The provisions of this Section regarding the possession
22 of firearms and ~~and~~ firearm ammunition, ~~stun guns, and tasers~~ do
23 not apply to:

24 (1) United States Marshals, while engaged in the
25 operation of their official duties;

26 (2) Members of the Armed Forces of the United States or
27 the National Guard, while engaged in the operation of their
28 official duties;

29 (3) Federal officials required to carry firearms,
30 while engaged in the operation of their official duties;

31 (4) Members of bona fide veterans organizations which
32 receive firearms directly from the armed forces of the
33 United States, while using the firearms for ceremonial
34 purposes with blank ammunition;

35 (5) Nonresident hunters during hunting season, with

1 valid nonresident hunting licenses and while in an area
2 where hunting is permitted; however, at all other times and
3 in all other places these persons must have their firearms
4 unloaded and enclosed in a case;

5 (6) Those hunters exempt from obtaining a hunting
6 license who are required to submit their Firearm Owner's
7 Identification Card when hunting on Department of Natural
8 Resources owned or managed sites;

9 (7) Nonresidents while on a firing or shooting range
10 recognized by the Department of State Police; however,
11 these persons must at all other times and in all other
12 places have their firearms unloaded and enclosed in a case;

13 (8) Nonresidents while at a firearm showing or display
14 recognized by the Department of State Police; however, at
15 all other times and in all other places these persons must
16 have their firearms unloaded and enclosed in a case;

17 (9) Nonresidents whose firearms are unloaded and
18 enclosed in a case;

19 (10) Nonresidents who are currently licensed or
20 registered to possess a firearm in their resident state;

21 (11) Unemancipated minors while in the custody and
22 immediate control of their parent or legal guardian or
23 other person in loco parentis to the minor if the parent or
24 legal guardian or other person in loco parentis to the
25 minor has a currently valid Firearm Owner's Identification
26 Card;

27 (12) Color guards of bona fide veterans organizations
28 or members of bona fide American Legion bands while using
29 firearms for ceremonial purposes with blank ammunition;

30 (13) Nonresident hunters whose state of residence does
31 not require them to be licensed or registered to possess a
32 firearm and only during hunting season, with valid hunting
33 licenses, while accompanied by, and using a firearm owned
34 by, a person who possesses a valid Firearm Owner's
35 Identification Card and while in an area within a
36 commercial club licensed under the Wildlife Code where

1 hunting is permitted and controlled, but in no instance
2 upon sites owned or managed by the Department of Natural
3 Resources;

4 (14) Resident hunters who are properly authorized to
5 hunt and, while accompanied by a person who possesses a
6 valid Firearm Owner's Identification Card, hunt in an area
7 within a commercial club licensed under the Wildlife Code
8 where hunting is permitted and controlled; and

9 (15) A person who is otherwise eligible to obtain a
10 Firearm Owner's Identification Card under this Act and is
11 under the direct supervision of a holder of a Firearm
12 Owner's Identification Card who is 21 years of age or older
13 while the person is on a firing or shooting range or is a
14 participant in a firearms safety and training course
15 recognized by a law enforcement agency or a national,
16 statewide shooting sports organization.

17 (c) The provisions of this Section regarding the
18 acquisition and possession of firearms and ~~7~~ firearm
19 ammunition, ~~stun guns, and tasers~~ do not apply to law
20 enforcement officials of this or any other jurisdiction, while
21 engaged in the operation of their official duties.

22 (Source: P.A. 94-6, eff. 1-1-06.)

23 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

24 Sec. 3. (a) Except as provided in Section 3a, no person may
25 knowingly transfer, or cause to be transferred, any firearm or
26 ~~7~~ firearm ammunition, ~~stun gun, or taser~~ to any person within
27 this State unless the transferee with whom he deals displays a
28 currently valid Firearm Owner's Identification Card which has
29 previously been issued in his name by the Department of State
30 Police under the provisions of this Act. In addition, all
31 firearm, ~~stun gun, and taser~~ transfers by federally licensed
32 firearm dealers are subject to Section 3.1.

33 (a-5) Any person who is not a federally licensed firearm
34 dealer and who desires to transfer or sell a firearm while that
35 person is on the grounds of a gun show must, before selling or

1 transferring the firearm, request the Department of State
2 Police to conduct a background check on the prospective
3 recipient of the firearm in accordance with Section 3.1.

