

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, 4, 8, and 10 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 "Has been adjudicated as a mental defective" means the
9 person is the subject of a determination by a court, board,
10 commission or other lawful authority that a person, as a result
11 of marked subnormal intelligence, or mental illness, mental
12 impairment, incompetency, condition, or disease:

13 (1) is a danger to himself, herself, or to others;

14 (2) lacks the mental capacity to manage his or her own
15 affairs;

16 (3) is not guilty in a criminal case by reason of
17 insanity, mental disease or defect;

18 (4) is incompetent to stand trial in a criminal case;

19 (5) is not guilty by reason of lack of mental
20 responsibility pursuant to Articles 50a and 72b of the
21 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

22 "Counterfeit" means to copy or imitate, without legal
23 authority, with intent to deceive.

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

4 "Firearm" means any device, by whatever name known, which
5 is designed to expel a projectile or projectiles by the action
6 of an explosion, expansion of gas or escape of gas; excluding,
7 however:

8 (1) any pneumatic gun, spring gun, paint ball gun, or
9 B-B gun which expels a single globular projectile not
10 exceeding .18 inch in diameter or which has a maximum
11 muzzle velocity of less than 700 feet per second;

12 (1.1) any pneumatic gun, spring gun, paint ball gun, or
13 B-B gun which expels breakable paint balls containing
14 washable marking colors;

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

18 (3) any device used exclusively for the firing of stud
19 cartridges, explosive rivets or similar industrial
20 ammunition; and

21 (4) an antique firearm (other than a machine-gun)
22 which, although designed as a weapon, the Department of
23 State Police finds by reason of the date of its
24 manufacture, value, design, and other characteristics is
25 primarily a collector's item and is not likely to be used
26 as a weapon.

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

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

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

11 "Gun show" means an event or function:

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

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

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

23 "Gun show" does not include training or safety classes,
24 competitive shooting events, such as rifle, shotgun, or handgun
25 matches, trap, skeet, or sporting clays shoots, dinners,
26 banquets, raffles, or any other event where the sale or

1 transfer of firearms is not the primary course of business.

2 "Gun show promoter" means a person who organizes or
3 operates a gun show.

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

9 "Mental institution" means any hospital, institution,
10 clinic, evaluation facility, mental health center, or part
11 thereof, which is used primarily for the care or treatment of
12 persons with mental illness.

13 "Patient in a mental institution" means the person was
14 admitted, either voluntarily or involuntarily, to a mental
15 institution for mental health treatment, unless the treatment
16 was voluntary and solely for an alcohol abuse disorder and no
17 other secondary substance abuse disorder or mental illness.

18 "Sanctioned competitive shooting event" means a shooting
19 contest officially recognized by a national or state shooting
20 sport association, and includes any sight-in or practice
21 conducted in conjunction with the event.

22 "Stun gun or taser" has the meaning ascribed to it in
23 Section 24-1 of the Criminal Code of 2012 ~~1961~~.

24 (Source: P.A. 97-776, eff. 7-13-12.)

25 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

1 Sec. 4. (a) Each applicant for a Firearm Owner's
2 Identification Card must:

3 (1) Make application on blank forms prepared and
4 furnished at convenient locations throughout the State by
5 the Department of State Police, or by electronic means, if
6 and when made available by the Department of State Police;
7 and

8 (2) Submit evidence to the Department of State Police
9 that:

10 (i) He or she is 21 years of age or over, or if he
11 or she is under 21 years of age that he or she has the
12 written consent of his or her parent or legal guardian
13 to possess and acquire firearms and firearm ammunition
14 and that he or she has never been convicted of a
15 misdemeanor other than a traffic offense or adjudged
16 delinquent, provided, however, that such parent or
17 legal guardian is not an individual prohibited from
18 having a Firearm Owner's Identification Card and files
19 an affidavit with the Department as prescribed by the
20 Department stating that he or she is not an individual
21 prohibited from having a Card;

22 (ii) He or she has not been convicted of a felony
23 under the laws of this or any other jurisdiction;

24 (iii) He or she is not addicted to narcotics;

25 (iv) He or she has not been a patient in a mental
26 institution within the past 5 years ~~and he or she has~~

1 ~~not been adjudicated as a mental defective;~~

2 (v) He or she is not intellectually disabled;

3 (vi) He or she is not an alien who is unlawfully
4 present in the United States under the laws of the
5 United States;

