

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 Sections 16-16, 16-16.1, and 24-3 as follows:

6 (720 ILCS 5/16-16)

7 Sec. 16-16. Possession of a stolen firearm.

8 (a) A person commits possession of a stolen firearm when he
9 or she, not being entitled to the possession of a firearm,
10 possesses ~~or delivers~~ the firearm, knowing it to have been
11 stolen or converted. It may be inferred that a person who
12 possesses a firearm with knowledge that its serial number has
13 been removed or altered has knowledge that the firearm is
14 stolen or converted.

15 (b) Possession of a stolen firearm is a Class 2 felony.

16 (Source: P.A. 91-544, eff. 1-1-00.)

17 (720 ILCS 5/16-16.1)

18 Sec. 16-16.1. Aggravated possession of a stolen firearm.

19 (a) A person commits aggravated possession of a stolen
20 firearm when he or she:

21 (1) Not being entitled to the possession of not less
22 than 2 and not more than 5 firearms, possesses ~~or delivers~~

1 those firearms at the same time or within a one year
2 period, knowing the firearms to have been stolen or
3 converted.

4 (2) Not being entitled to the possession of not less
5 than 6 and not more than 10 firearms, possesses ~~or delivers~~
6 those firearms at the same time or within a 2 year period,
7 knowing the firearms to have been stolen or converted.

8 (3) Not being entitled to the possession of not less
9 than 11 and not more than 20 firearms, possesses ~~or~~
10 ~~delivers~~ those firearms at the same time or within a 3 year
11 period, knowing the firearms to have been stolen or
12 converted.

13 (4) Not being entitled to the possession of not less
14 than 21 and not more than 30 firearms, possesses ~~or~~
15 ~~delivers~~ those firearms at the same time or within a 4 year
16 period, knowing the firearms to have been stolen or
17 converted.

18 (5) Not being entitled to the possession of ~~more than~~
19 31 or more firearms, possesses ~~or delivers~~ those firearms
20 at the same time or within a 5 year period, knowing the
21 firearms to have been stolen or converted.

22 (b) It may be inferred that a person who possesses a
23 firearm with knowledge that its serial number has been removed
24 or altered has knowledge that the firearm is stolen or
25 converted.

26 (c) Sentence.

1 (1) A person who violates paragraph (1) of subsection
2 (a) of this Section commits a Class 1 felony.

3 (2) A person who violates paragraph (2) of subsection
4 (a) of this Section commits a Class X felony for which he
5 or she shall be sentenced to a term of imprisonment of not
6 less than 6 years and not more than 30 years.

7 (3) A person who violates paragraph (3) of subsection
8 (a) of this Section commits a Class X felony for which he
9 or she shall be sentenced to a term of imprisonment of not
10 less than 6 years and not more than 40 years.

11 (4) A person who violates paragraph (4) of subsection
12 (a) of this Section commits a Class X felony for which he
13 or she shall be sentenced to a term of imprisonment of not
14 less than 6 years and not more than 50 years.

15 (5) A person who violates paragraph (5) of subsection
16 (a) of this Section commits a Class X felony for which he
17 or she shall be sentenced to a term of imprisonment of not
18 less than 6 years and not more than 60 years.

19 (Source: P.A. 91-544, eff. 1-1-00.)

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

21 Sec. 24-3. Unlawful sale or delivery of firearms ~~Sale of~~
22 ~~Firearms.~~

23 (A) A person commits the offense of unlawful sale or
24 delivery of firearms when he or she knowingly does any of the
25 following:

1 (a) Sells or gives any firearm of a size which may be
2 concealed upon the person to any person under 18 years of
3 age.

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

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

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

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

14 (f) Sells or gives any firearms to any person who is
15 mentally retarded.

16 (g) Delivers any firearm of a size which may be
17 concealed upon the person, incidental to a sale, without
18 withholding delivery of such firearm for at least 72 hours
19 after application for its purchase has been made, or
20 delivers any rifle, shotgun or other long gun, or a stun
21 gun or taser, incidental to a sale, without withholding
22 delivery of such rifle, shotgun or other long gun, or a
23 stun gun or taser for at least 24 hours after application
24 for its purchase has been made. However, this paragraph (g)
25 does not apply to: (1) the sale of a firearm to a law
26 enforcement officer if the seller of the firearm knows that

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

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

1 fired by the use of a single hand, and includes a
2 combination of parts from which such a firearm can be
3 assembled.