4 (b) Any person within this State who transfers or causes to
5 be transferred any firearm, ~~stun gun, or taser~~ shall keep a
6 record of such transfer for a period of 10 years from the date
7 of transfer. Such record shall contain the date of the
8 transfer; the description, serial number or other information
9 identifying the firearm, ~~stun gun, or taser~~ if no serial number
10 is available; and, if the transfer was completed within this
11 State, the transferee's Firearm Owner's Identification Card
12 number. On or after January 1, 2006, the record shall contain
13 the date of application for transfer of the firearm. On demand
14 of a peace officer such transferor shall produce for inspection
15 such record of transfer. If the transfer or sale took place at
16 a gun show, the record shall include the unique identification
17 number. Failure to record the unique identification number is a
18 petty offense.

19 (b-5) Any resident may purchase ammunition from a person
20 outside of Illinois. Any resident purchasing ammunition
21 outside the State of Illinois must provide the seller with a
22 copy of his or her valid Firearm Owner's Identification Card
23 and either his or her Illinois driver's license or Illinois
24 State Identification Card prior to the shipment of the
25 ammunition. The ammunition may be shipped only to an address on
26 either of those 2 documents.

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

30 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,
31 eff. 7-29-05; 94-571, eff. 8-12-05; revised 8-19-05.)

32 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

33 Sec. 3.1. Dial up system.

34 (a) The Department of State Police shall provide a dial up
35 telephone system or utilize other existing technology which

1 shall be used by any federally licensed firearm dealer, gun
2 show promoter, or gun show vendor who is to transfer a firearm,
3 ~~stun gun, or taser~~ under the provisions of this Act. The
4 Department of State Police may utilize existing technology
5 which allows the caller to be charged a fee not to exceed \$2.
6 Fees collected by the Department of State Police shall be
7 deposited in the State Police Services Fund and used to provide
8 the service.

9 (b) Upon receiving a request from a federally licensed
10 firearm dealer, gun show promoter, or gun show vendor, the
11 Department of State Police shall immediately approve, or within
12 the time period established by Section 24-3 of the Criminal
13 Code of 1961 regarding the delivery of firearms, ~~stun guns, and~~
14 ~~tasers~~ notify the inquiring dealer, gun show promoter, or gun
15 show vendor of any objection that would disqualify the
16 transferee from acquiring or possessing a firearm, ~~stun gun, or~~
17 ~~taser~~. In conducting the inquiry, the Department of State
18 Police shall initiate and complete an automated search of its
19 criminal history record information files and those of the
20 Federal Bureau of Investigation, including the National
21 Instant Criminal Background Check System, and of the files of
22 the Department of Human Services relating to mental health and
23 developmental disabilities to obtain any felony conviction or
24 patient hospitalization information which would disqualify a
25 person from obtaining or require revocation of a currently
26 valid Firearm Owner's Identification Card.

27 (c) If receipt of a firearm would not violate Section 24-3
28 of the Criminal Code of 1961, federal law, or this Act the
29 Department of State Police shall:

30 (1) assign a unique identification number to the
31 transfer; and

32 (2) provide the licensee, gun show promoter, or gun
33 show vendor with the number.

34 (d) Approvals issued by the Department of State Police for
35 the purchase of a firearm are valid for 30 days from the date
36 of issue.

1 (e) The Department of State Police must act as the Illinois
2 Point of Contact for the National Instant Criminal Background
3 Check System.

4 (f) The Department of State Police shall promulgate rules
5 not inconsistent with this Section to implement this system.

6 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
7 8-19-05.)

