



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 219

2 AMENDMENT NO. _____. Amend Senate Bill 219, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Firearm Owners Identification Card Act is
6 amended by changing Section 3 as follows:

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

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

1 transferor shall produce for inspection such record of
2 transfer.

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

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

7 Section 10. The Criminal Code of 1961 is amended by
8 changing Sections 24-1, 24-1.1, 24-1.6, 24-3, and 24-3.1 and by
9 adding Section 24-4.1 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

1 years of age or older; or

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

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

9 (ii) are not immediately accessible; or

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

14 (5) Sets a spring gun; or

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

18 (7) Sells, manufactures, purchases, possesses or
19 carries:

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

32 (ii) any rifle having one or more barrels less than
33 16 inches in length or a shotgun having one or more
34 barrels less than 18 inches in length or any weapon

1 made from a rifle or shotgun, whether by alteration,
2 modification, or otherwise, if such a weapon as
3 modified has an overall length of less than 26 inches;
4 or

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

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

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

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

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

1 that meet one of the following conditions:

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

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

30 (12) (Blank).

31 (b) Sentence. A person convicted of a violation of
32 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
33 subsection 24-1(a)(11) commits a Class A misdemeanor. A person
34 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)

1 commits a Class 4 felony; a person convicted of a violation of
2 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a
3 Class 3 felony. A person convicted of a violation of subsection
4 24-1(a)(7)(i) commits a Class 2 felony, unless the weapon is
5 possessed in the passenger compartment of a motor vehicle as
6 defined in Section 1-146 of the Illinois Vehicle Code, or on
7 the person, while the weapon is loaded, in which case it shall
8 be a Class X felony. A person convicted of a second or
9 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
10 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The
11 possession of each weapon in violation of this Section
12 constitutes a single and separate violation.

13 (c) Violations in specific places.

14 (1) A person who violates subsection 24-1(a)(6) or
15 24-1(a)(7) in any school, regardless of the time of day or
16 the time of year, in residential property owned, operated
17 or managed by a public housing agency or leased by a public
18 housing agency as part of a scattered site or mixed-income
19 development, in a public park, in a courthouse, on the real
20 property comprising any school, regardless of the time of
21 day or the time of year, on residential property owned,
22 operated or managed by a public housing agency or leased by
23 a public housing agency as part of a scattered site or
24 mixed-income development, on the real property comprising
25 any public park, on the real property comprising any
26 courthouse, in any conveyance owned, leased or contracted
27 by a school to transport students to or from school or a
28 school related activity, or on any public way within 1,000
29 feet of the real property comprising any school, public
30 park, courthouse, or residential property owned, operated,
31 or managed by a public housing agency or leased by a public
32 housing agency as part of a scattered site or mixed-income
33 development commits a Class 2 felony.

34 (1.5) A person who violates subsection 24-1(a)(4),

1 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
2 time of day or the time of year, in residential property
3 owned, operated, or managed by a public housing agency or
4 leased by a public housing agency as part of a scattered
5 site or mixed-income development, in a public park, in a
6 courthouse, on the real property comprising any school,
7 regardless of the time of day or the time of year, on
8 residential property owned, operated, or managed by a
9 public housing agency or leased by a public housing agency
10 as part of a scattered site or mixed-income development, on
11 the real property comprising any public park, on the real
12 property comprising any courthouse, in any conveyance
13 owned, leased, or contracted by a school to transport
14 students to or from school or a school related activity, or
15 on any public way within 1,000 feet of the real property
16 comprising any school, public park, courthouse, or
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
20 commits a Class 3 felony.

21 (2) A person who violates subsection 24-1(a)(1),
22 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
23 time of day or the time of year, in residential property
24 owned, operated or managed by a public housing agency or
25 leased by a public housing agency as part of a scattered
26 site or mixed-income development, in a public park, in a
27 courthouse, on the real property comprising any school,
28 regardless of the time of day or the time of year, on
29 residential property owned, operated or managed by a public
30 housing agency or leased by a public housing agency as part
31 of a scattered site or mixed-income development, on the
32 real property comprising any public park, on the real
33 property comprising any courthouse, in any conveyance
34 owned, leased or contracted by a school to transport

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

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

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

22 (d) The presence in an automobile other than a public
23 omnibus of any weapon, instrument or substance referred to in
24 subsection (a)(7) is prima facie evidence that it is in the
25 possession of, and is being carried by, all persons occupying
26 such automobile at the time such weapon, instrument or
27 substance is found, except under the following circumstances:
28 (i) if such weapon, instrument or instrumentality is found upon
29 the person of one of the occupants therein; or (ii) if such
30 weapon, instrument or substance is found in an automobile
31 operated for hire by a duly licensed driver in the due, lawful
32 and proper pursuit of his trade, then such presumption shall
33 not apply to the driver.

