



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 1238

2 AMENDMENT NO. _____. Amend Senate Bill 1238 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Gun
5 Safety and Responsibility Act.

6 Section 5. Legislative findings; purpose and intent. The
7 General Assembly hereby finds and declares:

8 (a) Gun violence takes an extraordinary toll on families
9 and communities in Illinois. In 2010, over 1,000 individuals
10 died from firearm-related injuries in Illinois. In that same
11 year, incidents of gun murders, gun suicides, and unintentional
12 shootings in Illinois killed 142 children and adolescents ages
13 19 and younger.

14 (b) Existing federal firearm laws have proven insufficient
15 to prevent dangerous individuals from obtaining firearms and
16 from carrying those firearms into, and using those firearms in,

1 public places.

2 (c) The federal Brady Handgun Violence Prevention Act
3 allows unlicensed private sellers of firearms, who account for
4 40% of firearms sold in the United States, to sell firearms
5 without performing a background check on the prospective
6 purchaser. Federal law does not require sellers to report sales
7 of firearms to law enforcement. In fact, federal law does not
8 even allow the FBI to maintain records of approved gun
9 purchasers for more than 24 hours. Federal law also provides no
10 comprehensive system of firearms registration, and does not
11 require firearm owners to report to law enforcement if their
12 firearms are lost or stolen.

13 (d) Background checks performed by licensed dealers have
14 proven to be extremely effective at keeping guns out of the
15 hands of prohibited persons. Since the federal background check
16 requirement was adopted in 1994, over 1.9 million criminals and
17 other prohibited persons across the United States have been
18 prohibited from buying guns. In 2010 alone, 70,972 gun
19 transfers were denied using the federal background check
20 system. Nevertheless, individuals prohibited by law from
21 possessing guns can easily obtain them from private sellers.
22 Universal background checks will help ensure that persons
23 buying guns are legally eligible to do so.

24 (e) Firearm registration laws, which require individuals
25 to record their ownership or possession of a firearm with a
26 designated law enforcement agency, and laws requiring sellers

1 to report firearm sales to a centralized database help law
2 enforcement quickly and reliably "trace" (identify the source
3 of) firearms recovered from crime scenes, and retrieve firearms
4 from persons who have become legally prohibited from possessing
5 them through criminal convictions or other prohibitions. These
6 laws also discourage illegal firearm sales by creating
7 accountability for gun owners, and help law enforcement return
8 lost or stolen firearms to their rightful owners. Furthermore,
9 information generated by firearm sales reporting and
10 registration systems helps protect law enforcement officers
11 responding to an incident by providing them with information
12 about firearms that may be present at the scene.

13 (f) States with some form of both registration and
14 licensing systems have greater success keeping firearms from
15 being recovered in crimes than states without those systems in
16 place. Illinois currently has a licensing system through the
17 Firearm Owners Identification Card Act, but no system of
18 firearms registration.

19 (g) Laws requiring the reporting of lost or stolen firearms
20 are beneficial to law enforcement because they: (1) help deter
21 and prosecute gun traffickers and criminals who often falsely
22 claim that a crime gun that has been traced to them was lost or
23 stolen in order to hide their involvement in the crime; (2)
24 help disarm persons ineligible to possess firearms by deterring
25 a person who has fallen into a prohibited category from falsely
26 claiming that his or her firearm was lost or stolen; and (3)

1 help return lost or stolen firearms to their owners. Reporting
2 laws also make gun owners more accountable for their weapons.

3 (h) Firearms carried or possessed in public places increase
4 the risk of deaths and injuries by increasing the chances that
5 firearms will be used to settle disputes, and by increasing the
6 risk of an accidental shooting at a place where large numbers
7 of people are gathered. The carrying or possession of firearms
8 in public places also increases the risk that those firearms
9 will be lost or stolen, and end up in the hands of criminals or
10 other persons ineligible to possess firearms.

11 (i) Flawed application processes in existing state systems
12 for licensing individuals to carry concealed weapons ("CCW
13 laws") have allowed numerous persons prohibited from
14 possessing firearms to receive CCW permits. Analyses have found
15 that numerous criminals (including rapists, armed robbers,
16 individuals who had pleaded guilty or no contest to felonies,
17 individuals with outstanding warrants, people with active
18 domestic violence injunctions against them, and 6 registered
19 sex offenders) had been issued CCW licenses under other states'
20 permissive laws.

21 (j) Research has shown that individuals issued CCW permits
22 include not only people who have committed violent crimes in
23 the past, but also those who subsequently commit violent
24 crimes. One study found that Texas CCW permit holders were
25 arrested for weapons-related crimes at a rate 81% higher than
26 that of the state's general adult population. According to the

1 Violence Policy Center (VPC), between May 2007 and November
2 2012, individuals licensed to carry concealed weapons ("CCW
3 permit holders") killed at least 14 law enforcement officers
4 and 485 private citizens (including 35 shooters who killed
5 themselves after an attack).

6 (k) On December 11, 2012, the Seventh Circuit Court of
7 Appeals in *Moore v. Madigan*, upheld a challenge to the Illinois
8 law prohibiting the carrying of handguns, either openly or
9 concealed in public places. The Seventh Circuit reversed and
10 remanded the lower court's dismissal of the challenge but
11 stayed the mandate for 180 days to allow the General Assembly
12 to remedy the violation by enacting a new law. *Moore v.*
13 *Madigan*, 702 F.3d 933 (7th Cir. Ill. 2012).

14 (l) The Seventh Circuit's opinion in *Moore* suggested that
15 Illinois adopt a discretionary concealed carry licensing law.
16 The court explained that since Illinois "is not a state with a
17 strong pro-gun culture, unlike the states that began allowing
18 concealed carriage before *Heller* and *MacDonald* [sic] enlarged
19 the scope of Second Amendment rights", a discretionary law
20 would be more appropriate for Illinois than a law with only
21 "minimal permit restrictions on carriage of guns outside the
22 home". (emphasis in original). Additionally, the court
23 endorsed a requirement that concealed carry licensing
24 applicants demonstrate that they have experience using, and can
25 safely handle, a firearm. The court also spoke approvingly of
26 state legislation that would allow private property owners to

1 prohibit firearms, including concealed weapons, on their
2 property.

3 (m) The Seventh Circuit's opinion in Moore favorably cited
4 *Kachalsky v. County of Westchester*, 701 F.3d 81 (2d Cir. N.Y.
5 2012), a recent opinion of the Second Circuit Court of Appeals,
6 which upheld New York's law restricting the carrying of
7 firearms in public. New York's law gives the local issuing
8 authority considerable discretion in deciding whether to issue
9 a license, and has been interpreted to require an applicant for
10 an unrestricted license to demonstrate "a special need for
11 self-protection distinguishable from that of the general
12 community". By favorably citing the Second Circuit's opinion in
13 *Kachalsky*, the Seventh Circuit in Moore indicated that it
14 agreed that New York's requirements are consistent with the
15 Second Amendment.

16 (n) Federal regulation of firearms dealers and ammunition
17 sellers is currently inadequate to protect public safety.
18 Although federal law requires firearms dealers to obtain a
19 license from the Bureau of Alcohol, Tobacco, Firearms and
20 Explosives ("ATF"), ATF does not have the resources or
21 authority to properly oversee the more than 60,000 firearms
22 dealers, manufacturers, collectors and others that it
23 licenses. ATF reported in 2007 that it inspects each licensee,
24 on average, only once every 17 years. Between 1975 and 2005,
25 ATF revoked, on average, fewer than 20 federal firearms
26 licenses per year. The Office of the Inspector General has

1 concluded that inspections by ATF are not fully effective for
2 ensuring that licensees comply with federal firearms laws.

3 (o) Federally-licensed firearm dealers ("FFLs") are a
4 major source of trafficked firearms. In June of 2000, ATF
5 issued a comprehensive report of firearms trafficking in this
6 country. That report analyzed 1,530 trafficking investigations
7 during the period July 1996 through December 1998, involving
8 more than 84,000 diverted firearms. ATF found that FFLs were
9 associated with the largest number of trafficked guns (over
10 40,000) and concluded that "FFLs' access to large numbers of
11 firearms makes them a particular threat to public safety when
12 they fail to comply with the law." In 1998, ATF found that 56%
13 of randomly inspected dealers and 30% of pawnbrokers selling 50
14 or more guns had violated federal firearms law. In addition,
15 during fiscal year 2007, ATF found over 30,000 firearms missing
16 from licensees' inventories with no record of sale.

17 (p) According to a 1998 ATF random sample of FFLs
18 nationwide, 56% of firearms dealers operated out of their
19 homes, and 33% were located in businesses that are not usually
20 associated with gun sales, such as funeral homes or auto parts
21 stores.

22 (q) ATF faces numerous obstacles that limit its ability to
23 enforce the law; for example, ATF may conduct only one
24 unannounced inspection of each FFL per year, the burden of
25 proof for ATF's prosecution and revocation of licenses is
26 extremely high, serious violations of federal firearms law are

1 classified as misdemeanors rather than felonies, and ATF has
2 historically been grossly understaffed.

3 (r) Federal law is silent regarding many important aspects
4 of firearms dealers' and ammunition sellers' businesses. Among
5 other things, federal law does not require these businesses to:
6 (1) conduct employee background checks; (2) implement security
7 requirements to prevent thefts; or (3) refrain from operating
8 in residential neighborhoods or near schools, daycare centers
9 or parks.

10 (s) It is the purpose and intent of the General Assembly to
11 strengthen Illinois' firearm laws by requiring firearm
12 purchasers to be subject to a background check, by requiring
13 firearms dealers and ammunition sellers to obtain a State
14 license and report gun sales, by enacting a comprehensive
15 system of firearm registration, by requiring the State Police
16 to maintain records of gun sales, by requiring gun owners to
17 report any lost or stolen firearms, and by restricting the
18 carrying of firearms in public places in the State in
19 compliance with the Seventh Circuit's opinion in Moore. The
20 General Assembly believes that these restrictions will help to
21 keep guns out of the hands of felons, domestic abusers, the
22 mentally ill, and other prohibited persons, will discourage
23 illegal gun sales and gun trafficking, and will help law
24 enforcement solve gun crimes. The General Assembly further
25 believes it is necessary to restrict the carrying of firearms
26 in public places to individuals who have demonstrated a

1 particularized need to carry a firearm in public because they
2 are exposed to unusual personal danger, distinct from other
3 members of the community. The General Assembly further believes
4 that individuals who are licensed to carry a concealed firearm
5 in public should first undergo extensive safety training, and a
6 comprehensive background check. The General Assembly believes
7 these restrictions will help to reduce gun deaths and injuries
8 and increase public safety.

9 Section 10. Definitions. As used in Sections 1 through 80
10 of this Act:

11 "Applicant" means a person who is applying for a license to
12 carry a concealed firearm under this Act.

13 "Concealed firearm" means a loaded or unloaded handgun
14 carried on or about a person entirely hidden from view of the
15 public, or carried in a vehicle in such a way as it is entirely
16 hidden from view of the public.

17 "Department" means the Department of State Police.

18 "Director" means the Director of State Police.

19 "Handgun" means any device which is designed to expel a
20 projectile or projectiles by the action of an explosion,
21 expansion of gas, or escape of gas that is designed to be held
22 and fired by the use of a single hand, and includes a
23 combination of parts from which the firearm can be assembled.

24 "Handgun" does not include a stun gun or taser.

25 "License" means a license issued by the Department of State

1 Police to carry a loaded or unloaded concealed firearm.

2 "Licensee" means a person issued a license to carry a
3 concealed firearm.

4 "Peace officer" means (1) any person who by virtue of his
5 or her office or public employment is vested by law with a duty
6 to maintain public order or to make arrests for offenses,
7 whether that duty extends to any offenses or is limited to
8 specific offenses, or (2) any person who, by statute, is
9 granted and authorized to exercise powers similar to those
10 conferred upon any peace officer employed by a law enforcement
11 agency of this State.

12 "Particularized need" means that the applicant is exposed
13 to unusual personal danger, distinct from other members of the
14 community.

15 "Superintendent" means the Superintendent of Police for
16 the City of Chicago.

17 Section 15. Issuance of licenses to carry a concealed
18 firearm.

19 (a) A licensee shall possess a license any time the
20 licensee carries a concealed firearm except:

21 (1) if the person is carrying or possessing a concealed
22 firearm and the person is on his or her land or in his or
23 her abode or legal dwelling or in the abode or legal
24 dwelling of another adult as an invitee with that adult's
25 express permission to carry a concealed firearm;

1 (2) if the person is authorized to carry a firearm
2 under Section 24-2 of the Criminal Code of 2012; or

3 (3) the firearm is broken down in a non-functioning
4 state, is not immediately accessible, or is unloaded and
5 enclosed in a firearm case, carrying box, shipping box, or
6 other similar portable container designed for the safe
7 transportation of firearms.

8 (a-5) A licensee shall display the license upon the request
9 of a peace officer or person designated to enforce the
10 provisions of Section 55.

11 (b) The Department shall make applications for a license
12 available no later than 180 days after the date specified in
13 subsection (g). Applications shall be available at Department
14 locations, sheriff offices, Chicago Police Headquarters, on
15 the Department's official website, and any other location
16 designated by the Department.

17 (c) A completed application for a license shall be
18 submitted to the office of the sheriff of the county in which
19 the applicant resides with any accompanying materials and fees,
20 unless the applicant resides in the City of Chicago, in which
21 case the application shall be submitted to the Superintendent
22 of Police. The applicant shall verify the contents of the
23 application by oath or affirmation in writing before an officer
24 authorized by the sheriff or Superintendent. The sheriff or
25 Superintendent shall review the application and shall promptly
26 return an incomplete application to the applicant. Each

1 applicant for a license or renewal of a license under this Act
2 shall pay at the time of application a fee to the Department in
3 an amount set by the Department, and a fee to the sheriff or
4 Superintendent in an amount set by the sheriff or
5 Superintendent.