8 Section 10. The Criminal Code of 1961 is amended by
9 changing Sections 24-1, 24-1.6, 24-2, and 24-3 as follows:

10 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

14 (1) Sells, manufactures, purchases, possesses or
15 carries any bludgeon, black-jack, slung-shot, sand-club,
16 sand-bag, metal knuckles, throwing star, or any knife,
17 commonly referred to as a switchblade knife, which has a
18 blade that opens automatically by hand pressure applied to
19 a button, spring or other device in the handle of the
20 knife, or a ballistic knife, which is a device that propels
21 a knifelike blade as a projectile by means of a coil
22 spring, elastic material or compressed gas; or

23 (2) Carries or possesses with intent to use the same
24 unlawfully against another, a dagger, dirk, billy,
25 dangerous knife, razor, stiletto, broken bottle or other
26 piece of glass, ~~stun gun or taser~~ or any other dangerous or
27 deadly weapon or instrument of like character; or

28 (3) Carries on or about his person or in any vehicle, a
29 tear gas gun projector or bomb or any object containing
30 noxious liquid gas or substance, other than an object
31 containing a non-lethal noxious liquid gas or substance
32 designed solely for personal defense carried by a person 18
33 years of age or older; or

34 (4) Carries or possesses in any vehicle or concealed on

1 or about his person except when on his land or in his own
2 abode or fixed place of business any pistol, revolver, ~~stun~~
3 ~~gun or taser~~ or other firearm, except that this subsection
4 (a) (4) does not apply to or affect transportation of
5 weapons that meet one of the following conditions:

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

7 (ii) are not immediately accessible; or

8 (iii) are unloaded and enclosed in a case, firearm
9 carrying box, shipping box, or other container by a
10 person who has been issued a currently valid Firearm
11 Owner's Identification Card; or

12 (5) Sets a spring gun; or

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

16 (7) Sells, manufactures, purchases, possesses or
17 carries:

18 (i) a machine gun, which shall be defined for the
19 purposes of this subsection as any weapon, which
20 shoots, is designed to shoot, or can be readily
21 restored to shoot, automatically more than one shot
22 without manually reloading by a single function of the
23 trigger, including the frame or receiver of any such
24 weapon, or sells, manufactures, purchases, possesses,
25 or carries any combination of parts designed or
26 intended for use in converting any weapon into a
27 machine gun, or any combination or parts from which a
28 machine gun can be assembled if such parts are in the
29 possession or under the control of a person;

30 (ii) any rifle having one or more barrels less than
31 16 inches in length or a shotgun having one or more
32 barrels less than 18 inches in length or any weapon
33 made from a rifle or shotgun, whether by alteration,
34 modification, or otherwise, if such a weapon as
35 modified has an overall length of less than 26 inches;
36 or

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

6 (8) Carries or possesses any firearm, stun gun or taser
7 or other deadly weapon in any place which is licensed to
8 sell intoxicating beverages, or at any public gathering
9 held pursuant to a license issued by any governmental body
10 or any public gathering at which an admission is charged,
11 excluding a place where a showing, demonstration or lecture
12 involving the exhibition of unloaded firearms is
13 conducted.

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

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

22 (10) Carries or possesses on or about his person, upon
23 any public street, alley, or other public lands within the
24 corporate limits of a city, village or incorporated town,
25 except when an invitee thereon or therein, for the purpose
26 of the display of such weapon or the lawful commerce in
27 weapons, or except when on his land or in his own abode or
28 fixed place of business, any pistol, revolver, ~~stun gun or~~
29 ~~taser~~ or other firearm, except that this subsection (a)
30 (10) does not apply to or affect transportation of weapons
31 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
36 person who has been issued a currently valid Firearm

1 Owner's Identification Card.

2 ~~A "stun gun or taser", as used in this paragraph (a)~~
3 ~~means (i) any device which is powered by electrical~~
4 ~~charging units, such as, batteries, and which fires one or~~
5 ~~several barbs attached to a length of wire and which, upon~~
6 ~~hitting a human, can send out a current capable of~~
7 ~~disrupting the person's nervous system in such a manner as~~
8 ~~to render him incapable of normal functioning or (ii) any~~
9 ~~device which is powered by electrical charging units, such~~
10 ~~as batteries, and which, upon contact with a human or~~
11 ~~clothing worn by a human, can send out current capable of~~
12 ~~disrupting the person's nervous system in such a manner as~~
13 ~~to render him incapable of normal functioning; or~~

14 (11) Sells, manufactures or purchases any explosive
15 bullet. For purposes of this paragraph (a) "explosive
16 bullet" means the projectile portion of an ammunition
17 cartridge which contains or carries an explosive charge
18 which will explode upon contact with the flesh of a human
19 or an animal. "Cartridge" means a tubular metal case having
20 a projectile affixed at the front thereof and a cap or
21 primer at the rear end thereof, with the propellant
22 contained in such tube between the projectile and the cap;
23 or

24 (12) (Blank); or.