6 (vii) He or she is not subject to an existing order
7 of protection prohibiting him or her from possessing a
8 firearm;

9 (viii) He or she has not been convicted within the
10 past 5 years of battery, assault, aggravated assault,
11 violation of an order of protection, or a substantially
12 similar offense in another jurisdiction, in which a
13 firearm was used or possessed;

14 (ix) He or she has not been convicted of domestic
15 battery, aggravated domestic battery, or a
16 substantially similar offense in another jurisdiction
17 committed before, on or after January 1, 2012 (the
18 effective date of Public Act 97-158). If the applicant
19 knowingly and intelligently waives the right to have an
20 offense described in this clause (ix) tried by a jury,
21 and by guilty plea or otherwise, results in a
22 conviction for an offense in which a domestic
23 relationship is not a required element of the offense
24 but in which a determination of the applicability of 18
25 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
26 Code of Criminal Procedure of 1963, an entry by the

1 court of a judgment of conviction for that offense
2 shall be grounds for denying the issuance of a Firearm
3 Owner's Identification Card under this Section;

4 (x) (Blank);

5 (xi) He or she is not an alien who has been
6 admitted to the United States under a non-immigrant
7 visa (as that term is defined in Section 101(a)(26) of
8 the Immigration and Nationality Act (8 U.S.C.
9 1101(a)(26))), or that he or she is an alien who has
10 been lawfully admitted to the United States under a
11 non-immigrant visa if that alien is:

12 (1) admitted to the United States for lawful
13 hunting or sporting purposes;

14 (2) an official representative of a foreign
15 government who is:

16 (A) accredited to the United States
17 Government or the Government's mission to an
18 international organization having its
19 headquarters in the United States; or

20 (B) en route to or from another country to
21 which that alien is accredited;

22 (3) an official of a foreign government or
23 distinguished foreign visitor who has been so
24 designated by the Department of State;

25 (4) a foreign law enforcement officer of a
26 friendly foreign government entering the United

1 States on official business; or

2 (5) one who has received a waiver from the
3 Attorney General of the United States pursuant to
4 18 U.S.C. 922 (y) (3);

5 (xii) He or she is not a minor subject to a
6 petition filed under Section 5-520 of the Juvenile
7 Court Act of 1987 alleging that the minor is a
8 delinquent minor for the commission of an offense that
9 if committed by an adult would be a felony;

10 (xiii) He or she is not an adult who had been
11 adjudicated a delinquent minor under the Juvenile
12 Court Act of 1987 for the commission of an offense that
13 if committed by an adult would be a felony; ~~and~~

14 (xiv) He or she is a resident of the State of
15 Illinois; and

16 (xv) He or she has not been adjudicated as a mental
17 defective; and

18 (3) Upon request by the Department of State Police,
19 sign a release on a form prescribed by the Department of
20 State Police waiving any right to confidentiality and
21 requesting the disclosure to the Department of State Police
22 of limited mental health institution admission information
23 from another state, the District of Columbia, any other
24 territory of the United States, or a foreign nation
25 concerning the applicant for the sole purpose of
26 determining whether the applicant is or was a patient in a

1 mental health institution and disqualified because of that
2 status from receiving a Firearm Owner's Identification
3 Card. No mental health care or treatment records may be
4 requested. The information received shall be destroyed
5 within one year of receipt.

6 (a-5) Each applicant for a Firearm Owner's Identification
7 Card who is over the age of 18 shall furnish to the Department
8 of State Police either his or her Illinois driver's license
9 number or Illinois Identification Card number, except as
10 provided in subsection (a-10).

11 (a-10) Each applicant for a Firearm Owner's Identification
12 Card, who is employed as a law enforcement officer, an armed
13 security officer in Illinois, or by the United States Military
14 permanently assigned in Illinois and who is not an Illinois
15 resident, shall furnish to the Department of State Police his
16 or her driver's license number or state identification card
17 number from his or her state of residence. The Department of
18 State Police may promulgate rules to enforce the provisions of
19 this subsection (a-10).

20 (a-15) If an applicant applying for a Firearm Owner's
21 Identification Card moves from the residence address named in
22 the application, he or she shall immediately notify in a form
23 and manner prescribed by the Department of State Police of that
24 change of address.