6 (d) A sheriff or the Superintendent may submit a
7 recommendation for approval of an application to the
8 Department, if the applicant is an eligible individual under
9 Section 20 who has sufficiently demonstrated, in the judgment
10 of the sheriff or Superintendent, that:

11 (1) he or she has a particularized need for the
12 license;

13 (2) he or she is a responsible person; and

14 (3) the issuance of a license is in the public's
15 interest.

16 If the application is approved, the sheriff or
17 Superintendent shall submit the application, any accompanying
18 materials, and the application fee to the Department within 30
19 days of receipt, unless good cause exists to extend this time
20 period. Upon request of a municipal law enforcement agency, the
21 sheriff shall notify the department of the name, address, and
22 date of birth of any person submitting an application for a
23 license. The municipal police department may submit to the
24 sheriff information deemed to be relevant to the application,
25 and the sheriff may consider the information when determining
26 whether to submit an objection. If the applicant is found by a

1 sheriff or Superintendent to be ineligible, the sheriff or
2 Superintendent shall deny the application and notify the
3 applicant in writing, stating the grounds for denial. The
4 notice of denial must inform the applicant that he or she may,
5 within 30 days, appeal the denial. Upon receiving an appeal,
6 the sheriff or Superintendent shall reconsider its decision and
7 inform the applicant within 30 days of the result of the
8 reconsideration. If upon reconsideration the sheriff or
9 Superintendent denies the application, the applicant must be
10 informed of the right to administrative review.

11 (e) Once the Department has received a recommendation for
12 approval from the sheriff or Superintendent, the Department
13 shall consider whether the applicant is eligible for a license
14 under Section 20, and whether, in the judgment of the
15 Department, the applicant meets the qualifications of
16 subsection (d) of this Section. The Department may issue a
17 license to an applicant who meets these requirements and has
18 obtained the approval of the sheriff or Superintendent. If the
19 applicant is found by the Department to be ineligible, the
20 Department shall follow the procedures set forth in subsection
21 (d) for reconsideration of the application.

22 (f) The license shall be issued or denied by the Department
23 within 3 months of receipt of a completed application from a
24 sheriff or the Superintendent, unless good cause exists to
25 extend this time period. A license shall be valid throughout
26 the State for a period of 2 years.

1 (g) Notwithstanding the other provisions of this Act, no
2 license shall be issued under this Act unless and until the
3 Department has reported any persons prohibited from possessing
4 a firearm to the National Instant Criminal Background Check
5 System, Denied Persons Files, in accordance with Public Act
6 95-564.

7 (h) Fees authorized by this Act shall be set in amounts
8 sufficient to cover the costs of administering and enforcing
9 this Act, and may be increased at any time as necessary to
10 cover these costs.

11 (i) The Department shall adopt rules to implement the
12 provisions of this Section.

13 Section 20. Eligibility of an applicant for a license. The
14 Department shall not issue a license to an applicant completing
15 an application in accordance with Section 25 of this Act unless
16 the person has demonstrated that he or she:

17 (1) is at least 21 years of age;

18 (2) has a valid Firearm Owner's Identification Card;

19 (3) has been a resident of this State for at least the
20 previous 30 days;

21 (4) has not, in this State or any other state, been
22 convicted of, pled guilty to, or entered a plea of nolo
23 contendere for: (A) a felony, (B) a misdemeanor involving the
24 use or threat of physical force or violence to any person, (C)
25 a misdemeanor involving the use, possession, or distribution of

1 a controlled substance or cannabis within the 10 years
2 preceding the date of the application, or (D) a misdemeanor
3 involving the manufacture, sale, carrying, possession, or use
4 of a firearm or dangerous or deadly weapon or ammunition;

5 (5) has not been adjudicated a delinquent minor under the
6 Juvenile Court Act of 1987 or a similar law in another
7 jurisdiction, for an offense which, if committed by an adult,
8 would disqualify the adult for a license under this Section;

9 (6) has not, within the preceding 5 years, been subject to
10 an order of protection, or 2 or more emergency orders of
11 protection, under Section 112A-14 of the Code of Criminal
12 Procedure of 1963 or under Section 214 of the Illinois Domestic
13 Violence Act of 1986, or any similar law in another
14 jurisdiction;

15 (7) has not been a patient in a mental institution within
16 the past 5 years, has not been adjudicated as having a mental
17 defect, or is not intellectually disabled;

18 (8) is not free on any form of bond or pretrial release,
19 other than for a traffic offense, and has no outstanding
20 warrants in this State or any other state;

21 (9) does not chronically and habitually abuse alcoholic
22 beverages as evidenced by the applicant having 2 or more
23 convictions for violating Section 11-501 of the Illinois
24 Vehicle Code or similar provision of a local ordinance or
25 another state's law within 5 years preceding the date of the
26 application, or if the applicant has elected treatment under

1 the supervision of a licensed program in accordance with the
2 Alcoholism and Other Drug Abuse and Dependency Act or similar
3 laws of any other state, within 5 years preceding the date of
4 the application;

5 (10) has completed firearms training and any educational
6 component required in Section 70 of this Act; and

7 (11) possesses the same powers of eyesight as required for
8 a driver's license under Section 6-109 of the Illinois Vehicle
9 Code.

10 Section 25. Contents of application.

11 (a) The application shall be in writing, under oath and
12 penalty of perjury, on a standard form adopted by the
13 Department and shall be accompanied by the documentation
14 required in this Section and any applicable fees.

15 (b) The application shall contain the following
16 information:

17 (1) the applicant's name, current address, home and
18 business telephone numbers, and cell phone number, if any,
19 gender, date and year of birth, place of birth, height,
20 weight, hair color, eye color, maiden name or any other
21 name the applicant has used or identified with, and any
22 address at which the applicant resided for more than 30
23 days within the 5 years preceding the date of the
24 application;

25 (2) the present business or occupation and any business

1 or occupation in which the applicant has engaged during the
2 5-year period immediately preceding the application and
3 the addresses of those businesses or places of employment;

4 (3) the applicant's driver's license or State
5 identification card number and the last 4 digits of the
6 applicant's social security number;

7 (4) the marital status of the applicant;

8 (5) the names and last known addresses of the
9 applicant's spouse and any former spouses, children,
10 stepchildren, and foster children, current household
11 members and household members during the preceding 5 years:

12 (6) questions to certify or demonstrate the applicant
13 has completed firearms training and any educational
14 component required in Section 70 of this Act;

15 (7) proof that the applicant is a resident of this
16 State and has been for at least the previous 30 days;

17 (8) whether the federal government or a governmental
18 entity in any state or subdivision of any state has denied
19 or revoked the applicant's license, permit, registration,
20 or certificate pertaining to any firearm and if so, the
21 jurisdiction, the identifying number of the license,
22 permit, registration, or certificate, the reason, and the
23 date;

24 (9) whether the applicant has failed a drug test within
25 the preceding 5 years and if so, the provider of the test,
26 the specific substance involved, and date of the test;

1 (10) whether the applicant has ever been prohibited by
2 law from purchasing, possessing, or carrying a firearm and
3 if so, the jurisdiction, the date, and the reason for the
4 prohibition;

5 (11) whether the applicant has been suspended or
6 expelled from a postsecondary educational institution,
7 such as a college or university, because of suspected
8 mental illness or violent behavior, and if so, the name of
9 the school, the date, and the reason for the suspension or
10 expulsion;

11 (12) a description of any incident in which the
12 applicant threatened, injured or killed any person, if a
13 firearm was involved or the incident occurred during the
14 preceding 5 years and the police were involved, including,
15 for each incident, the date, place, time, circumstances,
16 and the names of the persons and police agencies involved,
17 if any;

18 (13) a waiver of privacy and confidentiality rights and
19 privileges enjoyed by the applicant under any federal and
20 State laws, including those governing access to juvenile
21 court, criminal justice, psychological or psychiatric
22 records, or records relating to the applicant's history of
23 institutionalization, and an affirmative request that any
24 person having custody of the record provide it or
25 information concerning it to the Department;

26 (14) a conspicuous warning that false statements made

1 by the applicant will result in prosecution for perjury in
2 accordance with Section 32-2 of the Criminal Code of 2012;

3 (15) an affirmation that the applicant possesses a
4 currently valid Firearm Owner's Identification Card;

5 (16) an affirmation that the applicant has never been
6 convicted in this State or any other state of (A) a felony,
7 (B) a misdemeanor involving the use or threat of physical
8 force or violence to any person, (C) a misdemeanor
9 involving the use, possession, or distribution of a
10 controlled substance or cannabis within the 10 years
11 preceding the date of the application, or (D) a misdemeanor
12 involving the manufacture, sale, carrying, possession or
13 use of a firearm or dangerous or deadly weapon or
14 ammunition;

15 (17) an explanation of the applicant's particularized
16 need for and intended use of the firearm, including
17 descriptions of any incident in which the applicant has
18 been threatened or injured, or copies of police reports or
19 restraining orders, if applicable;

20 (18) the make, model, manufacturer's name, caliber or
21 gauge, and serial number of each firearm to be carried
22 under the license;

23 (19) written agreement that, if the person is
24 approached by a peace officer while carrying a concealed
25 firearm under the license, the person will immediately
26 inform the officer that he or she is in possession of a

1 firearm and a license to carry a concealed firearm, and
2 will submit to a pat down search and allow the officer to
3 take possession of the firearm for the duration of the
4 encounter;

5 (20) written consent to submit to one or more field
6 sobriety or chemical tests to determine the presence of
7 alcohol or drugs, at any point when the person is carrying
8 a concealed firearm and the person is approached by a peace
9 officer who has a reasonable suspicion that the person is
10 under the influence of alcohol or a controlled substance;

11 (21) proof that the applicant possesses the same powers
12 of eyesight as required for a driver's license under
13 Section 6-109 of the Illinois Vehicle Code. If an applicant
14 does not possess a current Illinois driver's license, the
15 applicant may present a current optometrist's or
16 ophthalmologist's statement certifying the vision reading
17 obtained from the applicant; and

18 (22) any other information that the sheriff,
19 Superintendent, or the Department finds necessary to
20 process an application.

21 (c) A person applying for a license shall provide a head
22 and shoulder color photograph in a size specified by the
23 Department that was taken within the 30 days preceding the date
24 of the application. The applicant shall consent to both the
25 sheriff or Superintendent and the Department reviewing and
26 using the applicant's digital driver's license or Illinois

1 Identification photograph and signature, if available. The
2 Secretary of State shall allow the sheriff or Superintendent
3 and the Department access to the photograph and signature for
4 the purpose of identifying the applicant and issuing to the
5 applicant a license.

6 (d) A person applying for a license shall submit with an
7 application a full set of legible fingerprints. Fingerprinting
8 may be administered by the Department or any other federal,
9 State, county, or municipal law enforcement agency. The cost of
10 fingerprinting shall be paid by the applicant. The Department
11 shall accept a hard copy or electronic version of fingerprints.

12 (e) A person applying for a license shall submit a
13 photocopy of a certificate or other evidence of completion of a
14 course to show compliance with Section 70 of this Act.

15 (f) The Department is authorized to establish a system for
16 electronically submitting applications, including applications
17 for renewal or a replacement license.

18 Section 30. Investigation of applicant.

19 (a) The sheriff, or if the applicant resides in the City of
20 Chicago, the Superintendent of Police, shall complete a
21 background check on an applicant for a license to carry a
22 concealed firearm to ensure compliance with the requirements of
23 this Act and any federal, State, and local laws. The background
24 check shall include a search of the following:

25 (1) the National Instant Criminal Background Check

1 System of the Federal Bureau of Investigation;

2 (2) any available State and local criminal history
3 record information files, including records of juvenile
4 adjudications;

5 (3) any available federal, State, and local records
6 regarding wanted persons;

7 (4) any available federal, State, and local records of
8 domestic violence restraining and protective orders;

9 (5) any available federal, State, and local records
10 identifying persons who are unlawful users of or addicted
11 to any controlled substance (as defined in Section 802 of
12 Title 21 of the United States Code);

13 (6) the files of the Department of Human Services
14 relating to mental health and developmental disabilities;
15 and

16 (7) any other available files of any federal, State,
17 local agency, and other entity (private or public) in any
18 jurisdiction likely to contain information relevant to
19 whether the applicant is prohibited from purchasing or
20 possessing a firearm under federal, State, or local law.

21 (b) As part of its investigation, the sheriff,
22 Superintendent, or Department may, at its discretion, conduct
23 interviews of the applicant, any of the applicant's current or
24 former family or household members, co-workers, employers,
25 neighbors, the character references as listed on the
26 application, and any other member of the public who may have

1 information relevant to the application.

2 (c) In addition to the above, the sheriff, Superintendent,
3 or Department may, at its discretion, require the applicant, at
4 the applicant's expense, to undergo a mental health examination
5 by a licensed psychiatrist or psychologist or any other tests,
6 interviews, or examinations that it believes appropriate.

7 Section 35. Database of applicants and licensees.

8 (a) The Department shall maintain a database of applicants
9 for a license and licenses. The database shall be available to
10 any law enforcement agencies, State's Attorneys, and the
11 Attorney General. Members and staff of the judiciary may access
12 the database for the purpose of determining whether to
13 confiscate a license or to ensure compliance with this Act or
14 any other law. The database shall be searchable and provide any
15 information included in the application, a photograph of the
16 applicant or licensee, and any information related to
17 violations of this Act. Individual law enforcement agencies
18 shall not maintain a separate, searchable database of
19 applicants and licensees containing information included in
20 the database.