25 (13) Sells, manufactures, purchases, possesses,
26 carries, or uses a stun gun or taser. As used in this
27 subsection (a), "stun gun or taser" means (i) any device
28 which is powered by electrical charging units, such as
29 batteries, and which fires one or several barbs attached to
30 a length of wire and which, upon hitting a human, can send
31 out a current capable of disrupting the person's nervous
32 system in such a manner as to render him or her incapable
33 of normal functioning or (ii) any device which is powered
34 by electrical charging units, such as batteries, and which,
35 upon contact with a human or clothing worn by a human, can
36 send out current capable of disrupting the person's nervous

1 system in such a manner as to render him or her incapable
2 of normal functioning.

3 (b) Sentence. A person convicted of a violation of
4 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
5 subsection 24-1(a)(11) commits a Class A misdemeanor. A person
6 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)
7 commits a Class 4 felony; a person convicted of a violation of
8 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a
9 Class 3 felony. A person convicted of a violation of subsection
10 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced
11 to a term of imprisonment of not less than 3 years and not more
12 than 7 years, unless the weapon is possessed in the passenger
13 compartment of a motor vehicle as defined in Section 1-146 of
14 the Illinois Vehicle Code, or on the person, while the weapon
15 is loaded, in which case it shall be a Class X felony. A person
16 convicted of a violation of subsection 24-1(a)(13) commits a
17 Class A misdemeanor. A person convicted of a second or
18 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
19 24-1(a)(9), ~~or~~ 24-1(a)(10), or 24-1(a)(13) commits a Class 3
20 felony. The possession of each weapon in violation of this
21 Section constitutes a single and separate violation.

22 (c) Violations in specific places.

23 (1) A person who violates subsection 24-1(a)(6) or
24 24-1(a)(7) in any school, regardless of the time of day or
25 the time of year, in residential property owned, operated
26 or managed by a public housing agency or leased by a public
27 housing agency as part of a scattered site or mixed-income
28 development, in a public park, in a courthouse, on the real
29 property comprising any school, regardless of the time of
30 day or the time of year, on residential property owned,
31 operated or managed by a public housing agency or leased by
32 a public housing agency as part of a scattered site or
33 mixed-income development, on the real property comprising
34 any public park, on the real property comprising any
35 courthouse, in any conveyance owned, leased or contracted
36 by a school to transport students to or from school or a

1 school related activity, or on any public way within 1,000
2 feet of the real property comprising any school, public
3 park, courthouse, or residential property owned, operated,
4 or managed by a public housing agency or leased by a public
5 housing agency as part of a scattered site or mixed-income
6 development commits a Class 2 felony and shall be sentenced
7 to a term of imprisonment of not less than 3 years and not
8 more than 7 years.

9 (1.5) A person who violates subsection 24-1(a)(4),
10 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
11 time of day or the time of year, in residential property
12 owned, operated, or managed by a public housing agency or
13 leased by a public housing agency as part of a scattered
14 site or mixed-income development, in a public park, in a
15 courthouse, on the real property comprising any school,
16 regardless of the time of day or the time of year, on
17 residential property owned, operated, or managed by a
18 public housing agency or leased by a public housing agency
19 as part of a scattered site or mixed-income development, on
20 the real property comprising any public park, on the real
21 property comprising any courthouse, in any conveyance
22 owned, leased, or contracted by a school to transport
23 students to or from school or a school related activity, or
24 on any public way within 1,000 feet of the real property
25 comprising any school, public park, courthouse, or
26 residential property owned, operated, or managed by a
27 public housing agency or leased by a public housing agency
28 as part of a scattered site or mixed-income development
29 commits a Class 3 felony.

30 (2) A person who violates subsection 24-1(a)(1),
31 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
32 time of day or the time of year, in residential property
33 owned, operated or managed by a public housing agency or
34 leased by a public housing agency as part of a scattered
35 site or mixed-income development, in a public park, in a
36 courthouse, on the real property comprising any school,

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

17 (3) Paragraphs (1), (1.5), and (2) of this subsection
18 (c) shall not apply to law enforcement officers or security
19 officers of such school, college, or university or to
20 students carrying or possessing firearms for use in
21 training courses, parades, hunting, target shooting on
22 school ranges, or otherwise with the consent of school
23 authorities and which firearms are transported unloaded
24 enclosed in a suitable case, box, or transportation
25 package.