25 (a-20) Each applicant for a Firearm Owner's Identification
26 Card shall furnish to the Department of State Police his or her

1 photograph. An applicant who is 21 years of age or older
2 seeking a religious exemption to the photograph requirement
3 must furnish with the application an approved copy of United
4 States Department of the Treasury Internal Revenue Service Form
5 4029. In lieu of a photograph, an applicant regardless of age
6 seeking a religious exemption to the photograph requirement
7 shall submit fingerprints on a form and manner prescribed by
8 the Department with his or her application.

9 (b) Each application form shall include the following
10 statement printed in bold type: "Warning: Entering false
11 information on an application for a Firearm Owner's
12 Identification Card is punishable as a Class 2 felony in
13 accordance with subsection (d-5) of Section 14 of the Firearm
14 Owners Identification Card Act."

15 (c) Upon such written consent, pursuant to Section 4,
16 paragraph (a)(2)(i), the parent or legal guardian giving the
17 consent shall be liable for any damages resulting from the
18 applicant's use of firearms or firearm ammunition.

19 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
20 eff. 7-13-12; 97-1131, eff. 1-1-13.)

21 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

22 Sec. 8. The Department of State Police has authority to
23 deny an application for or to revoke and seize a Firearm
24 Owner's Identification Card previously issued under this Act
25 only if the Department finds that the applicant or the person

1 to whom such card was issued is or was at the time of issuance:

2 (a) A person under 21 years of age who has been convicted
3 of a misdemeanor other than a traffic offense or adjudged
4 delinquent;

5 (b) A person under 21 years of age who does not have the
6 written consent of his parent or guardian to acquire and
7 possess firearms and firearm ammunition, or whose parent or
8 guardian has revoked such written consent, or where such parent
9 or guardian does not qualify to have a Firearm Owner's
10 Identification Card;

11 (c) A person convicted of a felony under the laws of this
12 or any other jurisdiction;

13 (d) A person addicted to narcotics;

14 (e) A person who has been a patient of a mental institution
15 within the past 5 years. An active law enforcement officer
16 employed by a unit of government who is denied, revoked, or has
17 his or her Firearm Owner's Identification Card seized under
18 this subsection (e) may obtain relief as described in
19 subsection (c-5) of Section 10 of this Act if the officer did
20 not act in a manner threatening to the officer, another person,
21 or the public as determined by the treating clinical
22 psychologist or physician, and the officer seeks mental health
23 treatment ~~or has been adjudicated as a mental defective;~~

24 (f) A person whose mental condition is of such a nature
25 that it poses a clear and present danger to the applicant, any
26 other person or persons or the community;

1 For the purposes of this Section, "mental condition" means
2 a state of mind manifested by violent, suicidal, threatening or
3 assaultive behavior.

4 (g) A person who is intellectually disabled;

5 (h) A person who intentionally makes a false statement in
6 the Firearm Owner's Identification Card application;

7 (i) An alien who is unlawfully present in the United States
8 under the laws of the United States;

9 (i-5) An alien who has been admitted to the United States
10 under a non-immigrant visa (as that term is defined in Section
11 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
12 1101(a)(26))), except that this subsection (i-5) does not apply
13 to any alien who has been lawfully admitted to the United
14 States under a non-immigrant visa if that alien is:

15 (1) admitted to the United States for lawful hunting or
16 sporting purposes;

17 (2) an official representative of a foreign government
18 who is:

19 (A) accredited to the United States Government or
20 the Government's mission to an international
21 organization having its headquarters in the United
22 States; or

23 (B) en route to or from another country to which
24 that alien is accredited;

25 (3) an official of a foreign government or
26 distinguished foreign visitor who has been so designated by

1 the Department of State;

2 (4) a foreign law enforcement officer of a friendly
3 foreign government entering the United States on official
4 business; or

5 (5) one who has received a waiver from the Attorney
6 General of the United States pursuant to 18 U.S.C.
7 922 (y) (3);

8 (j) (Blank);

9 (k) A person who has been convicted within the past 5 years
10 of battery, assault, aggravated assault, violation of an order
11 of protection, or a substantially similar offense in another
12 jurisdiction, in which a firearm was used or possessed;