21 (b) The Department shall make available on its website
22 statistical information about the number of licenses issued by
23 county, age, race, or gender. The Department shall also make
24 available on its website and upon request information about the
25 number of arrests and convictions and the types of crimes

1 committed since the last report by licensees. The report shall
2 be updated quarterly. Except as provided in this subsection,
3 applications and information in the database shall be
4 confidential and exempt from disclosure under the Freedom of
5 Information Act. The sheriff, Superintendent, or Department
6 may answer requests to confirm or deny whether a person has
7 been issued a license as part of inquiries dealing with a
8 criminal investigation, and may disclose the existence of an
9 application as necessary to conduct the interviews authorized
10 by subsection (b) of Section 30. No law enforcement agency,
11 State's Attorney, or member or staff of the judiciary, other
12 than the Department, shall provide any information to a
13 requester not entitled to it by law, except as provided in this
14 subsection.

15 Section 40. Suspension or revocation of a license.

16 (a) A license issued or renewed under this Act shall be
17 revoked if, at any time, the licensee is found ineligible for a
18 license based on the criteria set forth in Section 20 of this
19 Act or the licensee no longer possesses a Firearm Owner's
20 Identification Card. This subsection does not apply to a person
21 who has filed an application with the State Police for renewal
22 of a Firearm Owner's Identification Card and who is not
23 otherwise ineligible to obtain a Firearm Owner's
24 Identification Card.

25 (b) A license shall be revoked if an order of protection

1 under Section 112A-14 of the Code of Criminal Procedure of 1963
2 or under Section 214 of the Illinois Domestic Violence Act of
3 1986 is issued against a licensee, or if the Department is made
4 aware of a similar order issued against the licensee in any
5 other jurisdiction. If an order of protection is issued against
6 a licensee, the licensee shall surrender the license, as
7 applicable, to the court at the time the order is entered or to
8 the law enforcement agency or entity designated to serve
9 process at the time the licensee is served the order. The
10 court, law enforcement agency, or entity responsible for
11 serving the order shall transmit the license to the Department.

12 (c) The Department may temporarily or permanently suspend a
13 license for a violation of Section 55 of this Act in accordance
14 with subsection (g) of Section 55.

15 (d) A license shall be invalid upon expiration of the
16 license, unless the licensee has submitted an application to
17 renew the license. A person who fails to renew his or her
18 application within 30 days after its expiration must reapply
19 for a new license and pay the fee for a new application.

20 (e) The Department may suspend a license if a licensee
21 fails to submit a change of address or name or fails to report
22 a lost or destroyed license to the Department within 30 days.

23 Section 45. Renewal of license.

24 (a) Not later than 120 days before the expiration of any
25 license issued under this Act, the Department shall notify the

1 licensee in writing of the expiration and furnish an
2 application for renewal of the license or make the application
3 available on-line.

4 (b) Applications for renewal of a license shall be made to
5 the office of the sheriff of the county in which the applicant
6 resides with any accompanying materials and fees, unless the
7 applicant resides in the City of Chicago, in which case the
8 application shall be made to the Superintendent of Police. The
9 sheriff or Superintendent shall follow the procedures in
10 Section 15 for submittal of the renewal application and
11 accompanying materials to the Department. A license may be
12 renewed for a period of 2 years upon receipt of a completed
13 renewal application, renewal fees, and completion of an
14 investigation under Section 30. The renewal application shall
15 contain the information required in Section 25, except that the
16 applicant need not resubmit a full set of fingerprints. A
17 license holder must repeat the safety training and testing
18 requirements in Section 70 at least once every 4 years, and
19 more frequently at the discretion of the sheriff or
20 Superintendent.

21 Section 50. Change of address, change of name, or lost or
22 destroyed licenses.

23 (a) The licensee shall notify the Department within 30 days
24 of moving or changing a residence or any change of name, and
25 upon the discovery of the loss or destruction of a license.

1 (b) If a licensee changes residence within this State or
2 changes his or her name, the licensee shall request a new
3 license. The licensee shall submit a fee in an amount set by
4 the Department, a notarized statement that the licensee has
5 changed residence or his or her name, and a photograph as
6 required in Section 25 of this Act. The statement must include
7 the prior and current address or name and the date the
8 applicant moved or changed his or her name.

9 (c) A lost or destroyed license shall be invalid. To
10 request a new license, the licensee shall submit (1) a fee in
11 an amount set by the Department, (2) a notarized statement that
12 the licensee no longer possesses the license and that it was
13 lost or destroyed, (3) a copy of a police report stating that
14 the license was lost, destroyed, or stolen, and (4) a
15 photograph as required in Section 25 of this Act.

16 Section 55. Restrictions.

17 (a) No license issued under this Act shall authorize any
18 person to knowingly carry a concealed firearm into:

19 (1) Any building under the control of the Governor,
20 Lieutenant Governor, Attorney General, Secretary of State,
21 Comptroller, or Treasurer.

22 (2) Any building under control of the General Assembly
23 or any of its support service agencies, including the
24 portion of a building in which a committee of the General
25 Assembly convenes for the purpose of conducting meetings of

1 committees, joint committees, or legislative commissions.

2 (3) Any courthouse or building occupied in whole or in
3 part by the Circuit, Appellate, or Supreme Court or a room
4 designated as a courtroom for court proceedings by any of
5 these courts.

6 (4) Any meeting of the governing body of a unit of
7 local government or special district.

8 (5) Any place which is licensed to sell intoxicating
9 beverages.

10 (6) Any area of an airport to which access is
11 controlled by the inspection of persons and property.

12 (7) Any place where the carrying of a firearm is
13 prohibited by federal law.

14 (8) Any elementary or secondary school.

15 (9) Any portion of a building used as a child care
16 facility. Nothing in this Section shall prevent the
17 operator of a child care facility in a family home from
18 owning or possessing a firearm or license, so long as the
19 firearm is stored unloaded in a locked container.

20 (10) Any gaming facility licensed under the Riverboat
21 Gambling Act or the Illinois Horse Racing Act of 1975.

22 (11) Any gated area of an amusement park.

23 (12) Any stadium, arena, or collegiate or professional
24 sporting event.

25 (13) A hospital or mental health facility.

26 (14) A library without the written consent of the

1 library's governing body. The governing body shall inform
2 the appropriate law enforcement agency of the consent.

3 (15) Any police, sheriff, or State Police office or
4 station without the consent of the chief law enforcement
5 officer in charge of that office or station.

6 (16) Any adult or juvenile detention or correctional
7 institution, prison, or jail.

8 (17) Any polling place on any election day.

9 (18) Any street fair or festival, farmer's market,
10 carnival, concert, protest, parade or other temporary
11 special event, that is conducted primarily outdoors on
12 property open to the public, and that requires the issuance
13 of a permit from the city or county where it occurs, unless
14 the city or county specifically authorizes licensees to
15 carry concealed firearms at the event.

16 (19) Any private property without the express
17 permission of the owner, manager, operator, or individual
18 with the authority to control activities in that place at
19 that time. This provision shall apply to private property
20 of any kind, including private residences and places of
21 business, regardless of whether they are open or closed to
22 members of the public.

23 (20) Any building owned, leased, or controlled by a
24 municipality or any building or property owned, leased or
25 controlled by a school district unless authorized by a
26 majority vote of members of its governing board. Nothing in

1 this paragraph shall prohibit a licensee from carrying a
2 concealed firearm on any sidewalk, on any highway or
3 roadway, in any public restroom, or in the licensee's own
4 residence.

5 (a-1) Nothing in this Act shall preempt, abridge, limit, or
6 diminish the authority of community colleges, and public and
7 private colleges and universities from prohibiting,
8 restricting or otherwise regulating firearms on or in close
9 proximity to their campuses, grounds and other property,
10 including but not limited to sidewalks, commons, and highways,
11 owned by the school district, community college, or public or
12 private college or university or in buildings used in whole or
13 in part for housing, classrooms, laboratories, medical
14 clinics, hospitals, and artistic, athletic and entertainment
15 venues; or on or in property owned, controlled or leased by
16 officially recognized student organizations or officially
17 recognized university-related organizations.

18 (a-2) Nothing in this Act shall preempt, abridge, limit or
19 diminish the authority of community colleges, and public and
20 private colleges and universities from prohibiting persons
21 from carrying a firearm into a vehicle owned, leased or
22 controlled by the school districts, community colleges, or
23 public or private college or universities regardless of where
24 the vehicle travels. School districts, community colleges, and
25 public or private colleges or universities may develop
26 resolutions, regulations, or policies regarding the storage

1 and maintenance of firearms, including but not limited to
2 designating areas where individuals may park vehicles that
3 carry firearms. These resolutions, regulations, or policies
4 may specify that persons in violation of the resolutions,
5 regulations, or policies may be denied entrance to the campus,
6 grounds, building, vehicles or other property and subjected to
7 a civil fine of no more than \$1,500 for any violation of the
8 provisions of the resolution, regulation, or policy.

9 (a-3) Nothing in this Act shall preempt, abridge, limit, or
10 diminish the authority of community colleges, and public or
11 private colleges or universities from taking actions
12 proscribed by their resolutions, regulations, or policies
13 against violations of the resolutions, regulations, or
14 policies, which may qualify as student, employee, or visitor
15 misconduct and may result in discipline, including, but not
16 limited to, expulsion from the school district, community
17 college, or public or private college or university,
18 termination of employment or appointment, or suspension or
19 banning from the school district, community college, or public
20 or private college or university campuses, grounds and other
21 property.

22 (a-4) Nothing in this Act shall preempt, abridge, limit, or
23 diminish the authority of community colleges, and public or
24 private colleges and universities from permitting the carrying
25 or use of firearms for the purposes of instruction and
26 curriculum of officially recognized programs, such as military

1 science programs. These programs shall be authorized by the
2 chief executive officer of the community college, or public or
3 private college or university or his or her designee.

4 (b) A licensee shall not be in violation of this Section
5 while he or she is traveling along a public right of way that
6 touches or crosses any of the premises specified in subsection
7 (a) if the handgun is carried on his or her person in
8 accordance with the provisions of this Act or is being
9 transported in a vehicle by the licensee in accordance with any
10 other applicable provisions of law.

11 (c) A license to carry a concealed firearm issued or
12 renewed under this Act may include any additional reasonable
13 restrictions or conditions which the Department deems
14 warranted, including restrictions as to the time, place,
15 manner, and circumstances under which the person may carry a
16 firearm. No license to carry a concealed firearm issued under
17 this Act shall be valid within the City of Chicago unless the
18 Superintendent of Police of that City has issued a special
19 permit authorizing the license holder to carry a concealed
20 firearm in the City. No license to carry a concealed firearm
21 shall be valid in Cook County outside the City of Chicago
22 unless the Cook County Sheriff has issued a special permit
23 authorizing the license holder to carry a concealed firearm in
24 Cook County, except that a license holder who has received a
25 special permit from the Superintendent of Police of the City of
26 Chicago shall be authorized to carry a concealed firearm

1 throughout Cook County.

2 (d) If a law enforcement officer initiates an investigative
3 stop, including but not limited to a traffic stop, of a
4 licensee who is carrying a concealed firearm, the licensee
5 shall immediately disclose to the officer that he or she is in
6 possession of a concealed firearm under this Act. The licensee
7 shall comply with any lawful orders and directions from the
8 officer. For the safety of the officer and the public, the
9 officer may conduct a pat down of the licensee and take
10 possession of the firearm for the duration of the encounter.

11 (e) A licensee shall not carry a concealed firearm while
12 under the influence of alcohol or any drug, substance, or
13 compound in an amount that would render the licensee unfit to
14 drive under Section 11-501 of the Illinois Vehicle Code. If a
15 licensee is approached by a peace officer while carrying a
16 concealed firearm and the officer has a reasonable suspicion
17 that the licensee is under the influence, the officer may
18 require the licensee to submit to one or more field sobriety or
19 chemical tests to determine the presence of alcohol or any
20 drug, substance, or compound that would render the licensee
21 unfit to drive under Section 11-501 of the Illinois Vehicle
22 Code.

23 (f) A violation of subsection (a), (b), (c), (d), or (e) is
24 a Class B misdemeanor. A knowing violation of subsection (a),
25 (b), (c), (d), or (e) is a Class A misdemeanor. The court may
26 require a licensee to pay a \$150 fee, in addition to any other

1 fees or court costs, for a violation of subsection (d).

2 (g) The Department may suspend a license for up to 180 days
3 for a violation of subsection (a), (b), (c), (d), or (e). The
4 Department shall permanently revoke a license for a willful
5 violation of this Section.

6 Section 60. Immunity, employees, and agents. The office of
7 the county sheriff, or any employee or agent of the county
8 sheriff, or the Superintendent of the Chicago Police Department
9 or any employee or agent of the Superintendent, or the
10 Department of State Police shall not be liable for damages in
11 any civil action arising from alleged wrongful or improper
12 granting, denying, renewing, revoking, suspending, or failure
13 to grant, deny, renew, revoke, or suspend licenses issued under
14 this Act, except for willful or wanton misconduct.

15 Section 65. Statistical report.

16 (a) By March 1 of each year, the Department shall submit a
17 statistical report to the Governor, the President of the
18 Senate, and the Speaker of the House of Representatives
19 indicating the number of licenses issued, revoked, suspended,
20 denied, and issued after appeal since the last report and in
21 total and also the number of licenses currently valid. The
22 report shall also include the number of arrests and convictions
23 and the types of crimes committed since the last report by
24 licensees, including the name of any licensee who has been

1 convicted of a crime, and the type of crime.

2 (b) The Secretary of State shall conduct a study to
3 determine the cost and feasibility of creating a method of
4 adding an identifiable code, background, or other means to show
5 that an individual has been issued a license by the Department
6 on the person's driver's license.

7 Section 70. Applicant training.

8 (a) Students in the applicant training course shall provide
9 their own safe, functional handgun and factory-loaded
10 ammunition. The applicant shall complete the requirements of
11 this Section for each particular make and model of handguns
12 that the applicant may be licensed to carry.