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

29 (d) The presence in an automobile other than a public
30 omnibus of any weapon, instrument or substance referred to in
31 subsection (a)(7) is prima facie evidence that it is in the
32 possession of, and is being carried by, all persons occupying
33 such automobile at the time such weapon, instrument or
34 substance is found, except under the following circumstances:
35 (i) if such weapon, instrument or instrumentality is found upon
36 the person of one of the occupants therein; or (ii) if such

1 weapon, instrument or substance is found in an automobile
2 operated for hire by a duly licensed driver in the due, lawful
3 and proper pursuit of his trade, then such presumption shall
4 not apply to the driver.

5 (e) Exemptions. Crossbows, Common or Compound bows and
6 Underwater Spearguns are exempted from the definition of
7 ballistic knife as defined in paragraph (1) of subsection (a)
8 of this Section.

9 (f) Nothing in this Section shall be construed to permit
10 the sale, possession, carrying, or use of a stun gun or taser
11 by a peace officer.

12 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised
13 8-19-05.)

14 (720 ILCS 5/24-1.6)

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

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

18 (1) Carries on or about his or her person or in any
19 vehicle or concealed on or about his or her person except
20 when on his or her land or in his or her abode or fixed
21 place of business any pistol, revolver, ~~stun gun or taser~~
22 or other firearm; or

23 (1.1) Carries or possesses a stun gun or taser; or

24 (2) Carries or possesses on or about his or her person,
25 upon any public street, alley, or other public lands within
26 the corporate limits of a city, village or incorporated
27 town, except when an invitee thereon or therein, for the
28 purpose of the display of such weapon or the lawful
29 commerce in weapons, or except when on his or her own land
30 or in his or her own abode or fixed place of business, any
31 pistol, revolver, ~~stun gun or taser~~ or other firearm; and

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

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

35 (B) the firearm possessed was uncased, unloaded

1 and the ammunition for the weapon was immediately
2 accessible at the time of the offense; or

3 (C) the person possessing the firearm has not been
4 issued a currently valid Firearm Owner's
5 Identification Card; or

6 (D) the person possessing the weapon was
7 previously adjudicated a delinquent minor under the
8 Juvenile Court Act of 1987 for an act that if committed
9 by an adult would be a felony; or

10 (E) the person possessing the weapon was engaged in
11 a misdemeanor violation of the Cannabis Control Act, in
12 a misdemeanor violation of the Illinois Controlled
13 Substances Act, or in a misdemeanor violation of the
14 Methamphetamine Control and Community Protection Act;
15 or

16 (F) the person possessing the weapon is a member of
17 a street gang or is engaged in street gang related
18 activity, as defined in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act; or

20 (G) the person possessing the weapon had a order of
21 protection issued against him or her within the
22 previous 2 years; or

23 (H) the person possessing the weapon was engaged in
24 the commission or attempted commission of a
25 misdemeanor involving the use or threat of violence
26 against the person or property of another; or

27 (I) the person possessing the weapon was under 21
28 years of age and in possession of a handgun as defined
29 in Section 24-3, unless the person under 21 is engaged
30 in lawful activities under the Wildlife Code or
31 described in subsection 24-2(b)(1), (b)(3), or
32 24-2(f).

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

35 (c) This Section does not apply to or affect the
36 transportation or possession of weapons, other than stun guns

1 or tasers, that:

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

3 (ii) are not immediately accessible; or

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

8 (d) Sentence. Aggravated unlawful use of a weapon is a
9 Class 4 felony; a second or subsequent offense is a Class 2
10 felony for which the person shall be sentenced to a term of
11 imprisonment of not less than 3 years and not more than 7
12 years. Aggravated unlawful use of a weapon by a person who has
13 been previously convicted of a felony in this State or another
14 jurisdiction is a Class 2 felony for which the person shall be
15 sentenced to a term of imprisonment of not less than 3 years
16 and not more than 7 years. Aggravated unlawful use of a weapon
17 while wearing or in possession of body armor as defined in
18 Section 33F-1 by a person who has not been issued a valid
19 Firearms Owner's Identification Card in accordance with
20 Section 5 of the Firearm Owners Identification Card Act is a
21 Class X felony. The possession of each firearm in violation of
22 this Section constitutes a single and separate violation.