34 (e) Exemptions. Crossbows, Common or Compound bows and

1 Underwater Spearguns are exempted from the definition of
2 ballistic knife as defined in paragraph (1) of subsection (a)
3 of this Section.

4 (Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99;
5 91-690, eff. 4-13-00.)

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
8 Felons or Persons in the Custody of the Department of
9 Corrections Facilities.

10 (a) It is unlawful for a person to knowingly possess on or
11 about his person or on his land or in his own abode or fixed
12 place of business any weapon prohibited under Section 24-1 of
13 this Act or any firearm or any firearm ammunition if the person
14 has been convicted of a felony under the laws of this State or
15 any other jurisdiction. This Section shall not apply if the
16 person has been granted relief by the Director of the
17 Department of State Police under Section 10 of the Firearm
18 Owners Identification Card Act.

19 (b) It is unlawful for any person confined in a penal
20 institution, which is a facility of the Illinois Department of
21 Corrections, to possess any weapon prohibited under Section
22 24-1 of this Code or any firearm or firearm ammunition,
23 regardless of the intent with which he possesses it.

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

28 (d) The defense of necessity is not available to a person
29 who is charged with a violation of subsection (b) of this
30 Section.

31 (e) Sentence. Violation of this Section by a person not
32 confined in a penal institution shall be a Class 3 felony for
33 which the person, if sentenced to a term of imprisonment, shall

1 be sentenced to no less than 2 years and no more than 10 years.
2 Violation of this Section by a person not confined in a penal
3 institution who has been convicted of a forcible felony, a
4 felony violation of Article 24 of this Code or of the Firearm
5 Owners Identification Card Act, stalking or aggravated
6 stalking, or a Class 2 or greater felony under the Illinois
7 Controlled Substances Act or the Cannabis Control Act is a
8 Class 2 felony for which the person, if sentenced to a term of
9 imprisonment, shall be sentenced to not less than 3 years and
10 not more than 14 years. Violation of this Section by a person
11 who is on parole or mandatory supervised release is a Class 2
12 felony for which the person, if sentenced to a term of
13 imprisonment, shall be sentenced to not less than 3 years and
14 not more than 14 years. Violation of this Section by a person
15 not confined in a penal institution is a Class X felony when
16 the firearm possessed is a machine gun. Any person who violates
17 this Section while confined in a penal institution, which is a
18 facility of the Illinois Department of Corrections, is guilty
19 of a Class 1 felony, if he possesses any weapon prohibited
20 under Section 24-1 of this Code regardless of the intent with
21 which he possesses it, a Class X felony if he possesses any
22 firearm, firearm ammunition or explosive, and a Class X felony
23 for which the offender shall be sentenced to not less than 12
24 years and not more than 50 years when the firearm possessed is
25 a machine gun. A violation of this Section while wearing or in
26 possession of body armor as defined in Section 33F-1 is a Class
27 X felony punishable by a term of imprisonment of not less than
28 10 years and not more than 40 years. The possession of each
29 firearm or firearm ammunition in violation of this Section
30 constitutes a single and separate violation.

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

32 (720 ILCS 5/24-1.6)

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

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

3 (1) Carries on or about his or her person or in any
4 vehicle or concealed on or about his or her person except
5 when on his or her land or in his or her abode or fixed
6 place of business any pistol, revolver, stun gun or taser
7 or other firearm; or

8 (2) Carries or possesses on or about his or her person,
9 upon any public street, alley, or other public lands within
10 the corporate limits of a city, village or incorporated
11 town, except when an invitee thereon or therein, for the
12 purpose of the display of such weapon or the lawful
13 commerce in weapons, or except when on his or her own land
14 or in his or her own abode or fixed place of business, any
15 pistol, revolver, stun gun or taser or other firearm; and

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

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

19 (B) the firearm possessed was uncased, unloaded
20 and the ammunition for the weapon was immediately
21 accessible at the time of the offense; or

22 (C) the person possessing the firearm has not been
23 issued a currently valid Firearm Owner's
24 Identification Card; or

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

29 (E) the person possessing the weapon was engaged in
30 a misdemeanor violation of the Cannabis Control Act or
31 in a misdemeanor violation of the Illinois Controlled
32 Substances Act; or

33 (F) the person possessing the weapon is a member of
34 a street gang or is engaged in street gang related

1 activity, as defined in Section 10 of the Illinois
2 Streetgang Terrorism Omnibus Prevention Act; or

3 (G) the person possessing the weapon had a order of
4 protection issued against him or her within the
5 previous 2 years; or

6 (H) the person possessing the weapon was engaged in
7 the commission or attempted commission of a
8 misdemeanor involving the use or threat of violence
9 against the person or property of another; or

10 (I) the person possessing the weapon was under 21
11 years of age and in possession of a handgun as defined
12 in Section 24-3, unless the person under 21 is engaged
13 in lawful activities under the Wildlife Code or
14 described in subsection 24-2(b)(1), (b)(3), or
15 24-2(f).