13 (b) The applicant training course shall be the standardized
14 training course approved by the Department. The sheriff, or, if
15 the applicant resides in the City of Chicago, the
16 Superintendent may impose additional requirements for the
17 training course. The course shall be taught by a qualified
18 firearms instructor, consisting of at least 8 hours of
19 instruction, covering at least the following topics for each
20 particular handgun to be carried by the applicant:

21 (1) handgun safety in the classroom, at home, on the
22 firing range, or while carrying the firearm;

23 (2) the basic principles of marksmanship;

24 (3) care and cleaning of each particular handgun to be
25 carried by the applicant;

1 (4) by means of a instruction and videotape produced or
2 approved by the Department:

3 (A) the requirements for obtaining a license to
4 carry a concealed firearm in this State;

5 (B) laws relating to firearms as prescribed in this
6 Act, the Firearm Owners Identification Card Act,
7 Article 24 of the Criminal Code of 2012, and 18 U.S.C.
8 921 through 930; and

9 (C) laws relating to the justifiable use of force
10 as prescribed in Article 7 of the Criminal Code of
11 2012.

12 (5) live firing exercises of sufficient duration for
13 each applicant to fire each particular handgun to be
14 carried by the applicant:

15 (A) a minimum of 50 rounds; and

16 (B) 30 rounds from a distance of 7 yards and 20
17 rounds from a distance of 15 yards at a B-21 silhouette
18 or equivalent target as approved by the Department;

19 (6) methods for safely storing and securing firearms
20 and ammunition and preventing access by children and other
21 unauthorized persons; and

22 (7) techniques for avoiding a criminal attack and how
23 to manage a violent confrontation, including conflict
24 resolution.

25 (c) Prior to conducting range firing, the course instructor
26 shall:

1 (1) inspect each applicant's firearm; and

2 (2) not allow the firing of a handgun which is not in
3 sound mechanical condition or otherwise may pose a safety
4 hazard.

5 (d) The classroom portion of the course may, at the
6 qualified firearms instructor's discretion, be divided into
7 segments of not less than 2 hours each.

8 (e) Applicant training courses shall not be open to anyone
9 under the age of 21 and no certificate of completion shall be
10 issued to persons less than 21 years of age.

11 (f) Instructors shall maintain any records for students'
12 performance for not less than 5 years.

13 (g) At the conclusion of the classroom portion of the
14 applicant training course, the qualified firearms instructor
15 shall:

16 (1) distribute a standard course examination to the
17 students;

18 (2) not leave the room in which the examination is
19 being held while the examination is in progress;

20 (3) collect examination booklets and answer sheets
21 from each student at the end of the examination period; and

22 (4) not grade the examinations in the presence of
23 students.

24 (h) A person shall not:

25 (1) make an unauthorized copy of the applicant training
26 course examination, in whole or in part; or

1 (2) possess the applicant training course examination,
2 or questions from the examination, unless authorized by the
3 Department.

4 (i) During the firearms safety training course, the
5 applicant must satisfactorily demonstrate to the course
6 instructor the safe handling of each particular handgun to be
7 carried by the applicant. This demonstration must include the
8 proper loading and unloading of the handgun, the proper
9 engaging and disengaging of common firearm safety mechanisms,
10 and the proper firing of the handgun. If the handgun has a
11 detachable magazine, the demonstration must also include the
12 proper removal and reattachment of the magazine.

13 (j) Grades of "passing" shall not be given on range work to
14 an applicant who:

15 (1) does not follow the orders of the certified
16 firearms instructor;

17 (2) in the judgment of the certified firearms
18 instructor, handles a firearm in a manner that poses a
19 danger to the applicant or to others; or

20 (3) during the testing portion of the range work fails
21 to hit the silhouette portion of the target with 70% of the
22 30 rounds fired for each particular handgun to be carried
23 by the applicant.

24 (k) Certified firearms instructors shall:

25 (1) allow monitoring of their classes by officials of
26 any certifying agency;

1 (2) make any course records available upon demand to
2 authorized personnel of the Department; and

3 (3) not divulge course records except as authorized by
4 the certifying agency.

5 (1) Fees for applicant training courses shall be set by the
6 instructor.

7 (m) An applicant training course shall not have more than
8 40 students in the classroom portion or more than 5 students
9 per range officer engaged in range firing.

10 (n) Within 3 business days after the completion of the
11 course, the certified firearms instructor shall:

12 (1) grade the examinations; and

13 (2) issue to the student:

14 (A) a certificate of successful course completion;

15 or

16 (B) notification that the applicant has failed the
17 written portion of the course, the live firing portion
18 of the course, or both, and will not be issued a
19 certificate of completion.

20 (o) A student shall be issued a certificate of completion
21 if he or she:

22 (1) answers at least 70% of the written examination
23 questions correctly. The Department shall develop the
24 written exam not to exceed 50 questions; and

25 (2) achieves a grade of "passing" on the range work.

26 (p) (1) Students who score below 70% on the written

1 examination may retake the examination one time without having
2 to retake the course.

3 (2) Students who do not achieve a grade of "passing" on the
4 range work may repeat the range work one time without having to
5 retake the course.

6 (q) For purposes of this Section, successful completion of
7 Firearms Instructor Training under Section 75 shall meet the
8 training requirements of this Section if approved by the
9 sheriff or Superintendent.

10 Section 75. Firearms instructors training.

11 (a) Not later than 90 days after the effective date of this
12 Act, the Department shall offer and teach courses to qualify
13 instructors under this Section in each State Police District
14 that has a suitable gun range. Courses shall be available at
15 least bi-monthly, or whenever 5 or more individuals request a
16 class in any State Police District. However, nothing in this
17 Section shall require a course to be held if there are no
18 requests pending, and adjoining districts may combine classes
19 in order to have at least 5 participants.

20 (b) Persons who are not qualified firearms instructors
21 shall not teach applicant training courses or advertise or
22 otherwise represent courses they teach as qualifying their
23 students to meet the requirements to receive a license under
24 this Act.

25 (c) Persons who are not certified instructor trainers shall

1 not teach instructor qualification courses.

2 (d) Persons wishing to become qualified firearms
3 instructors shall:

4 (1) be at least 21 years of age;

5 (2) be a citizen of the United States; and

6 (3) meet the requirements of Section 20, and any
7 additional requirements established by the Department.

8 (e) Persons wishing to become instructor trainers, in
9 addition to the requirements of subsection (d) of this Section,
10 shall:

11 (1) possess a high school diploma or GED certificate;

12 and

13 (2) have at least one of the following valid firearms
14 instructor certifications:

15 (A) certification from a firearms instructor's
16 course offered by a State or federal governmental
17 agency; or

18 (B) a similar firearms instructor qualifying
19 course, approved by the Director of State Police or his
20 or her designee.

21 (f) (1) Persons wishing to become qualified firearms
22 instructors or instructor trainers shall agree to background
23 checks.

24 (2) An applicant to become a qualified firearms
25 instructor may be disqualified from taking firearms
26 instructor training, or have his or her instructor

1 qualification revoked, if the applicant:

2 (A) does not meet the requirements of Section 20 of
3 this Act;

4 (B) provides false or misleading information on
5 the application; or

6 (C) has had a prior instructor qualification
7 revoked by the Department or other issuing body.

8 (g) The training course to certify firearms instructors and
9 instructor trainers shall include:

10 (1) At least 16 hours of instruction covering at least
11 the following topics by means of a videotape produced or
12 approved by the Department:

13 (A) the requirements for obtaining a license under
14 this Act;

15 (B) laws relating to firearms as contained in this
16 Act, the Firearm Owners Identification Card Act,
17 Article 24 of the Criminal Code of 2012, and 18 U.S.C.
18 921 through 930;

19 (C) laws relating to the justifiable use of force
20 as contained in Article 7 of the Criminal Code of 2012;

21 (D) the conducting of applicant training courses;

22 (E) record-keeping requirements of this Act;

23 (F) the basic nomenclature of handguns;

24 (G) the basic principles of marksmanship; and

25 (H) the safe handling of handguns.

26 (2) A classroom demonstration, during which the

1 instructor candidate shall receive instruction on and
2 demonstrate competency in the ability to prepare and
3 deliver a classroom presentation using materials from the
4 applicant curriculum.

5 (3) Range instruction and firing of live ammunition,
6 during which the instructor candidate shall receive
7 instruction on and demonstrate competency in the ability
8 to:

9 (A) handle and fire a handgun safely and
10 accurately;

11 (B) conduct a function test and safety inspection
12 of revolvers and pistols;

13 (C) clean revolvers and pistols; and

14 (D) supervise and conduct live firing exercises in
15 a safe and efficient manner.

16 (h) To qualify as a certified firearms instructor or
17 instructor trainer, instructor candidates shall meet any
18 requirements established by the Department, and achieve:

19 (1) a minimum score of 80% on a written examination
20 covering the material taught during the classroom portion
21 of the course; and

22 (2) a minimum score of 80% on range firing of a handgun
23 while aiming at a B-21 silhouette target or an equivalent
24 as approved by the Department, with a minimum of:

25 (A) 20 rounds from 7 yards; and

26 (B) 10 rounds from 15 yards; and

1 (C) a score of "passing" from the course instructor
2 for demonstrating competency in each of the following:

- 3 (i) supervising and conducting live fire;
4 (ii) cleaning and inspecting handguns; and
5 (iii) preparing and delivering the classroom
6 lecture.

7 (i) Instructor candidates who fail to meet the minimum
8 requirements of subsection (h) of this Section may retake the
9 examination, range work, or classroom demonstration one time
10 without having to repeat the course.

11 (j) Qualified firearms instructor and instructor trainer
12 certificates shall be valid for 10 years from the date of
13 issue. Qualified firearms instructors or instructor trainers
14 may renew their certification by successfully completing a
15 refresher course offered or approved by the Department.

16 (k) The fees for instructor courses or refresher courses
17 shall be \$100 per student paid to the Department. Fees shall
18 not be refunded to those who do not pass or otherwise fail to
19 complete a course.

20 (l) Course participants shall provide their own safe,
21 functional handgun and factory-loaded ammunition.

22 (m) Prior to conducting range firing, the course instructor
23 shall:

- 24 (1) inspect each applicant's firearm; and
25 (2) not allow the firing of a handgun which is not in
26 sound mechanical condition or otherwise may pose a safety

1 hazard.

2 Section 80. Features of a license.

3 (a) If an application for a license to carry a concealed
4 firearm is approved, the Department shall issue to the
5 applicant a license to carry a concealed firearm on a form
6 prescribed by the Department which contains the applicant's
7 name, photograph, residence address, date of birth, a unique
8 license number, the make, model, caliber or gauge, and serial
9 number of the firearm or firearms to be carried, other personal
10 information as may be required by the Department, the date the
11 license expires, and any additional restrictions or conditions
12 the Department may impose on the applicant's carrying of a
13 firearm.

14 (b) A license to carry a concealed firearm issued by the
15 this State shall not exempt the licensee from the requirements
16 of a background check, including a check of the National
17 Instant Criminal Background Check System, upon purchase or
18 transfer of a firearm.

19 Section 85. Definitions. As used in Sections 85 through 150
20 of this Act:

21 "Ammunition" has the same meaning as "firearm ammunition"
22 in Section 1.1 of the Firearm Owners Identification Card Act.

23 "Applicant" means a person who is seeking the issuance or
24 renewal of a registration certificate for a firearm that he or

1 she owns or possesses.

2 "Department" means the Department of State Police.

3 "Firearm" has the same meaning as "firearm" in Section 1.1
4 of the Firearm Owners Identification Card Act.

5 "Person" means any individual, corporation, company,
6 association, firm, partnership, club, organization, society,
7 joint stock company or other entity.

8 "Registrant" means a person who has been issued a
9 registration certificate for a firearm that he or she owns or
10 possess.

11 Section 90. Firearm registration requirement.

12 (a) Every person in the State must register each firearm he
13 or she owns or possesses in accordance with this Act.

14 (b) No person shall deliver a firearm, and no person shall
15 receive or obtain a firearm, until each of the following has
16 occurred:

17 (1) the buyer or transferee has completed an
18 application to register the firearm at the place of
19 business of a federally licensed firearms dealer in
20 accordance with Section 105;

21 (2) the federally licensed firearms dealer has
22 verified that the prospective registrant is the person
23 whose driver's license or other government-issued
24 identification card is contained in the application;

25 (3) the federally licensed firearms dealer has

1 transmitted the completed application to register the
2 firearm to the Department of State Police in a manner
3 prescribed by the Department; and

4 (4) the federally licensed firearms dealer has
5 provided a receipt for the application to the prospective
6 registrant on a form to be prescribed by the Department.

7 (c) A person shall be deemed to have complied with
8 subsection (a) of this Section for a firearm if he or she
9 produces a valid receipt indicating that he or she has applied
10 to register that firearm in accordance with this Act and the
11 application is pending.

12 Section 95. Ammunition purchase, possession, delivery.

13 (a) No person shall purchase or possess ammunition within
14 this State without having first obtained a registration
15 certificate identifying a firearm that is suitable for use with
16 that ammunition, or a receipt demonstrating that the person has
17 applied to register a suitable firearm in accordance with this
18 Act and that the application is pending.

19 (b) No person shall deliver ammunition to any person within
20 this State without having first verified that the ammunition
21 purchaser possesses a registration certificate for a firearm
22 that is suitable for use with that ammunition, or a receipt
23 demonstrating that the person has applied to register a
24 suitable firearm in accordance with this Act and the
25 application is pending.