23 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
24 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

25 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

26 Sec. 24-2. Exemptions.

27 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and
28 Section 24-1.6 in regard to weapons other than stun guns or
29 tasers do not apply to or affect any of the following:

30 (1) Peace officers, and any person summoned by a peace
31 officer to assist in making arrests or preserving the
32 peace, while actually engaged in assisting such officer.

33 (2) Wardens, superintendents and keepers of prisons,
34 penitentiaries, jails and other institutions for the
35 detention of persons accused or convicted of an offense,

1 while in the performance of their official duty, or while
2 commuting between their homes and places of employment.

3 (3) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard or the
5 Reserve Officers Training Corps, while in the performance
6 of their official duty.

7 (4) Special agents employed by a railroad or a public
8 utility to perform police functions, and guards of armored
9 car companies, while actually engaged in the performance of
10 the duties of their employment or commuting between their
11 homes and places of employment; and watchmen while actually
12 engaged in the performance of the duties of their
13 employment.

14 (5) Persons licensed as private security contractors,
15 private detectives, or private alarm contractors, or
16 employed by an agency certified by the Department of
17 Professional Regulation, if their duties include the
18 carrying of a weapon under the provisions of the Private
19 Detective, Private Alarm, Private Security, and Locksmith
20 Act of 2004, while actually engaged in the performance of
21 the duties of their employment or commuting between their
22 homes and places of employment, provided that such
23 commuting is accomplished within one hour from departure
24 from home or place of employment, as the case may be.
25 Persons exempted under this subdivision (a)(5) shall be
26 required to have completed a course of study in firearms
27 handling and training approved and supervised by the
28 Department of Professional Regulation as prescribed by
29 Section 28 of the Private Detective, Private Alarm, Private
30 Security, and Locksmith Act of 2004, prior to becoming
31 eligible for this exemption. The Department of
32 Professional Regulation shall provide suitable
33 documentation demonstrating the successful completion of
34 the prescribed firearms training. Such documentation shall
35 be carried at all times when such persons are in possession
36 of a concealable weapon.

1 (6) Any person regularly employed in a commercial or
2 industrial operation as a security guard for the protection
3 of persons employed and private property related to such
4 commercial or industrial operation, while actually engaged
5 in the performance of his or her duty or traveling between
6 sites or properties belonging to the employer, and who, as
7 a security guard, is a member of a security force of at
8 least 5 persons registered with the Department of
9 Professional Regulation; provided that such security guard
10 has successfully completed a course of study, approved by
11 and supervised by the Department of Professional
12 Regulation, consisting of not less than 40 hours of
13 training that includes the theory of law enforcement,
14 liability for acts, and the handling of weapons. A person
15 shall be considered eligible for this exemption if he or
16 she has completed the required 20 hours of training for a
17 security officer and 20 hours of required firearm training,
18 and has been issued a firearm authorization card by the
19 Department of Professional Regulation. Conditions for the
20 renewal of firearm authorization cards issued under the
21 provisions of this Section shall be the same as for those
22 cards issued under the provisions of the Private Detective,
23 Private Alarm, Private Security, and Locksmith Act of 2004.
24 Such firearm authorization card shall be carried by the
25 security guard at all times when he or she is in possession
26 of a concealable weapon.

27 (7) Agents and investigators of the Illinois
28 Legislative Investigating Commission authorized by the
29 Commission to carry the weapons specified in subsections
30 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
31 any investigation for the Commission.

32 (8) Persons employed by a financial institution for the
33 protection of other employees and property related to such
34 financial institution, while actually engaged in the
35 performance of their duties, commuting between their homes
36 and places of employment, or traveling between sites or

1 properties owned or operated by such financial
2 institution, provided that any person so employed has
3 successfully completed a course of study, approved by and
4 supervised by the Department of Professional Regulation,
5 consisting of not less than 40 hours of training which
6 includes theory of law enforcement, liability for acts, and
7 the handling of weapons. A person shall be considered to be
8 eligible for this exemption if he or she has completed the
9 required 20 hours of training for a security officer and 20
10 hours of required firearm training, and has been issued a
11 firearm authorization card by the Department of
12 Professional Regulation. Conditions for renewal of firearm
13 authorization cards issued under the provisions of this
14 Section shall be the same as for those issued under the
15 provisions of the Private Detective, Private Alarm,
16 Private Security, and Locksmith Act of 2004. Such firearm
17 authorization card shall be carried by the person so
18 trained at all times when such person is in possession of a
19 concealable weapon. For purposes of this subsection,
20 "financial institution" means a bank, savings and loan
21 association, credit union or company providing armored car
22 services.