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

7 (j) Sells or gives a firearm while engaged in the
8 business of selling firearms at wholesale or retail without
9 being licensed as a federal firearms dealer under Section
10 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
11 In this paragraph (j):

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

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

1 or terrorism.

2 (k) Sells or transfers ownership of a firearm to a
3 person who does not display to the seller or transferor of
4 the firearm a currently valid Firearm Owner's
5 Identification Card that has previously been issued in the
6 transferee's name by the Department of State Police under
7 the provisions of the Firearm Owners Identification Card
8 Act. This paragraph (k) does not apply to the transfer of a
9 firearm to a person who is exempt from the requirement of
10 possessing a Firearm Owner's Identification Card under
11 Section 2 of the Firearm Owners Identification Card Act.
12 For the purposes of this Section, a currently valid Firearm
13 Owner's Identification Card means (i) a Firearm Owner's
14 Identification Card that has not expired or (ii) if the
15 transferor is licensed as a federal firearms dealer under
16 Section 923 of the federal Gun Control Act of 1968 (18
17 U.S.C. 923), an approval number issued in accordance with
18 Section 3.1 of the Firearm Owners Identification Card Act
19 shall be proof that the Firearm Owner's Identification Card
20 was valid.

21 (l) Not being entitled to the possession of a firearm,
22 delivers the firearm, knowing it to have been stolen or
23 converted. It may be inferred that a person who possesses a
24 firearm with knowledge that its serial number has been
25 removed or altered has knowledge that the firearm is stolen
26 or converted.

1 (B) Paragraph (h) of subsection (A) does not include
2 firearms sold within 6 months after enactment of Public Act
3 78-355 (approved August 21, 1973, effective October 1, 1973),
4 nor is any firearm legally owned or possessed by any citizen or
5 purchased by any citizen within 6 months after the enactment of
6 Public Act 78-355 subject to confiscation or seizure under the
7 provisions of that Public Act. Nothing in Public Act 78-355
8 shall be construed to prohibit the gift or trade of any firearm
9 if that firearm was legally held or acquired within 6 months
10 after the enactment of that Public Act.

11 (C) Sentence.

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

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

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

21 (4) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (a), (b), or (i) of
23 subsection (A) in any school, on the real property
24 comprising a school, within 1,000 feet of the real property
25 comprising a school, at a school related activity, or on or
26 within 1,000 feet of any conveyance owned, leased, or

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

17 (5) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (a) or (i) of
19 subsection (A) in residential property owned, operated, or
20 managed by a public housing agency or leased by a public
21 housing agency as part of a scattered site or mixed-income
22 development, in a public park, in a courthouse, on
23 residential property owned, operated, or managed by a
24 public housing agency or leased by a public housing agency
25 as part of a scattered site or mixed-income development, on
26 the real property comprising any public park, on the real

1 property comprising any courthouse, or on any public way
2 within 1,000 feet of the real property comprising any
3 public park, courthouse, or residential property owned,
4 operated, or managed by a public housing agency or leased
5 by a public housing agency as part of a scattered site or
6 mixed-income development commits a Class 2 felony.

7 (6) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (j) of subsection (A)
9 commits a Class A misdemeanor. A second or subsequent
10 violation is a Class 4 felony.

11 (7) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (k) of subsection (A)
13 commits a Class 4 felony. A third or subsequent conviction
14 for a violation of paragraph (k) of subsection (A) is a
15 Class 1 felony.

16 (8) A person 18 years of age or older convicted of
17 unlawful sale or delivery of firearms in violation of
18 paragraph (a) or (i) of subsection (A), when the firearm
19 that was sold or given to another person under 18 years of
20 age was used in the commission of or attempt to commit a
21 forcible felony, shall be fined or imprisoned, or both, not
22 to exceed the maximum provided for the most serious
23 forcible felony so committed or attempted by the person
24 under 18 years of age who was sold or given the firearm.

25 (9) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (d) of subsection (A)

1 commits a Class 3 felony.

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

1 of not less than 21 and not more than 30 firearms at the
2 same time or within a 4 year period. Any person convicted
3 of unlawful sale or delivery of firearms in violation of
4 paragraph (l) of subsection (A) commits a Class X felony
5 for which he or she shall be sentenced to a term of
6 imprisonment of not less than 6 years and not more than 60
7 years if the delivery is of 31 or more firearms at the same
8 time or within a 5 year period.

9 (D) For purposes of this Section:

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

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

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

23 (Source: P.A. 95-331, eff. 8-21-07; 95-735, eff. 7-16-08;
24 96-190, eff. 1-1-10.)