1 Section 100. Exceptions. Sections 90 and 95 do not apply to
2 the ownership, possession, or receipt of a firearm or
3 ammunition by, or delivery of a firearm or ammunition to:

4 (1) any law enforcement or corrections agency, or law
5 enforcement or corrections officer acting within the course and
6 scope of his or her employment or official duties;

7 (2) a United States Marshal or member of the Armed Forces
8 of the United States or the National Guard, or a federal
9 official, who is required to possess a firearm in the operation
10 of his or her official duties;

11 (3) licensed firearms manufacturers, importers, or
12 dealers, while engaged in the course and scope of their
13 activities as licensees, provided that the persons are properly
14 licensed under federal, state, and local law;

15 (4) a gunsmith who is in possession of a firearm solely for
16 the purposes of service or repair;

17 (5) a common carrier, warehouseman, or other person engaged
18 in the business of transporting or storing goods, to the extent
19 that the possession or receipt of any firearm is in the
20 ordinary course of business and not for the personal use of any
21 person;

22 (6) a person who is under 18 years of age who is in
23 possession of a registered firearm for lawful hunting or
24 sporting purposes or for any other lawful recreational activity
25 while under the direct supervision and control of the

1 registrant;

2 (7) a person who is 18 years of age or older who is in
3 possession of a registered firearm while accompanying the
4 registrant and using the firearm for lawful hunting or sporting
5 purposes or for any other lawful recreational activity;

6 (8) a new resident of the State who has brought his or her
7 firearm into the State within the preceding 90 days, or who
8 produces a valid receipt indicating that he or she has applied
9 to register the firearm within this time period and the
10 application is pending;

11 (9) nonresidents of this State participating in lawful
12 hunting or sporting activity or other lawful recreational
13 activity in this State, provided that their ownership or
14 possession of a firearm for those purposes is lawful in the
15 jurisdiction in which they reside, and that the weapon is
16 transported in compliance with 18 U.S.C. 926A;

17 (10) a person being loaned a firearm solely for the purpose
18 of shooting at targets, if the loan occurs on the premises of a
19 properly licensed target facility, and the firearm is always
20 kept within the premises of the target range;

21 (11) a person who has acquired a firearm by operation of
22 law upon the death of the former owner of the firearm within
23 the preceding 90 days, or who produces a valid receipt
24 indicating that he or she has applied to register the firearm
25 within this time period and the application is pending;

26 (12) a person lawfully transporting a firearm through

1 Illinois in accordance with 18 U.S.C. 926A; or

2 (13) an adult family member of the registrant of the
3 firearm if the registrant resides with the family member but is
4 not currently present in the residence, provided that the
5 family member does not maintain control over the firearm for
6 more than 14 consecutive days. This exception shall not apply
7 if the registrant or the family member knows or has reasonable
8 cause to believe that federal, State, or local law prohibits
9 the family member from purchasing or possessing firearms, or
10 the registrant knows or has reasonable cause to believe that
11 the family member is likely to use the firearm for unlawful
12 purposes.

13 (14) members of bona fide veterans organizations which
14 receive firearms directly from the armed forces of the United
15 States, while using the firearms for ceremonial purposes with
16 blank ammunition;

17 (15) color guards of bona fide veterans organizations or
18 members of bona fide American Legion bands while using firearms
19 for ceremonial purposes with blank ammunition;

20 (16) nonresidents while at a firearm showing or display
21 recognized by the Department, provided that at any other times
22 and in any other places the weapon is transported in compliance
23 with 18 U.S.C. § 926A; or

24 (17) competitive shooting athletes whose competition
25 firearms are sanctioned by the International Olympic
26 Committee, the International Paralympic Committee, the

1 International Shooting Sport Federation, or USA Shooting in
2 connection with the athletes' training for and participation in
3 shooting competitions at the 2016 Olympic and Paralympic Games
4 and sanctioned test events leading up to the 2016 Olympic and
5 Paralympic Games, provided that the weapons are transported in
6 compliance with 18 U.S.C. 926A.

7 Section 105. Application to register a firearm.

8 (a) Any person who is required to register a firearm under
9 this Act shall:

10 (1) For a newly purchased firearm or firearm presently
11 obtained as a gift or through other transfer, other than a
12 firearm obtained by operation of law upon the death of the
13 former owner, apply to register the firearm at the place of
14 business of a federally licensed firearms dealer in
15 accordance with Section 90.

16 (2) For a firearm that was lawfully owned or possessed
17 on the effective date of this Act, was brought into the
18 State by a new resident, or was acquired by operation of
19 law upon the death of the former owner:

20 (A) appear in person at the place of business of a
21 federally licensed firearms dealer; and

22 (B) complete and submit to the Department the
23 application, in writing, signed under penalty of
24 perjury, on a form prescribed by the Department.

25 (b) A federally licensed firearms dealer shall process an

1 application for registration at its place of business in
2 accordance with Section 90 and this Section whenever it is
3 requested. The federally licensed firearms dealer shall:

4 (1) make available the form for an application to
5 register a firearm upon request;

6 (2) verify that the prospective registrant is the
7 person whose driver's license or other government-issued
8 identification card is contained in the application;

9 (3) transmit the completed application to register the
10 firearm to the Department of State Police in a manner
11 prescribed by the Department; and

12 (4) provide a receipt for the application to the
13 prospective registrant on a form to be prescribed by the
14 Department.

15 The federally licensed firearms dealer may charge a fee for
16 this service.

17 (c) Any person who is required to register a firearm must
18 provide the following information on a registration
19 application created by the Department, which form shall
20 include:

21 (1) the applicant's full name and any other name by
22 which the applicant has ever been known;

23 (2) the home address and telephone number of the
24 applicant;

25 (3) the occupation, business address, and telephone
26 number of the applicant;

1 (4) the applicant's gender, race, height, weight, date
2 of birth, place of birth, country of citizenship, social
3 security number, and, if the applicant is not a U.S.
4 citizen, alien or admission number;

5 (5) a copy of the applicant's current driver's license
6 or other government-issued identification card containing
7 a photograph of the applicant;

8 (6) information concerning any denial or revocation of
9 a license, permit or registration certificate pertaining
10 to any firearm owned or possessed by the applicant;

11 (7) the make, model, manufacturer's name, caliber or
12 gauge, and serial number of any firearms for which the
13 applicant seeks to obtain a registration certificate;

14 (8) the date the applicant acquired each firearm;

15 (9) for any firearms to be transferred under paragraph
16 (a)(1), the name, address, and telephone number of the
17 person from whom each firearm was obtained, and in the case
18 of a firearms dealer, the dealer's license number;

19 (10) the name of, and description of any instance in
20 which, any court, board, commission or other lawful
21 authority has done either of the following, including dates
22 of commitment and release:

23 (A) determined that the applicant, as a result of
24 marked subnormal intelligence, mental illness,
25 incompetency, condition, or disease, was a danger to
26 himself or herself or others, lacked the mental

1 capacity to contract or manage his or her own affairs,
2 or was not guilty of a crime by reason of insanity or
3 incompetent to stand trial; or

4 (B) involuntarily committed the person to a mental
5 institution (including the name and address of the
6 institution); and

7 (11) an authorization and release to obtain
8 information relevant to the person's eligibility to
9 register a firearm under this Act, from any source, that
10 waives any right to confidentiality and requests the
11 disclosure of the information to the Department for the
12 sole purpose of determining the person's eligibility to
13 register a firearm under this Act;

14 (12) the applicant's right thumbprint;

15 (13) two identical color photographs of the
16 applicant's face, frontal view, 2 inches square in size,
17 taken within the 30 days immediately preceding the
18 application, as specified in rules of the Department; and

19 (14) any additional information the Department deems
20 necessary to process the application.

21 (d) The Department may charge a fee to cover the
22 administrative costs of the registration for each firearm.

23 Section 110. Investigation by Department.

24 (a) In addition to the requirement of a background check
25 upon sale of a firearm under Sections 3 and 3.1 of the Firearm

1 Owners Identification Card Act, the Department must complete a
2 background check of any person who applies for:

3 (1) a registration certificate for a firearm that was
4 lawfully owned or possessed on the effective date of this
5 Act, was brought into the State by a new resident, or was
6 acquired by operation of law upon the death of the former
7 owner;

8 (2) a registration certificate for a firearm that was
9 transferred to the applicant without the background check
10 required by Section 3.1 of the Firearm Owners
11 Identification Card Act; or

12 (3) a renewal of a registration certificate unless,
13 within 12 months of the date the renewal application is
14 submitted, the applicant passed a background check
15 conducted by the Department in connection with the
16 applicant's acquisition of another firearm.

17 (b) The background check required by subsection (a) shall
18 be equivalent in scope to the background check that is
19 conducted upon transfer of a firearm in accordance with
20 Sections 3 and 3.1 of the Firearm Owners Identification Card
21 Act.

22 (c) No registration certificate shall be issued or renewed
23 if the applicant is prohibited from purchasing or possessing a
24 firearm under federal, State, or local law.

25 Section 115. Registration approval, denial or revocation.

1 (a) After consideration of an application for a
2 registration certificate or for renewal of a registration
3 certificate and any information obtained relative thereto, the
4 Department shall either approve or deny the application and
5 notify the applicant in writing of the decision, including the
6 reason for denial, and the appeal procedures under Section 125.

7 (b) The Department may grant or renew a registration
8 certificate only if the applicant is in compliance with this
9 Act and any other applicable federal, State, and local laws
10 relating to firearms and ammunition.

11 (c) The Department shall deny the issuance or renewal of a
12 registration certificate, or shall revoke an existing
13 registration certificate:

14 (1) for failure to meet any of the requirements of this
15 Act, including the requirements for renewal under Section
16 135, or any other applicable federal, state, or local law
17 relating to firearms or ammunition;

18 (2) for fraud or misrepresentation in securing a
19 registration certificate;

20 (3) if the applicant is or becomes prohibited from
21 purchasing or possessing a firearm under federal, State, or
22 local law; or

23 (4) upon the occurrence of any event or circumstance
24 that would disqualify the registrant from being issued the
25 original registration certificate.

1 Section 120. Features and use of firearm registration
2 certificates.

3 (a) If the application to register a firearm is approved,
4 the Department shall issue to the registrant a registration
5 certificate on a form prescribed by the Department for each
6 firearm listed on the application. Each registration
7 certificate must contain the date of the registration, a unique
8 registration number, the registrant's name, residence address,
9 date of birth, photograph, the make, model, manufacturer's
10 name, caliber or gauge and serial number of the firearm, the
11 date the registration certificate expires, and other personal
12 information as may be required by the Department.

13 (b) The registration certificate shall not be transferable
14 or assignable.

15 Section 125. Appeal procedure.

16 (a) If an application to register a firearm or to renew a
17 registration certificate is denied, or if a registration
18 certificate is revoked, the Department shall inform the
19 applicant or registrant in writing of the reasons for the
20 denial or revocation, and of the appeal procedures under this
21 Section. The applicant may, within 30 days after receiving
22 notice of the denial or revocation, file an appeal of the
23 denial or revocation with the Department. The appeal must be
24 made in writing, setting forth the specific grounds for the
25 appeal.

1 (b) If the applicant or registrant submits a timely appeal,
2 the Department shall hold a hearing to reconsider its decision.
3 The Department shall provide a written decision regarding the
4 appeal. The decision of the Department upon reconsideration
5 shall be subject to judicial review.

6 (c) In the event that the decision to deny the application
7 or revoke the registration certificate is affirmed, the
8 decision to deny the application or revoke the registration
9 shall become final only after the time for judicial review of
10 the decision upon reconsideration has expired.

11 Section 130. Surrender and removal of firearms upon denial
12 or revocation of registration.

13 (a) When a decision to deny an application to register, to
14 renew a registration certificate, or to revoke a registration
15 certificate becomes final, the applicant or registrant must
16 immediately surrender to the Department the firearm for which
17 the applicant was denied registration or renewal or for which
18 the registration certificate was revoked.

19 (b) If an applicant or registrant fails to surrender his or
20 her firearm to the Department after he or she receives notice
21 that the decision to deny an application to register, to renew
22 or to revoke a registration certificate becomes final, the
23 Department shall retrieve the firearm within 48 hours.

24 Section 135. Duration and renewal.

1 (a) Registration certificates shall expire automatically 2
2 years after the date of issuance. To apply for renewal of a
3 registration certificate, the registrant shall complete an
4 application for registration as described in Section 105.

5 (b) The Department shall mail renewal notices to each
6 registrant at least 90 days prior to expiration of the
7 registration certificate. Applications for renewal shall be
8 received by the Department 30 days prior to the expiration of
9 the current registration certificate.

10 (c) The renewal process for each registrant shall include a
11 background check, as provided in Section 110.

12 (d) The Department shall follow the procedures of Section
13 115 in approving or denying the application for renewal.

14 Section 140. Firearm registration records. The Department
15 shall retain an accurate record of each application for a
16 registration certificate, received and acted upon, together
17 with any other information pertaining thereto on any
18 applications issued or denied under the provisions of this Act.
19 The information shall be maintained in an accessible manner and
20 available to any law enforcement agencies upon request.

21 Section 145. Reporting requirements for registrants. A
22 registrant shall report to the Department:

23 (a) within 48 hours of the time he or she discovered or
24 should have discovered any change in his or her status that

1 would affect his or her eligibility to own or possess a firearm
2 or registration certificate; and

3 (b) within 14 days of the occurrence of:

4 (1) any change in the information appearing on the
5 registration certificate that would not affect his or her
6 eligibility for the registration certificate; or

7 (2) the time he or she knew or should have known of the
8 loss, theft, or destruction of a registration certificate.

9 Section 150. Sentence.

10 (a) The following persons shall be subject to a civil
11 penalty not to exceed \$5,000:

12 (1) Any new resident who brings a firearm into the
13 State and who fails to lawfully dispose of or apply to
14 register the firearm within 90 days of entering this State.

15 (2) Any person who acquires a firearm by operation of
16 law upon the death of the former owner and who fails to
17 lawfully dispose of or apply to register the firearm within
18 90 days of acquiring the firearm.

19 (3) Any person who owns or possesses a firearm in this
20 State on the effective date of this Act and fails to
21 lawfully dispose of or apply to register the firearm within
22 120 days of the effective date of this Act.

23 (b) Any person who owns or possesses a firearm after his or
24 her registration certificate for that firearm has been revoked,
25 or any federally licensed firearms dealer who fails to comply

1 with its duties under Section 105 is guilty of a Class 4
2 felony.

