



Sen. Jeffrey M. Schoenberg

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09400SB1962sam001

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1 AMENDMENT TO SENATE BILL 1962

2 AMENDMENT NO. _____. Amend Senate Bill 1962 on page 7, by
3 inserting immediately below line 2 the following:

4 "Section 10. The Criminal Code of 1961 is amended by
5 changing Section 24-3 as follows:

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

7 Sec. 24-3. Unlawful Sale of Firearms.

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

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

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

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

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

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

23 (f) Sells or gives any firearms to any person who is
24 mentally retarded.

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

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

1 assembled.

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

5 (j) Sells or gives a firearm while engaged in the
6 business of selling firearms at wholesale or retail without
7 being licensed as a federal firearms dealer under Section
8 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
9 In this paragraph (j):

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

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

26 (k) Sells or transfers ownership of a firearm to a
27 person who does not display to the seller or transferor of
28 the firearm a currently valid Firearm Owner's
29 Identification Card that has previously been issued in the
30 transferee's name by the Department of State Police under
31 the provisions of the Firearm Owners Identification Card
32 Act. This paragraph (k) does not apply to the transfer of a
33 firearm to a person who is exempt from the requirement of
34 possessing a Firearm Owner's Identification Card under

1 Section 2 of the Firearm Owners Identification Card Act.
2 For the purposes of this Section, a currently valid Firearm
3 Owner's Identification Card means (i) a Firearm Owner's
4 Identification Card that has not expired or (ii) if the
5 transferor is licensed as a federal firearms dealer under
6 Section 923 of the federal Gun Control Act of 1968 (18
7 U.S.C. 923), an approval number issued in accordance with
8 Section 3.1 of the Firearm Owners Identification Card Act
9 shall be proof that the Firearm Owner's Identification Card
10 was valid.

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

21 (C) Sentence.

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

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

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

31 (4) Any person convicted of unlawful sale of firearms
32 in violation of paragraph (a), (b), or (i) of subsection
33 (A) in any school, on the real property comprising a
34 school, within 1,000 feet of the real property comprising a

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

19 (5) Any person convicted of unlawful sale of firearms
20 in violation of paragraph (a) or (i) of subsection (A) in
21 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, in
24 a public park, in a courthouse, on residential property
25 owned, operated, or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered
27 site or mixed-income development, on the real property
28 comprising any public park, on the real property comprising
29 any courthouse, or on any public way within 1,000 feet of
30 the real property comprising any public park, courthouse,
31 or residential property owned, operated, or managed by a
32 public housing agency or leased by a public housing agency
33 as part of a scattered site or mixed-income development
34 commits a Class 2 felony.

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

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

10 (D) For purposes of this Section:

11 "School" means a public or private elementary or secondary
12 school, community college, college, or university.

13 "School related activity" means any sporting, social,
14 academic, or other activity for which students' attendance or
15 participation is sponsored, organized, or funded in whole or in
16 part by a school or school district.

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

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