13 (l) A person who has been convicted of domestic battery,
14 aggravated domestic battery, or a substantially similar
15 offense in another jurisdiction committed before, on or after
16 January 1, 2012 (the effective date of Public Act 97-158). If
17 the applicant or person who has been previously issued a
18 Firearm Owner's Identification Card under this Act knowingly
19 and intelligently waives the right to have an offense described
20 in this paragraph (l) tried by a jury, and by guilty plea or
21 otherwise, results in a conviction for an offense in which a
22 domestic relationship is not a required element of the offense
23 but in which a determination of the applicability of 18 U.S.C.
24 922 (g) (9) is made under Section 112A-11.1 of the Code of
25 Criminal Procedure of 1963, an entry by the court of a judgment
26 of conviction for that offense shall be grounds for denying an

1 application for and for revoking and seizing a Firearm Owner's
2 Identification Card previously issued to the person under this
3 Act;

4 (m) (Blank);

5 (n) A person who is prohibited from acquiring or possessing
6 firearms or firearm ammunition by any Illinois State statute or
7 by federal law;

8 (o) A minor subject to a petition filed under Section 5-520
9 of the Juvenile Court Act of 1987 alleging that the minor is a
10 delinquent minor for the commission of an offense that if
11 committed by an adult would be a felony;

12 (p) An adult who had been adjudicated a delinquent minor
13 under the Juvenile Court Act of 1987 for the commission of an
14 offense that if committed by an adult would be a felony; ~~or~~

15 (q) A person who is not a resident of the State of
16 Illinois, except as provided in subsection (a-10) of Section 4;
17 or -

18 (r) A person who has been adjudicated as a mental
19 defective.

20 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
21 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

22 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

23 Sec. 10. Appeal to director; hearing; relief from firearm
24 prohibitions.

25 (a) Whenever an application for a Firearm Owner's

1 Identification Card is denied, whenever the Department fails to
2 act on an application within 30 days of its receipt, or
3 whenever such a Card is revoked or seized as provided for in
4 Section 8 of this Act, the aggrieved party may appeal to the
5 Director of State Police for a hearing upon such denial,
6 revocation or seizure, unless the denial, revocation, or
7 seizure was based upon a forcible felony, stalking, aggravated
8 stalking, domestic battery, any violation of the Illinois
9 Controlled Substances Act, the Methamphetamine Control and
10 Community Protection Act, or the Cannabis Control Act that is
11 classified as a Class 2 or greater felony, any felony violation
12 of Article 24 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, or any adjudication as a delinquent minor for the
14 commission of an offense that if committed by an adult would be
15 a felony, in which case the aggrieved party may petition the
16 circuit court in writing in the county of his or her residence
17 for a hearing upon such denial, revocation, or seizure.

18 (b) At least 30 days before any hearing in the circuit
19 court, the petitioner shall serve the relevant State's Attorney
20 with a copy of the petition. The State's Attorney may object to
21 the petition and present evidence. At the hearing the court
22 shall determine whether substantial justice has been done.
23 Should the court determine that substantial justice has not
24 been done, the court shall issue an order directing the
25 Department of State Police to issue a Card. However, the court
26 shall not issue the order if the petitioner is otherwise

1 prohibited from obtaining, possessing, or using a firearm under
2 federal law.

3 (c) Any person prohibited from possessing a firearm under
4 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 ~~1961~~ or
5 acquiring a Firearm Owner's Identification Card under Section 8
6 of this Act may apply to the Director of State Police or
7 petition the circuit court in the county where the petitioner
8 resides, whichever is applicable in accordance with subsection
9 (a) of this Section, requesting relief from such prohibition
10 and the Director or court may grant such relief if it is
11 established by the applicant to the court's or Director's
12 satisfaction that:

13 (0.05) when in the circuit court, the State's Attorney
14 has been served with a written copy of the petition at
15 least 30 days before any such hearing in the circuit court
16 and at the hearing the State's Attorney was afforded an
17 opportunity to present evidence and object to the petition;

18 (1) the applicant has not been convicted of a forcible
19 felony under the laws of this State or any other
20 jurisdiction within 20 years of the applicant's
21 application for a Firearm Owner's Identification Card, or
22 at least 20 years have passed since the end of any period
23 of imprisonment imposed in relation to that conviction;

24 (2) the circumstances regarding a criminal conviction,
25 where applicable, the applicant's criminal history and his
26 reputation are such that the applicant will not be likely

1 to act in a manner dangerous to public safety;

2 (3) granting relief would not be contrary to the public
3 interest; and

4 (4) granting relief would not be contrary to federal
5 law.