3 (c) Except as provided in subsections (a) and (b) and in
4 Section 100, any person who owns or possesses an unregistered
5 firearm in the State that he or she did not own or possess on
6 the effective date of this Act is guilty of a Class 2 felony.

7 (d) Any person who knowingly enters false information on an
8 application to register a firearm, who knowingly gives a false
9 answer to any question on the application, or who knowingly
10 submits false evidence in connection with an application is
11 guilty of a Class 2 felony.

12 (e) Any person who acquires or possesses ammunition in
13 violation of subsection (a) of Section 95 is guilty of a Class
14 A misdemeanor.

15 (f) Any person who transfers ammunition in violation of
16 subsection (b) of Section 95 is guilty of a Class 4 felony.

17 (g) Any firearm or ammunition owned or possessed in
18 violation of this Act shall be subject to confiscation and
19 forfeiture to the State.

20 Section 155. Definitions. As used in Sections 155 to 240 of
21 this Act:

22 "Ammunition" has the same meaning as "firearm ammunition"
23 in Section 1.1 of the Firearm Owners Identification Card Act.

24 "Applicant" means any person who applies for a dealer
25 permit, or the renewal of the permit, to sell, lease, or

1 transfer firearms or ammunition.

2 "Department" means the Department of State Police.

3 To "engage in the business of selling, leasing, or
4 otherwise transferring firearms or ammunition" means to:

5 (1) Conduct a business selling, leasing or
6 transferring firearms or ammunition;

7 (2) Hold one's self out as engaged in the business of
8 selling, leasing or otherwise transferring firearms or
9 ammunition; or

10 (3) Sell, lease or transfer firearms or ammunition in
11 quantity, in series, or in individual transactions, or in
12 any other manner indicative of trade.

13 "Firearm" has the same meaning as "firearm" in Section 1.1
14 of the Firearm Owners Identification Card Act.

15 "Dealer permit" means a permit issued by the Department to
16 sell, lease, or transfer firearms or ammunition under this Act.

17 "Permittee" or "firearms dealer permittee" means any
18 person engaged in the business of selling, leasing, or
19 otherwise transferring any firearm or ammunition who has
20 obtained a permit from the Department to sell, lease, or
21 transfer firearms or ammunition under this Act.

22 "Person" means any individual, corporation, company,
23 association, firm, partnership, club, organization, society,
24 joint stock company, or other entity.

25 Section 160. Permit requirement. It is unlawful for any

1 person to engage in the business of selling, leasing, or
2 otherwise transferring firearms or ammunition without a dealer
3 permit, as required by this Act.

4 Section 165. Application for a dealer permit.

5 (a) Any person who is required to obtain a dealer permit
6 under this Act shall:

7 (1) Appear in person at a time and place designated by
8 the Department;

9 (2) Complete and submit to the Department an
10 application, in writing, signed under penalty of perjury,
11 on a form prescribed by the Department;

12 (3) Provide any relevant information requested to
13 demonstrate compliance with this Act, including:

14 (A) the applicant's full name and any other name by
15 which the applicant has ever been known;

16 (B) the home address and telephone number of the
17 applicant;

18 (C) the present occupation, business address, and
19 business telephone number of the applicant;

20 (D) the license or permit numbers of any federal,
21 state, or local licenses or permits held by the
22 applicant that authorize the applicant to sell, lease,
23 or otherwise transfer firearms or ammunition, if any;

24 (E) information relating to every other license or
25 permit to sell, lease, transfer, purchase, or possess

1 firearms or ammunition which was sought by the
2 applicant from the federal government or from any state
3 or subdivision of any state, including, but not limited
4 to, the type of license or permit sought, the date of
5 each application and whether it resulted in the
6 issuance of the license or permit, and the date and
7 circumstances of any revocation or suspension;

8 (F) the address of the proposed location for which
9 the permit is sought, if different than applicant's
10 business address;

11 (G) the business name, and the name of any
12 corporation, partnership, or other entity that has any
13 ownership in, or control over, the business;

14 (H) the names, dates of birth, and addresses of any
15 persons who will have access to or control of workplace
16 firearms or ammunition, including but not limited to,
17 the applicant's employees, agents, and supervisors, if
18 any;

19 (I) proof of a possessory interest in the property
20 at which the proposed business will be conducted, as
21 owner, lessee, or other legal occupant, and, if the
22 applicant is not the owner of record of the real
23 property upon which the applicant's business is to be
24 located and conducted, the written consent of the owner
25 of record of the real property to the applicant's
26 proposed business;

1 (J) the date, location, and nature of any criminal
2 convictions of the applicant, if any, in any
3 jurisdiction in the United States;

4 (K) proof that the applicant has applied for or
5 received a certificate of registration under the
6 Retailers' Occupation Tax Act; and

7 (L) written approval from the local sheriff of the
8 county or chief of police of the city in which the
9 business is located, together with a statement of any
10 additional requirements or conditions the business
11 must fulfill in order to comply with local law,
12 including requirements or conditions imposed by the
13 sheriff or chief at his or her discretion.

14 (b) The Department may charge a fee to cover the
15 administrative costs of the issuance of the permit.

16 Section 170. Investigation by Department and employee
17 background checks.

18 (a) The Department shall conduct an investigation to
19 determine, for the protection of public health and safety,
20 whether the dealer permit may be issued or renewed. The
21 Department shall require: (1) the applicant; and (2) any
22 persons who will have access to or control of workplace
23 firearms or ammunition, including but not limited to the
24 applicant's employees, agents, or supervisors, or both, if any,
25 to provide fingerprints, a recent photograph, a signed

1 authorization for the release of pertinent records, and any
2 additional information which the Department considers
3 necessary to complete the investigation. The investigation
4 shall include the initiation and completion of an automated
5 search of the Department's criminal history record information
6 files and those of the Federal Bureau of Investigation,
7 including the National Instant Criminal Background Check
8 System, and of the files of the Department of Human Services
9 relating to mental health and developmental disabilities to
10 obtain any information that would disqualify a person from a
11 dealer permit under this Act.

12 (b) Prior to issuance or renewal of the dealer permit, the
13 Department shall inspect the premises of the proposed business
14 to ensure compliance with this Act.

15 (c) The Department may grant or renew a dealer permit if
16 the applicant or permittee is in compliance with this Act and
17 any other applicable federal, State, and local laws.

18 Section 175. Grounds for permit denial.

19 (a) The Department shall deny the issuance or renewal of a
20 dealer permit if the operation of the business would not or
21 does not comply with federal, State, or local law, or if the
22 applicant or permittee:

23 (1) is under 21 years of age;

24 (2) is not licensed as required by any applicable
25 federal, State, and local laws;

1 (3) has made a false or misleading statement of a
2 material fact or omission of a material fact in the
3 application for a dealer permit, or in any other documents
4 submitted to the Department under this Act. If a permit is
5 denied on this ground, the applicant is prohibited from
6 reapplying for a permit for a period of 5 years;

7 (4) has had a license or permit to sell, lease,
8 transfer, purchase, or possess firearms or ammunition from
9 the federal government or the government of any state or
10 subdivision of any state revoked, suspended, or denied for
11 good cause within the preceding 5 years;

12 (5) is prohibited by any federal, State, or local law
13 from purchasing or possessing firearms or ammunition, or
14 has been convicted of:

15 (A) an offense relating to the manufacture, sale,
16 possession or use of a firearm or dangerous or deadly
17 weapon or ammunition therefor;

18 (B) an offense involving the use of force or
19 violence upon the person of another;

20 (C) an offense involving theft, fraud, dishonesty,
21 or deceit;

22 (D) within the preceding 5 years, an offense
23 involving the manufacture, sale, possession, or use of
24 a controlled substance; or

25 (6) is currently, or has been within the preceding 5
26 years, an unlawful user of or addicted to a controlled

1 substance.

2 (b) Employees, agents or supervisors of the applicant or
3 permittee may not have access to or control over workplace
4 firearms or ammunition until the Department has conducted an
5 investigation under Section 170, and verified that none of the
6 conditions listed in paragraph (1), (4), (5), or (6) of
7 subsection (a) of this Section exist, as applied to those
8 employees, agents or supervisors. A new law enforcement
9 investigation and background verification of the persons must
10 be conducted each time the permittee renews his or her permit,
11 or applies for a new permit. Except as provided in subsection
12 (c), the Department shall deny the issuance or renewal of
13 dealer permit, or shall revoke an existing permit, if the
14 applicant or permittee allows any employee, agent, or
15 supervisor to have access to or control over workplace firearms
16 or ammunition prior to the completion of the law enforcement
17 investigation and background verification of those persons, or
18 if those persons have not undergone the law enforcement
19 investigation and background verification process within the
20 last 5 years.

21 (c) Where an applicant is applying for a dealer permit to
22 sell, lease, or transfer firearms or ammunition within the
23 first 180 days of the effective date of this Act, and where the
24 applicant has an existing firearms dealer business which
25 complies with any applicable federal, State and local laws, or
26 is not a seller of firearms but is already engaged in the sale

1 of ammunition:

2 (1) the applicant's current employees, agents, or
3 supervisors may continue to have access to or control over
4 workplace firearms and ammunition pending the completion
5 of the Department's investigation and background
6 verification; and

7 (2) where one or more of the applicant's employees,
8 agents, or supervisors are found to be in violation of the
9 conditions listed in paragraph (1), (4), (5), or (6) of
10 subsection (a) of this Section, the applicant has 60 days
11 from the mailing of written notification from the
12 Department to verify that the persons have been removed or
13 reassigned so that they no longer have access to or control
14 of workplace firearms or ammunition. Failure of the
15 applicant to comply with this subsection shall cause the
16 Department to deny the application for a dealer permit.

17 (d) A person who knowingly makes a false statement or
18 knowingly conceals a material fact or uses false information or
19 identification in any application for a dealer permit under
20 this Act commits a Class A misdemeanor.

21 Section 180. Issuance of dealer permit; duration.

22 (a) A dealer permit expires 5 years after the date of
23 issuance. A permit may be renewed for an additional 5-year
24 period if the permittee submits a timely application for
25 renewal, accompanied by a nonrefundable renewal fee

1 established by the Department. Renewal of the permit is
2 contingent upon the permittee's compliance with the terms and
3 conditions of the original application and permit, as detailed
4 in this Act, and any additional conditions arising from
5 newly-adopted laws or determined by rules adopted by the
6 Department. Department personnel shall inspect the permitted
7 business premises for compliance with this Act prior to renewal
8 of the permit. The renewal application and the renewal fee must
9 be received by the Department no later than 90 days before the
10 expiration of the current permit.

11 (b) A decision regarding issuance or renewal of the dealer
12 permit may be appealed in the manner provided under the
13 Illinois Administrative Procedure Act.

14 Section 185. Revocation of dealer permit. The Department
15 may revoke the dealer permit of any person found to be in
16 violation of any provision of this Act or any other applicable
17 federal, State, or local law.

18 Section 190. Report of permit revocation to federal
19 authorities. In addition to any other penalty or remedy, the
20 Department shall report any person or entity whose dealer
21 permit is revoked under this Act to the Bureau of Alcohol,
22 Tobacco, Firearms and Explosives within the U.S. Department of
23 Justice, and to the local sheriff or Chief of Police.

1 Section 195. Display of dealer permit. The dealer permit,
2 or a certified copy of it, shall be displayed in a prominent
3 place on the business premises where it can be easily seen by
4 those entering the premises.

5 Section 200. Nonassignability. A dealer permit issued
6 under this Act is not assignable. Any attempt to assign a
7 dealer permit shall result in revocation of the permit.

8 Section 205. Compliance by existing businesses. A person
9 engaged in the business of selling, leasing, or otherwise
10 transferring any firearm or ammunition on the effective date of
11 this Act shall, within 90 days of the effective date, comply
12 with this Act. However, any person whose business is located in
13 any location described in Section 220 of this Act may continue
14 to sell, lease, or transfer firearms or ammunition for up to 2
15 years after the effective date of this Act. After the 2-year
16 period has expired, any of those persons is prohibited from
17 selling, leasing, or transferring firearms or ammunition in the
18 named location.

19 Section 210. Law enforcement inspections. Permittees shall
20 have their places of business open for inspection by federal,
21 State, and local law enforcement during any hours of operation.
22 The Department shall conduct an inspection of the business in
23 connection with the initial issuance of a permit, and

1 thereafter conduct an inspection in connection with each
2 renewal of the permit. Permittees shall maintain any records,
3 documents, firearms, and ammunition in a manner and place
4 accessible for inspection by federal, State and local law
5 enforcement.

6 Section 215. On-site security.

7 (a) Every firearm and ammunition in the inventory of a
8 permittee must be kept at the permitted business location.

9 (b) No firearm may be displayed in any outer window of the
10 business premises of the permittee or in any other place where
11 it can readily be seen from the outside.

12 (c) The Department shall adopt standards specifying
13 minimum security requirements for permittees. By January 1,
14 2015, every permittee shall comply with the standards. Failure
15 to fully comply with the security requirements imposed by the
16 Department shall be sufficient cause for denial or revocation
17 of the permit by the Department. The standards may provide for:

18 (1) the manner of securing firearms and ammunition when
19 the location is both open and closed for business;

20 (2) alarm systems for permittees; and

21 (3) other reasonable requirements to reduce the risk of
22 burglaries and other crimes or accidents at permittees'
23 business establishments.

24 Section 220. Location of business premises.

1 (a) The business of a permittee shall be carried on only in
2 the building located at the street address shown on the permit.
3 This requirement does not prohibit the permittee from
4 participating in a gun show or event as defined under federal
5 law that is authorized by federal, State, or local law upon
6 compliance with those laws.

7 (b) The business premises shall not be located in any
8 district or area that is zoned for residential use, or within
9 1,000 feet of any school, pre-school, day-care facility, park,
10 community center, place of worship, liquor store, bar, youth
11 center, video arcade, amusement park (not including a temporary
12 carnival or similar event), or residentially zoned district or
13 area.