23 (9) Any person employed by an armored car company to
24 drive an armored car, while actually engaged in the
25 performance of his duties.

26 (10) Persons who have been classified as peace officers
27 pursuant to the Peace Officer Fire Investigation Act.

28 (11) Investigators of the Office of the State's
29 Attorneys Appellate Prosecutor authorized by the board of
30 governors of the Office of the State's Attorneys Appellate
31 Prosecutor to carry weapons pursuant to Section 7.06 of the
32 State's Attorneys Appellate Prosecutor's Act.

33 (12) Special investigators appointed by a State's
34 Attorney under Section 3-9005 of the Counties Code.

35 (12.5) Probation officers while in the performance of
36 their duties, or while commuting between their homes,

1 places of employment or specific locations that are part of
2 their assigned duties, with the consent of the chief judge
3 of the circuit for which they are employed.

4 (13) Court Security Officers while in the performance
5 of their official duties, or while commuting between their
6 homes and places of employment, with the consent of the
7 Sheriff.

8 (13.5) A person employed as an armed security guard at
9 a nuclear energy, storage, weapons or development site or
10 facility regulated by the Nuclear Regulatory Commission
11 who has completed the background screening and training
12 mandated by the rules and regulations of the Nuclear
13 Regulatory Commission.

14 (14) Manufacture, transportation, or sale of weapons
15 to persons authorized under subdivisions (1) through
16 (13.5) of this subsection to possess those weapons.

17 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
18 24-1.6 in regard to weapons other than stun guns or tasers do
19 not apply to or affect any of the following:

20 (1) Members of any club or organization organized for
21 the purpose of practicing shooting at targets upon
22 established target ranges, whether public or private, and
23 patrons of such ranges, while such members or patrons are
24 using their firearms on those target ranges.

25 (2) Duly authorized military or civil organizations
26 while parading, with the special permission of the
27 Governor.

28 (3) Hunters, trappers or fishermen with a license or
29 permit while engaged in hunting, trapping or fishing.

30 (4) Transportation of weapons that are broken down in a
31 non-functioning state or are not immediately accessible.

32 (c) Subsection 24-1(a)(7) does not apply to or affect any
33 of the following:

34 (1) Peace officers while in performance of their
35 official duties.

36 (2) Wardens, superintendents and keepers of prisons,

1 penitentiaries, jails and other institutions for the
2 detention of persons accused or convicted of an offense.

3 (3) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard, while in
5 the performance of their official duty.

6 (4) Manufacture, transportation, or sale of machine
7 guns to persons authorized under subdivisions (1) through
8 (3) of this subsection to possess machine guns, if the
9 machine guns are broken down in a non-functioning state or
10 are not immediately accessible.

11 (5) Persons licensed under federal law to manufacture
12 any weapon from which 8 or more shots or bullets can be
13 discharged by a single function of the firing device, or
14 ammunition for such weapons, and actually engaged in the
15 business of manufacturing such weapons or ammunition, but
16 only with respect to activities which are within the lawful
17 scope of such business, such as the manufacture,
18 transportation, or testing of such weapons or ammunition.
19 This exemption does not authorize the general private
20 possession of any weapon from which 8 or more shots or
21 bullets can be discharged by a single function of the
22 firing device, but only such possession and activities as
23 are within the lawful scope of a licensed manufacturing
24 business described in this paragraph.

25 During transportation, such weapons shall be broken
26 down in a non-functioning state or not immediately
27 accessible.

