

**SB1230**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1230**

Introduced 2/18/2005, by Sen. Don Harmon

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/24-3.5

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

LRB094 05674 RLC 35723 b

**A BILL FOR**

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 24-3.5 as follows:

6 (720 ILCS 5/24-3.5)

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

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

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

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

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

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

1 record form.

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

8 (e) Sentence.

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

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

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

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

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

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

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

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

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

11          (f) A prosecution for unlawful purchase of a firearm may be  
12          commenced within 6 years after the commission of the offense.

13          (Source: P.A. 93-451, eff. 8-7-03; 93-906, eff. 8-11-04.)