14 Section 225. Warnings to consumers. The Department may
15 require permittees to post warnings or otherwise provide
16 information to consumers regarding firearms laws and the safe
17 storage of firearms. A permittee shall post any warnings or
18 provide any information to consumers as required by the
19 Department.

20 Section 230. Precautions against illegal sales.

21 (a) The permittee shall refuse to sell or transfer a
22 firearm to any person the permittee knows or has reason to know
23 is purchasing the firearm on behalf of another person, unless
24 the person purchasing the firearm from the permittee is another

1 permittee.

2 (b) The permittee shall refuse to sell or transfer a
3 firearm to any person the permittee knows or has reason to know
4 is purchasing the firearm with the intent to resell or transfer
5 the firearm in violation of federal, State, or local law.

6 (c) The permittee shall refuse to sell or transfer a
7 firearm to any person who has provided a home address in a
8 municipality or county in which possession of that type of
9 firearm is illegal, unless the transferee presents reasonably
10 satisfactory evidence that the firearm will not be used or
11 possessed unlawfully in that municipality or county.

12 (d) The permittee shall refuse to sell or transfer a
13 firearm to any person who has provided a home address in a
14 municipality or county that requires a license for or
15 registration of the firearm, unless the purchaser presents
16 satisfactory evidence of compliance with the licensing or
17 registration requirement.

18 Section 235. Penalty. Any person who engages in the
19 business of selling, leasing, or otherwise transferring
20 firearms or ammunition without a dealer permit as required by
21 this Act is guilty of a Class 4 felony.

22 Section 240. Enforcement; rulemaking.

23 (a) This Act must be enforced by the Department, and may be
24 enforced, for the purpose of determining compliance with this

1 Act, by any municipality in which the licensee is located or,
2 if the licensee is not located in a municipality, by the county
3 in which the licensee is located.

4 (b) The Department shall adopt rules necessary for the
5 implementation and administration of this Act.

6 Section 245. The Freedom of Information Act is amended by
7 changing Section 7.5 as follows:

8 (5 ILCS 140/7.5)

9 Sec. 7.5. Statutory Exemptions. To the extent provided for
10 by the statutes referenced below, the following shall be exempt
11 from inspection and copying:

12 (a) All information determined to be confidential under
13 Section 4002 of the Technology Advancement and Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library Records
16 Confidentiality Act.

17 (c) Applications, related documents, and medical records
18 received by the Experimental Organ Transplantation Procedures
19 Board and any and all documents or other records prepared by
20 the Experimental Organ Transplantation Procedures Board or its
21 staff relating to applications it has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating to
24 known or suspected cases of sexually transmissible disease or

1 any information the disclosure of which is restricted under the
2 Illinois Sexually Transmissible Disease Control Act.

3 (e) Information the disclosure of which is exempted under
4 Section 30 of the Radon Industry Licensing Act.

5 (f) Firm performance evaluations under Section 55 of the
6 Architectural, Engineering, and Land Surveying Qualifications
7 Based Selection Act.

8 (g) Information the disclosure of which is restricted and
9 exempted under Section 50 of the Illinois Prepaid Tuition Act.

10 (h) Information the disclosure of which is exempted under
11 the State Officials and Employees Ethics Act, and records of
12 any lawfully created State or local inspector general's office
13 that would be exempt if created or obtained by an Executive
14 Inspector General's office under that Act.

15 (i) Information contained in a local emergency energy plan
16 submitted to a municipality in accordance with a local
17 emergency energy plan ordinance that is adopted under Section
18 11-21.5-5 of the Illinois Municipal Code.

19 (j) Information and data concerning the distribution of
20 surcharge moneys collected and remitted by wireless carriers
21 under the Wireless Emergency Telephone Safety Act.

22 (k) Law enforcement officer identification information or
23 driver identification information compiled by a law
24 enforcement agency or the Department of Transportation under
25 Section 11-212 of the Illinois Vehicle Code.

26 (l) Records and information provided to a residential

1 health care facility resident sexual assault and death review
2 team or the Executive Council under the Abuse Prevention Review
3 Team Act.

4 (m) Information provided to the predatory lending database
5 created pursuant to Article 3 of the Residential Real Property
6 Disclosure Act, except to the extent authorized under that
7 Article.

8 (n) Defense budgets and petitions for certification of
9 compensation and expenses for court appointed trial counsel as
10 provided under Sections 10 and 15 of the Capital Crimes
11 Litigation Act. This subsection (n) shall apply until the
12 conclusion of the trial of the case, even if the prosecution
13 chooses not to pursue the death penalty prior to trial or
14 sentencing.

15 (o) Information that is prohibited from being disclosed
16 under Section 4 of the Illinois Health and Hazardous Substances
17 Registry Act.

18 (p) Security portions of system safety program plans,
19 investigation reports, surveys, schedules, lists, data, or
20 information compiled, collected, or prepared by or for the
21 Regional Transportation Authority under Section 2.11 of the
22 Regional Transportation Authority Act or the St. Clair County
23 Transit District under the Bi-State Transit Safety Act.

24 (q) Information prohibited from being disclosed by the
25 Personnel Records Review Act.

26 (r) Information prohibited from being disclosed by the

1 Illinois School Student Records Act.

2 (s) Information the disclosure of which is restricted under
3 Section 5-108 of the Public Utilities Act.

4 (t) All identified or deidentified health information in
5 the form of health data or medical records contained in, stored
6 in, submitted to, transferred by, or released from the Illinois
7 Health Information Exchange, and identified or deidentified
8 health information in the form of health data and medical
9 records of the Illinois Health Information Exchange in the
10 possession of the Illinois Health Information Exchange
11 Authority due to its administration of the Illinois Health
12 Information Exchange. The terms "identified" and
13 "deidentified" shall be given the same meaning as in the Health
14 Insurance Accountability and Portability Act of 1996, Public
15 Law 104-191, or any subsequent amendments thereto, and any
16 regulations promulgated thereunder.

17 (u) Records and information provided to an independent team
18 of experts under Brian's Law.

19 (v) Names and information of people who have applied for or
20 received Firearm Owner's Identification Cards under the
21 Firearm Owners Identification Card Act.

22 (w) Personally identifiable information which is exempted
23 from disclosure under subsection (g) of Section 19.1 of the
24 Toll Highway Act.

25 (x) Information which is exempted from disclosure under
26 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the

1 Illinois Municipal Code.

2 (y) Information maintained by the Department of State
3 Police in accordance with subsection (a) of Section 35 and
4 Section 140 of the Gun Safety and Responsibility Act, except as
5 authorized by that Act.

6 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
7 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
8 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
9 eff. 1-1-13.)

10 Section 250. The Firearm Owners Identification Card Act is
11 amended by changing Sections 3, 3.1, and 8 as follows:

12 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

22 (a-5) Any person who is not a firearms dealer permittee
23 under the Gun Safety and Responsibility Act ~~federally licensed~~
24 ~~firearm dealer~~ and who desires to transfer or sell a firearm to

1 another person, who is not a firearms dealer permittee under
2 the Act, shall do so only through a firearms dealer permittee,
3 as follows:

4 (1) the seller or other transferor shall deliver the
5 firearm to the permittee, who shall retain possession of
6 the firearm until every legal requirement for the sale or
7 other transfer has been met, including compliance with any
8 State or local waiting periods;

9 (2) the permittee shall process the sale or other
10 transfer as if he or she were the seller or other
11 transferor and the permittee shall comply with any
12 requirements of federal, State, and local law that would
13 apply if he or she were the seller or other transferor of
14 the firearm;

15 (3) the permittee shall conduct a background check on
16 the purchaser or other transferee in accordance with 18
17 U.S.C. 922(t) and State and local law and, if the
18 transaction is not prohibited, deliver the firearm to that
19 person after any other legal requirements are met;

20 (4) if the permittee cannot legally deliver the firearm
21 to the purchaser or other transferee, the permittee shall
22 conduct a background check on the seller or other
23 transferor in accordance with 18 U.S.C. 922(t), and State
24 and local law, and, if the return is not prohibited, return
25 the firearm to that person;

26 (5) if the permittee cannot legally return the firearm

1 to the seller or other transferor, the permittee shall
2 deliver the firearm to local law enforcement within 24
3 hours; and

4 (6) the purchaser or transferee may be required by the
5 dealer permittee to pay a fee not to exceed \$10 per
6 firearm, which the dealer permittee may retain as
7 compensation for performing the functions required under
8 this subsection, plus the applicable fees authorized by
9 Section 3.1. The provisions of this subsection (a-5) do not
10 apply to:

11 (A) any law enforcement or corrections agency, or
12 law enforcement or corrections officer acting within
13 the course and scope of his or her employment or
14 official duties;

15 (B) a United States Marshal or member of the armed
16 forces of the United States or the National Guard, or a
17 federal official transferring or receiving a firearm
18 as required in the operation of his or her official
19 duties;

20 (C) a gunsmith who receives a firearm solely for
21 the purposes of service or repair, or the return of the
22 firearm to its owner by the gunsmith;

23 (D) a common carrier, warehouseman, or other
24 person engaged in the business of transportation or
25 storage, to the extent that the receipt of any firearm
26 is in the ordinary course of business and not for the

1 personal use of the person;

2 (E) a person who is loaned a firearm solely for the
3 purpose of shooting at targets, if the loan occurs on
4 the premises of a properly licensed target facility,
5 and the firearm is always kept within the premises of
6 the target range;

7 (F) a person who is under 18 years of age who is
8 loaned a firearm for lawful hunting or sporting
9 purposes or for any other lawful recreational activity
10 while under the direct supervision and control of a
11 responsible adult;

12 (G) a person who is 18 years of age or older who is
13 loaned a firearm while the person is accompanying the
14 lawful owner and using the firearm for lawful hunting
15 or sporting purposes or for any other lawful
16 recreational activity;

17 (H) a person who acquired the firearm by operation
18 of law upon the death of the former owner of the
19 firearm within the preceding 60 days. At the end of the
20 60-day period, the person must either have lawfully
21 transferred the firearm or must have contacted the
22 Department of State Police to notify the department
23 that he or she has possession of the firearm and
24 intends to retain possession of the firearm, in
25 compliance with any federal, State, and local laws, at
26 which time the Department of State Police shall conduct

1 a background check on the person; or

2 (I) an adult family member of the lawful owner of
3 the firearm if the owner resides with the family member
4 but is not currently present in the residence, provided
5 that the family member does not maintain control over
6 the firearm for more than 14 consecutive days. This
7 exception shall not apply if the owner or the family
8 member knows or has reasonable cause to believe that
9 federal, State, or local law prohibits the family
10 member from purchasing or possessing firearms, or the
11 owner knows or has reasonable cause to believe that the
12 family member is likely to use the firearm for unlawful
13 purposes. while that person is on the grounds of a gun
14 show must, before selling or transferring the firearm,
15 ~~request the Department of State Police to conduct a~~
16 ~~background check on the prospective recipient of the~~
17 ~~firearm in accordance with Section 3.1.~~

18 (b) Any person within this State who transfers or causes to
19 be transferred any firearm, stun gun, or taser shall keep a
20 record of such transfer for a period of 10 years from the date
21 of transfer. Such record shall contain the date of the
22 transfer; the description, serial number or other information
23 identifying the firearm, stun gun, or taser if no serial number
24 is available; and, if the transfer was completed within this
25 State, the transferee's Firearm Owner's Identification Card
26 number. On or after January 1, 2006, the record shall contain

1 the date of application for transfer of the firearm. On demand
2 of a peace officer such transferor shall produce for inspection
3 such record of transfer. If the transfer or sale took place at
4 a gun show, the record shall include the unique identification
5 number. Failure to record the unique identification number is a
6 petty offense.

7 (b-5) Any resident may purchase ammunition from a person
8 within or outside of Illinois if shipment is by United States
9 mail or by a private express carrier authorized by federal law
10 to ship ammunition. Any resident purchasing ammunition within
11 or outside the State of Illinois must provide the seller with a
12 copy of his or her valid Firearm Owner's Identification Card
13 and either his or her Illinois driver's license or Illinois
14 State Identification Card prior to the shipment of the
15 ammunition. The ammunition may be shipped only to an address on
16 either of those 2 documents.

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

20 (Source: P.A. 97-1135, eff. 12-4-12.)

21 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

22 Sec. 3.1. Dial up system.

23 (a) The Department of State Police shall provide a dial up
24 telephone system or utilize other existing technology which
25 shall be used by any federally licensed firearm dealer, gun

1 show promoter, or gun show vendor who is to transfer a firearm,
2 stun gun, or taser under the provisions of this Act. The
3 Department of State Police may utilize existing technology
4 which allows the caller to be charged a fee not to exceed \$2.
5 Fees collected by the Department of State Police shall be
6 deposited in the State Police Services Fund and used to provide
7 the service.

8 (b) Upon receiving a request from a federally licensed
9 firearm dealer, gun show promoter, or gun show vendor, the
10 Department of State Police shall immediately approve, or within
11 the time period established by Section 24-3 of the Criminal
12 Code of 2012 regarding the delivery of firearms, stun guns, and
13 tasers notify the inquiring dealer, gun show promoter, or gun
14 show vendor of any objection that would disqualify the
15 transferee from acquiring or possessing a firearm, stun gun, or
16 taser. In conducting the inquiry, the Department of State
17 Police shall initiate and complete an automated search of its
18 criminal history record information files and those of the
19 Federal Bureau of Investigation, including the National
20 Instant Criminal Background Check System, and of the files of
21 the Department of Human Services relating to mental health and
22 developmental disabilities to obtain any felony conviction or
23 patient hospitalization information which would disqualify a
24 person from obtaining or require revocation of a currently
25 valid Firearm Owner's Identification Card.

26 (c) If receipt of a firearm would not violate Section 24-3

1 of the Criminal Code of 2012, federal law, or this Act the
2 Department of State Police shall:

3 (1) assign a unique identification number to the
4 transfer; and

5 (2) provide the licensee, gun show promoter, or gun
6 show vendor with the number.