6 (c-5) (1) An active law enforcement officer employed by
7 a unit of government, who is denied, revoked, or has his or
8 her Firearm Owner's Identification Card seized under
9 subsection (e) of Section 8 of this Act may apply to the
10 Director of State Police requesting relief if the officer
11 did not act in a manner threatening to the officer, another
12 person, or the public as determined by the treating
13 clinical psychologist or physician, and as a result of his
14 or her work is referred by the employer for or voluntarily
15 seeks mental health evaluation or treatment by a licensed
16 clinical psychologist, psychiatrist, or qualified
17 examiner, and:

18 (A) the officer has not received treatment
19 involuntarily at a mental institution, regardless of
20 the length of admission; or has not been voluntarily
21 admitted to a mental institution for more than 30 days
22 and not for more than one incident within the past 5
23 years; and

24 (B) the officer has not left the mental institution
25 against medical advice.

26 (2) The Director of State Police shall grant expedited

1 relief to active law enforcement officers described in
2 paragraph (1) of this subsection (c-5) upon a determination
3 by the Director that the officer's possession of a firearm
4 does not present a threat to themselves, others, or public
5 safety. The Director shall act on the request for relief
6 within 30 business days of receipt of:

7 (A) a notarized statement from the officer in the
8 form prescribed by the Director detailing the
9 circumstances that led to the hospitalization;

10 (B) all documentation regarding the admission,
11 evaluation, treatment and discharge from the treating
12 licensed clinical psychologist or psychiatrist of the
13 officer;

14 (C) a psychological fitness for duty evaluation of
15 the person completed after the time of discharge; and

16 (D) written confirmation in the form prescribed by
17 the Director from the treating licensed clinical
18 psychologist or psychiatrist that the provisions set
19 forth in paragraph (1) of this subsection (c-5) have
20 been met, the person successfully completed treatment,
21 and their professional opinion regarding the person's
22 ability to possess firearms.

23 (3) Officers eligible for the expedited relief in
24 paragraph (2) of this subsection (c-5) have the burden of
25 proof on eligibility and must provide all information
26 required. The Director may not consider granting expedited

1 relief until the proof and information is received.

2 (4) "Clinical psychologist", "psychiatrist", and
3 "qualified examiner" shall have the same meaning as
4 provided in Chapter 1 of the Mental Health and
5 Developmental Disabilities Code.

6 (d) When a minor is adjudicated delinquent for an offense
7 which if committed by an adult would be a felony, the court
8 shall notify the Department of State Police.

9 (e) The court shall review the denial of an application or
10 the revocation of a Firearm Owner's Identification Card of a
11 person who has been adjudicated delinquent for an offense that
12 if committed by an adult would be a felony if an application
13 for relief has been filed at least 10 years after the
14 adjudication of delinquency and the court determines that the
15 applicant should be granted relief from disability to obtain a
16 Firearm Owner's Identification Card. If the court grants
17 relief, the court shall notify the Department of State Police
18 that the disability has been removed and that the applicant is
19 eligible to obtain a Firearm Owner's Identification Card.

20 (f) Any person who is subject to the disabilities of 18
21 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
22 of 1968 because of an adjudication or commitment that occurred
23 under the laws of this State or who was determined to be
24 subject to the provisions of subsections (e), (f), or (g) of
25 Section 8 of this Act may apply to the Department of State
26 Police requesting relief from that prohibition. The Director

1 shall grant the relief if it is established by a preponderance
2 of the evidence that the person will not be likely to act in a
3 manner dangerous to public safety and that granting relief
4 would not be contrary to the public interest. In making this
5 determination, the Director shall receive evidence concerning
6 (i) the circumstances regarding the firearms disabilities from
7 which relief is sought; (ii) the petitioner's mental health and
8 criminal history records, if any; (iii) the petitioner's
9 reputation, developed at a minimum through character witness
10 statements, testimony, or other character evidence; and (iv)
11 changes in the petitioner's condition or circumstances since
12 the disqualifying events relevant to the relief sought. If
13 relief is granted under this subsection or by order of a court
14 under this Section, the Director shall as soon as practicable
15 but in no case later than 15 business days, update, correct,
16 modify, or remove the person's record in any database that the
17 Department of State Police makes available to the National
18 Instant Criminal Background Check System and notify the United
19 States Attorney General that the basis for the record being
20 made available no longer applies. The Department of State
21 Police shall adopt rules for the administration of this
22 subsection (f).

23 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13.)