28 (6) The manufacture, transport, testing, delivery,
29 transfer or sale, and all lawful commercial or experimental
30 activities necessary thereto, of rifles, shotguns, and
31 weapons made from rifles or shotguns, or ammunition for
32 such rifles, shotguns or weapons, where engaged in by a
33 person operating as a contractor or subcontractor pursuant
34 to a contract or subcontract for the development and supply
35 of such rifles, shotguns, weapons or ammunition to the
36 United States government or any branch of the Armed Forces

1 of the United States, when such activities are necessary
2 and incident to fulfilling the terms of such contract.

3 The exemption granted under this subdivision (c)(6)
4 shall also apply to any authorized agent of any such
5 contractor or subcontractor who is operating within the
6 scope of his employment, where such activities involving
7 such weapon, weapons or ammunition are necessary and
8 incident to fulfilling the terms of such contract.

9 During transportation, any such weapon shall be broken
10 down in a non-functioning state, or not immediately
11 accessible.

12 (d) Subsection 24-1(a)(1) does not apply to the purchase,
13 possession or carrying of a black-jack or slung-shot by a peace
14 officer.

15 (e) Subsection 24-1(a)(8) does not apply to any owner,
16 manager or authorized employee of any place specified in that
17 subsection nor to any law enforcement officer.

18 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
19 Section 24-1.6 in regard to weapons other than stun guns or
20 tasers do not apply to members of any club or organization
21 organized for the purpose of practicing shooting at targets
22 upon established target ranges, whether public or private,
23 while using their firearms on those target ranges.

24 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
25 to:

26 (1) Members of the Armed Services or Reserve Forces of
27 the United States or the Illinois National Guard, while in
28 the performance of their official duty.

29 (2) Bonafide collectors of antique or surplus military
30 ordinance.

31 (3) Laboratories having a department of forensic
32 ballistics, or specializing in the development of
33 ammunition or explosive ordinance.

34 (4) Commerce, preparation, assembly or possession of
35 explosive bullets by manufacturers of ammunition licensed
36 by the federal government, in connection with the supply of

1 those organizations and persons exempted by subdivision
2 (g)(1) of this Section, or like organizations and persons
3 outside this State, or the transportation of explosive
4 bullets to any organization or person exempted in this
5 Section by a common carrier or by a vehicle owned or leased
6 by an exempted manufacturer.

7 (g-5) Subsection 24-1(a)(6) does not apply to or affect
8 persons licensed under federal law to manufacture any device or
9 attachment of any kind designed, used, or intended for use in
10 silencing the report of any firearm, firearms, or ammunition
11 for those firearms equipped with those devices, and actually
12 engaged in the business of manufacturing those devices,
13 firearms, or ammunition, but only with respect to activities
14 that are within the lawful scope of that business, such as the
15 manufacture, transportation, or testing of those devices,
16 firearms, or ammunition. This exemption does not authorize the
17 general private possession of any device or attachment of any
18 kind designed, used, or intended for use in silencing the
19 report of any firearm, but only such possession and activities
20 as are within the lawful scope of a licensed manufacturing
21 business described in this subsection (g-5). During
22 transportation, those devices shall be detached from any weapon
23 or not immediately accessible.

24 (h) An information or indictment based upon a violation of
25 any subsection of this Article need not negative any exemptions
26 contained in this Article. The defendant shall have the burden
27 of proving such an exemption.

28 (i) Nothing in this Article shall prohibit, apply to, or
29 affect the transportation, carrying, or possession, of any
30 pistol or revolver, ~~stun gun, taser,~~ or other firearm consigned
31 to a common carrier operating under license of the State of
32 Illinois or the federal government, where such transportation,
33 carrying, or possession is incident to the lawful
34 transportation in which such common carrier is engaged; and
35 nothing in this Article shall prohibit, apply to, or affect the
36 transportation, carrying, or possession of any pistol,

1 revolver, ~~stun gun, taser,~~ or other firearm, not the subject of
2 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
3 this Article, which is unloaded and enclosed in a case, firearm
4 carrying box, shipping box, or other container, by the
5 possessor of a valid Firearm Owners Identification Card.

6 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
7 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

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.

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

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

1 does not apply to: (1) the sale of a firearm to a law
2 enforcement officer if the seller of the firearm knows that
3 the person to whom he or she is selling the firearm is a
4 law enforcement officer or the sale of a firearm to a
5 person who desires to purchase a firearm for use in
6 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; 94-6,
13 eff. 1-1-06; 94-284, eff. 7-21-05; revised 8-19-05.)