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

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

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

21 (ii) are not immediately accessible; or

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

26 (d) Sentence. Aggravated unlawful use of a weapon is a
27 Class 4 felony; a second or subsequent offense is a Class 2
28 felony. Aggravated unlawful use of a weapon by a person who has
29 been previously convicted of a felony in this State or another
30 jurisdiction is a Class 2 felony. Aggravated unlawful use of a
31 weapon while wearing or in possession of body armor as defined
32 in Section 33F-1 by a person who has not been issued a valid
33 Firearms Owner's Identification Card in accordance with
34 Section 5 of the Firearm Owners Identification Card Act is a

1 Class X felony. The possession of each firearm in violation of
2 this Section constitutes a single and separate violation.

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

4 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)
5 Sec. 24-3. Unlawful Sale of Firearms.

6 (A) A person commits the offense of unlawful sale of
7 firearms when he or she knowingly does any of the following:

8 (a) Sells or gives any firearm of a size which may be
9 concealed upon the person to any person under 18 years of
10 age.

11 (b) Sells or gives any firearm to a person under 21
12 years of age who has been convicted of a misdemeanor other
13 than a traffic offense or adjudged delinquent.

14 (c) Sells or gives any firearm to any narcotic addict.

15 (d) Sells or gives any firearm to any person who has
16 been convicted of a felony under the laws of this or any
17 other jurisdiction.

18 (e) Sells or gives any firearm to any person who has
19 been a patient in a mental hospital within the past 5
20 years.

21 (f) Sells or gives any firearms to any person who is
22 mentally retarded.

23 (g) Delivers any firearm of a size which may be
24 concealed upon the person, incidental to a sale, without
25 withholding delivery of such firearm for at least 72 hours
26 after application for its purchase has been made, or
27 delivers any rifle, shotgun or other long gun, incidental
28 to a sale, without withholding delivery of such rifle,
29 shotgun or other long gun for at least 24 hours after
30 application for its purchase has been made. However, this
31 paragraph (g) does not apply to: (1) the sale of a firearm
32 to a law enforcement officer if the seller of the firearm
33 knows that the person to whom he or she is selling the

1 firearm is a law enforcement officer or the sale of a
2 firearm to a person who desires to purchase a firearm for
3 use in promoting the public interest incident to his or her
4 employment as a bank guard, armed truck guard, or other
5 similar employment; (2) a mail order sale of a firearm to a
6 nonresident of Illinois under which the firearm is mailed
7 to a point outside the boundaries of Illinois; (3) the sale
8 of a firearm to a nonresident of Illinois while at a
9 firearm showing or display recognized by the Illinois
10 Department of State Police; or (4) the sale of a firearm to
11 a dealer licensed as a federal firearms dealer under
12 Section 923 of the federal Gun Control Act of 1968 (18
13 U.S.C. 923). For purposes of this paragraph (g),
14 "application" means when the buyer and seller reach an
15 agreement to purchase a firearm.

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

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

32 (j) Sells or gives a firearm while engaged in the
33 business of selling firearms at wholesale or retail without
34 being licensed as a federal firearms dealer under Section

1 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

2 In this paragraph (j):

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

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

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

1 Section 3.1 of the Firearm Owners Identification Card Act
2 shall be proof that the Firearm Owner's Identification Card
3 was valid.

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

14 (C) Sentence.

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

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

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

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

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

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

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

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

1 violation of paragraph (k) of subsection (A) is a Class 1
2 felony.

3 (D) For purposes of this Section:

4 "School" means a public or private elementary or secondary
5 school, community college, college, or university.

6 "School related activity" means any sporting, social,
7 academic, or other activity for which students' attendance or
8 participation is sponsored, organized, or funded in whole or in
9 part by a school or school district.

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

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

18 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

19 Sec. 24-3.1. Unlawful possession of firearms and firearm
20 ammunition.

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

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

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

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

32 (4) He has been a patient in a mental hospital within
33 the past 5 years and has any firearms or firearm ammunition

1 in his possession; or

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

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

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

13 (b) Sentence.

14 Unlawful possession of firearms, other than handguns, and
15 firearm ammunition is a Class A misdemeanor. Unlawful
16 possession of handguns is a Class 4 felony. The possession of
17 each firearm or firearm ammunition in violation of this Section
18 constitutes a single and separate violation.

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

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

27 (720 ILCS 5/24-4.1 new)

28 Sec. 24-4.1. Report of lost or stolen firearms.

29 (a) If a person who possesses a valid Firearm Owner's
30 Identification Card and who possesses or acquires a firearm
31 thereafter loses or misplaces the firearm, or if the firearm is
32 stolen from the person, the person must report the loss or
33 theft to the Department of State Police within 72 hours after

1 obtaining knowledge of the loss or theft.

2 (b) Sentence. A person who violates this Section is guilty
3 of a petty offense for a first violation. A second or
4 subsequent violation of this Section is a Class A misdemeanor.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".