24 Section 10. The Criminal Code of 2012 is amended by
25 changing Sections 24-3 and 24-3.1 as follows:

1 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

2 Sec. 24-3. Unlawful sale or delivery of firearms.

3 (A) A person commits the offense of unlawful sale or
4 delivery of firearms when he or she knowingly does any of the
5 following:

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

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

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

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

16 (e) Sells or gives any firearm to any person who has
17 been a patient in a mental institution ~~hospital~~ within the
18 past 5 years. In this subsection (e):

19 "Mental institution" means any hospital,
20 institution, clinic, evaluation facility, mental
21 health center, or part thereof, which is used primarily
22 for the care or treatment of persons with mental
23 illness.

24 "Patient in a mental institution" means the person
25 was admitted, either voluntarily or involuntarily, to

1 a mental institution for mental health treatment,
2 unless the treatment was voluntary and solely for an
3 alcohol abuse disorder and no other secondary
4 substance abuse disorder or mental illness.

5 (f) Sells or gives any firearms to any person who is
6 intellectually disabled.

7 (g) Delivers any firearm of a size which may be
8 concealed upon the person, incidental to a sale, without
9 withholding delivery of such firearm for at least 72 hours
10 after application for its purchase has been made, or
11 delivers any rifle, shotgun or other long gun, or a stun
12 gun or taser, incidental to a sale, without withholding
13 delivery of such rifle, shotgun or other long gun, or a
14 stun gun or taser for at least 24 hours after application
15 for its purchase has been made. However, this paragraph (g)
16 does not apply to: (1) the sale of a firearm to a law
17 enforcement officer if the seller of the firearm knows that
18 the person to whom he or she is selling the firearm is a
19 law enforcement officer or the sale of a firearm to a
20 person who desires to purchase a firearm for use in
21 promoting the public interest incident to his or her
22 employment as a bank guard, armed truck guard, or other
23 similar employment; (2) a mail order sale of a firearm to a
24 nonresident of Illinois under which the firearm is mailed
25 to a point outside the boundaries of Illinois; (3) the sale
26 of a firearm to a nonresident of Illinois while at a

1 firearm showing or display recognized by the Illinois
2 Department of State Police; or (4) the sale of a firearm to
3 a dealer licensed as a federal firearms dealer under
4 Section 923 of the federal Gun Control Act of 1968 (18
5 U.S.C. 923). For purposes of this paragraph (g),
6 "application" means when the buyer and seller reach an
7 agreement to purchase a firearm.

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

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

24 (j) Sells or gives a firearm while engaged in the
25 business of selling firearms at wholesale or retail without
26 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

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

12 (1) Not being entitled to the possession of a firearm,
13 delivers the firearm, knowing it to have been stolen or
14 converted. It may be inferred that a person who possesses a
15 firearm with knowledge that its serial number has been
16 removed or altered has knowledge that the firearm is stolen
17 or converted.

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

1 after the enactment of that Public Act.

2 (C) Sentence.

3 (1) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (c), (e), (f), (g),
5 or (h) of subsection (A) commits a Class 4 felony.

6 (2) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (b) or (i) of
8 subsection (A) commits a Class 3 felony.

9 (3) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (a) of subsection (A)
11 commits a Class 2 felony.

12 (4) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (a), (b), or (i) of
14 subsection (A) in any school, on the real property
15 comprising a school, within 1,000 feet of the real property
16 comprising a school, at a school related activity, or on or
17 within 1,000 feet of any conveyance owned, leased, or
18 contracted by a school or school district to transport
19 students to or from school or a school related activity,
20 regardless of the time of day or time of year at which the
21 offense was committed, commits a Class 1 felony. Any person
22 convicted of a second or subsequent violation of unlawful
23 sale or delivery of firearms in violation of paragraph (a),
24 (b), or (i) of subsection (A) in any school, on the real
25 property comprising a school, within 1,000 feet of the real
26 property comprising a school, at a school related activity,

1 or on or within 1,000 feet of any conveyance owned, leased,
2 or contracted by a school or school district to transport
3 students to or from school or a school related activity,
4 regardless of the time of day or time of year at which the
5 offense was committed, commits a Class 1 felony for which
6 the sentence shall be a term of imprisonment of no less
7 than 5 years and no more than 15 years.

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

24 (6) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (j) of subsection (A)
26 commits a Class A misdemeanor. A second or subsequent

1 violation is a Class 4 felony.

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

7 (8) A person 18 years of age or older convicted of
8 unlawful sale or delivery of firearms in violation of
9 paragraph (a) or (i) of subsection (A), when the firearm
10 that was sold or given to another person under 18 years of
11 age was used in the commission of or attempt to commit a
12 forcible felony, shall be fined or imprisoned, or both, not
13 to exceed the maximum provided for the most serious
14 forcible felony so committed or attempted by the person
15 under 18 years of age who was sold or given the firearm.

16 (9) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (d) of subsection (A)
18 commits a Class 3 felony.

19 (10) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (l) of subsection (A)
21 commits a Class 2 felony if the delivery is of one firearm.
22 Any person convicted of unlawful sale or delivery of
23 firearms in violation of paragraph (l) of subsection (A)
24 commits a Class 1 felony if the delivery is of not less
25 than 2 and not more than 5 firearms at the same time or
26 within a one year period. Any person convicted of unlawful

1 sale or delivery of firearms in violation of paragraph (1)
2 of subsection (A) commits a Class X felony for which he or
3 she shall be sentenced to a term of imprisonment of not
4 less than 6 years and not more than 30 years if the
5 delivery is of not less than 6 and not more than 10
6 firearms at the same time or within a 2 year period. Any
7 person convicted of unlawful sale or delivery of firearms
8 in violation of paragraph (1) of subsection (A) commits a
9 Class X felony for which he or she shall be sentenced to a
10 term of imprisonment of not less than 6 years and not more
11 than 40 years if the delivery is of not less than 11 and
12 not more than 20 firearms at the same time or within a 3
13 year period. Any person convicted of unlawful sale or
14 delivery of firearms in violation of paragraph (1) of
15 subsection (A) commits a Class X felony for which he or she
16 shall be sentenced to a term of imprisonment of not less
17 than 6 years and not more than 50 years if the delivery is
18 of not less than 21 and not more than 30 firearms at the
19 same time or within a 4 year period. Any person convicted
20 of unlawful sale or delivery of firearms in violation of
21 paragraph (1) of subsection (A) commits a Class X felony
22 for which he or she shall be sentenced to a term of
23 imprisonment of not less than 6 years and not more than 60
24 years if the delivery is of 31 or more firearms at the same
25 time or within a 5 year period.

26 (D) For purposes of this Section:

1 "School" means a public or private elementary or secondary
2 school, community college, college, or university.

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

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

14 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
15 eff. 1-1-12; 97-813, eff. 7-13-12.)

16 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

17 Sec. 24-3.1. Unlawful possession of firearms and firearm
18 ammunition.

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

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

24 (2) He is under 21 years of age, has been convicted of
25 a misdemeanor other than a traffic offense or adjudged

1 delinquent and has any firearms or firearm ammunition in
2 his possession; or

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

5 (4) He has been a patient in a mental institution
6 ~~hospital~~ within the past 5 years and has any firearms or
7 firearm ammunition in his possession. For purposes of this
8 paragraph (4):

9 "Mental institution" means any hospital,
10 institution, clinic, evaluation facility, mental
11 health center, or part thereof, which is used primarily
12 for the care or treatment of persons with mental
13 illness.

14 "Patient in a mental institution" means the person
15 was admitted, either voluntarily or involuntarily, to
16 a mental institution for mental health treatment,
17 unless the treatment was voluntary and solely for an
18 alcohol abuse disorder and no other secondary
19 substance abuse disorder or mental illness; or

20 (5) He is intellectually disabled and has any firearms
21 or firearm ammunition in his possession; or

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

23 For purposes of this paragraph "explosive bullet" means the
24 projectile portion of an ammunition cartridge which contains or
25 carries an explosive charge which will explode upon contact
26 with the flesh of a human or an animal. "Cartridge" means a

1 tubular metal case having a projectile affixed at the front
2 thereof and a cap or primer at the rear end thereof, with the
3 propellant contained in such tube between the projectile and
4 the cap.

5 (b) Sentence.

6 Unlawful possession of firearms, other than handguns, and
7 firearm ammunition is a Class A misdemeanor. Unlawful
8 possession of handguns is a Class 4 felony. The possession of
9 each firearm or firearm ammunition in violation of this Section
10 constitutes a single and separate violation.

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

18 (Source: P.A. 97-227, eff. 1-1-12.)

19 Section 99. Effective date. This Act takes effect June 1,
20 2013.