7 (d) Approvals issued by the Department of State Police for
8 the purchase of a firearm are valid for 30 days from the date
9 of issue.

10 (e) (1) The Department of State Police must act as the
11 Illinois Point of Contact for the National Instant Criminal
12 Background Check System.

13 (2) The Department of State Police and the Department of
14 Human Services shall, in accordance with State and federal law
15 regarding confidentiality, enter into a memorandum of
16 understanding with the Federal Bureau of Investigation for the
17 purpose of implementing the National Instant Criminal
18 Background Check System in the State. The Department of State
19 Police shall report the name, date of birth, and physical
20 description of any person prohibited from possessing a firearm
21 pursuant to the Firearm Owners Identification Card Act or 18
22 U.S.C. 922(g) and (n) to the National Instant Criminal
23 Background Check System Index, Denied Persons Files.

24 (f) The Department of State Police shall promulgate rules
25 not inconsistent with this Section to implement this system.

26 (g) The Department of State Police shall develop an

1 Internet-based system which shall be used by any dealer who is
2 to transfer a firearm under the provisions of this Act after
3 January 1, 2015. The Department of State Police shall have the
4 system completed and available for use by that date. The
5 Department shall adopt rules not inconsistent with this Section
6 to implement this system.

7 (h) Effective January 1, 2015, the Internet-based system
8 shall be used for every sale or transfer of a firearm subject
9 to subsection (a-5) of Section 3 of this Act as follows:

10 (1) The federally licensed firearms dealer shall
11 utilize the internet-based system to request the
12 Department of State Police to conduct a background check
13 prior to sale or transfer of a firearm. The dealer shall be
14 required to enter any information that is required by
15 federal firearms transaction form 4473 into the system in
16 order to request a background check, along with the
17 transferee's Firearm Owner's Identification Card number.
18 If the sale or transfer is a private party transfer of a
19 firearm that the dealer is processing under Section 3 of
20 this Act, the dealer shall note this fact in the system,
21 along with the private seller or transferor's name and
22 address.

23 (2) The Department of State Police shall utilize the
24 system to notify the dealer of the approval or denial of
25 the sale or transfer and the unique identification number
26 assigned to the transfer.

1 (3) The dealer shall utilize the system to notify the
2 Department of State Police if and when delivery of the
3 firearm or firearms occurs.

4 (4) The Department of State Police shall require the
5 dealer to charge the transferee a fee sufficient to cover
6 the Department's costs associated with each use of this
7 system. Fees collected by the Department of State Police
8 shall be deposited in the State Police Services Fund and
9 used to provide the service.

10 (i) Effective January 1, 2015, the Department of State
11 Police shall keep and maintain a searchable database of any
12 information it sends or receives through the Internet-based
13 system under this Section, which information shall be
14 accessible to any law enforcement officer upon request,
15 including:

16 (1) information from federal firearms transaction form
17 4473, including the name, address, date of birth, and
18 driver's license or other government-issued identification
19 number of the transferee, and the make, model, serial
20 number, type, and caliber or gauge of the firearm;

21 (2) the identity of the federally licensed firearms
22 dealer and the dealer's agent or employee who processed
23 each sale or transfer;

24 (3) the transferee's Firearm Owner's Identification
25 Card number;

26 (4) whether the sale or transfer is a private party

1 transfer under Section 3 of this Act, and if so, the
2 original seller or transferor's name and address; and

3 (5) the date of delivery of any firearm.

4 (j) Effective January 1, 2015, each federally licensed
5 firearms dealer shall maintain a permanent written record of
6 any information sent or received through the Internet-based
7 system, including any information listed in subsection (h), in
8 accordance with rules established by the Department of State
9 Police. These records shall be available for inspection any law
10 enforcement officer upon request.

11 (Source: P.A. 97-1150, eff. 1-25-13.)

12 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

13 (Text of Section before amendment by P.A. 97-1167)

14 Sec. 8. The Department of State Police has authority to
15 deny an application for or to revoke and seize a Firearm
16 Owner's Identification Card previously issued under this Act
17 only if the Department finds that the applicant or the person
18 to whom such card was issued is or was at the time of issuance:

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

22 (b) A person under 21 years of age who does not have the
23 written consent of his parent or guardian to acquire and
24 possess firearms and firearm ammunition, or whose parent or
25 guardian has revoked such written consent, or where such parent

1 or guardian does not qualify to have a Firearm Owner's
2 Identification Card;

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

5 (d) A person addicted to narcotics;

6 (e) A person who has been a patient of a mental institution
7 within the past 5 years or has been adjudicated as a mental
8 defective;

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

12 For the purposes of this Section, "mental condition" means
13 a state of mind manifested by violent, suicidal, threatening or
14 assaultive behavior.

15 (g) A person who is intellectually disabled;

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

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

20 (i-5) An alien who has been admitted to the United States
21 under a non-immigrant visa (as that term is defined in Section
22 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(26))), except that this subsection (i-5) does not apply
24 to any alien who has been lawfully admitted to the United
25 States under a non-immigrant visa if that alien is:

26 (1) admitted to the United States for lawful hunting or

1 sporting purposes;

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

4 (A) accredited to the United States Government or
5 the Government's mission to an international
6 organization having its headquarters in the United
7 States; or

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

10 (3) an official of a foreign government or
11 distinguished foreign visitor who has been so designated by
12 the Department of State;

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

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

19 (j) (Blank);

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

24 (l) A person who has been convicted of domestic battery,
25 aggravated domestic battery, or a substantially similar
26 offense in another jurisdiction committed before, on or after

1 January 1, 2012 (the effective date of Public Act 97-158). If
2 the applicant or person who has been previously issued a
3 Firearm Owner's Identification Card under this Act knowingly
4 and intelligently waives the right to have an offense described
5 in this paragraph (l) tried by a jury, and by guilty plea or
6 otherwise, results in a conviction for an offense in which a
7 domestic relationship is not a required element of the offense
8 but in which a determination of the applicability of 18 U.S.C.
9 922(g)(9) is made under Section 112A-11.1 of the Code of
10 Criminal Procedure of 1963, an entry by the court of a judgment
11 of conviction for that offense shall be grounds for denying an
12 application for and for revoking and seizing a Firearm Owner's
13 Identification Card previously issued to the person under this
14 Act;

15 (m) (Blank);

16 (n) A person who is prohibited from acquiring or possessing
17 firearms or firearm ammunition by any Illinois State statute or
18 by federal law;

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

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

26 (q) A person who is not a resident of the State of

1 Illinois, except as provided in subsection (a-10) of Section 4.

2 The Department of State Police may revoke and seize a
3 Firearm Owner's Identification Card previously issued under
4 this Act of a person who fails to report the loss or theft of a
5 firearm a second time to the local law enforcement agency
6 within 72 hours after obtaining knowledge of the second loss or
7 theft.

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

10 (Text of Section after amendment by P.A. 97-1167)

11 Sec. 8. The Department of State Police has authority to
12 deny an application for or to revoke and seize a Firearm
13 Owner's Identification Card previously issued under this Act
14 only if the Department finds that the applicant or the person
15 to whom such card was issued is or was at the time of issuance:

16 (a) A person under 21 years of age who has been convicted
17 of a misdemeanor other than a traffic offense or adjudged
18 delinquent;

19 (b) A person under 21 years of age who does not have the
20 written consent of his parent or guardian to acquire and
21 possess firearms and firearm ammunition, or whose parent or
22 guardian has revoked such written consent, or where such parent
23 or guardian does not qualify to have a Firearm Owner's
24 Identification Card;

25 (c) A person convicted of a felony under the laws of this

1 or any other jurisdiction;

2 (d) A person addicted to narcotics;

3 (e) A person who has been a patient of a mental institution
4 within the past 5 years. An active law enforcement officer
5 employed by a unit of government who is denied, revoked, or has
6 his or her Firearm Owner's Identification Card seized under
7 this subsection (e) may obtain relief as described in
8 subsection (c-5) of Section 10 of this Act if the officer did
9 not act in a manner threatening to the officer, another person,
10 or the public as determined by the treating clinical
11 psychologist or physician, and the officer seeks mental health
12 treatment;

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

16 For the purposes of this Section, "mental condition" means
17 a state of mind manifested by violent, suicidal, threatening or
18 assaultive behavior.

19 (g) A person who is intellectually disabled;

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

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

24 (i-5) An alien who has been admitted to the United States
25 under a non-immigrant visa (as that term is defined in Section
26 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(26))), except that this subsection (i-5) does not apply
2 to any alien who has been lawfully admitted to the United
3 States under a non-immigrant visa if that alien is:

4 (1) admitted to the United States for lawful hunting or
5 sporting purposes;

6 (2) an official representative of a foreign government
7 who is:

8 (A) accredited to the United States Government or
9 the Government's mission to an international
10 organization having its headquarters in the United
11 States; or

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

14 (3) an official of a foreign government or
15 distinguished foreign visitor who has been so designated by
16 the Department of State;

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

20 (5) one who has received a waiver from the Attorney
21 General of the United States pursuant to 18 U.S.C.
22 922(y)(3);

23 (j) (Blank);

24 (k) A person who has been convicted within the past 5 years
25 of battery, assault, aggravated assault, violation of an order
26 of protection, or a substantially similar offense in another

1 jurisdiction, in which a firearm was used or possessed;

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

19 (m) (Blank);

20 (n) A person who is prohibited from acquiring or possessing
21 firearms or firearm ammunition by any Illinois State statute or
22 by federal law;

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

1 (p) An adult who had been adjudicated a delinquent minor
2 under the Juvenile Court Act of 1987 for the commission of an
3 offense that if committed by an adult would be a felony;

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

7 (r) A person who has been adjudicated as a mental
8 defective.

9 The Department of State Police may revoke and seize a
10 Firearm Owner's Identification Card previously issued under
11 this Act of a person who fails to report the loss or theft of a
12 firearm a second time to the local law enforcement agency
13 within 72 hours after obtaining knowledge of the second loss or
14 theft.

15 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
16 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;
17 97-1167, eff. 6-1-13.)

18 Section 255. The Criminal Code of 2012 is amended by
19 changing Sections 21-6, 24-1, 24-1.6, 24-2, 24-3, and 24-3.5
20 and by adding Sections 24-4.1, 24-4.2, and 24-4.3 as follows:

21 (720 ILCS 5/21-6) (from Ch. 38, par. 21-6)

22 Sec. 21-6. Unauthorized Possession or Storage of Weapons.

23 (a) Whoever possesses or stores any weapon enumerated in
24 Section 33A-1 in any building or on land supported in whole or

1 in part with public funds or in any building on such land
2 without prior written permission from the chief security
3 officer for such land or building commits a Class A
4 misdemeanor.

5 (b) The chief security officer must grant any reasonable
6 request for permission under paragraph (a).

7 (c) This Section does not apply to a person acting lawfully
8 under the Gun Safety and Responsibility Act.

9 (Source: P.A. 89-685, eff. 6-1-97.)

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 or other knuckle weapon
17 regardless of its composition, throwing star, or any knife,
18 commonly referred to as a switchblade knife, which has a
19 blade that opens automatically by hand pressure applied to
20 a button, spring or other device in the handle of the
21 knife, or a ballistic knife, which is a device that propels
22 a knifelike blade as a projectile by means of a coil
23 spring, elastic material or compressed gas; or

24 (2) Carries or possesses with intent to use the same
25 unlawfully against another, a dagger, dirk, billy,

1 dangerous knife, razor, stiletto, broken bottle or other
2 piece of glass, stun gun or taser or any other dangerous or
3 deadly weapon or instrument of like character; or

4 (3) Carries on or about his person or in any vehicle, a
5 tear gas gun projector or bomb or any object containing
6 noxious liquid gas or substance, other than an object
7 containing a non-lethal noxious liquid gas or substance
8 designed solely for personal defense carried by a person 18
9 years of age or older; or

10 (4) Carries or possesses in any vehicle or concealed on
11 or about his person except when on his land or in his own
12 abode, legal dwelling, or fixed place of business, or on
13 the land or in the legal dwelling of another person as an
14 invitee with that person's permission, any pistol,
15 revolver, stun gun or taser or other firearm, except that
16 this subsection (a) (4) does not apply to or affect
17 transportation of weapons that meet one of the following
18 conditions:

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

20 (ii) are not immediately accessible; or

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

25 (5) Sets a spring gun; or

26 (6) Possesses any device or attachment of any kind

1 designed, used or intended for use in silencing the report
2 of any firearm; or

3 (7) Sells, manufactures, purchases, possesses or
4 carries:

5 (i) a machine gun, which shall be defined for the
6 purposes of this subsection as any weapon, which
7 shoots, is designed to shoot, or can be readily
8 restored to shoot, automatically more than one shot
9 without manually reloading by a single function of the
10 trigger, including the frame or receiver of any such
11 weapon, or sells, manufactures, purchases, possesses,
12 or carries any combination of parts designed or
13 intended for use in converting any weapon into a
14 machine gun, or any combination or parts from which a
15 machine gun can be assembled if such parts are in the
16 possession or under the control of a person;

17 (ii) any rifle having one or more barrels less than
18 16 inches in length or a shotgun having one or more
19 barrels less than 18 inches in length or any weapon
20 made from a rifle or shotgun, whether by alteration,
21 modification, or otherwise, if such a weapon as
22 modified has an overall length of less than 26 inches;
23 or

24 (iii) any bomb, bomb-shell, grenade, bottle or
25 other container containing an explosive substance of
26 over one-quarter ounce for like purposes, such as, but

1 not limited to, black powder bombs and Molotov
2 cocktails or artillery projectiles; or

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

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

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

19 (10) Carries or possesses on or about his person, upon
20 any public street, alley, or other public lands within the
21 corporate limits of a city, village or incorporated town,
22 except when an invitee thereon or therein, for the purpose
23 of the display of such weapon or the lawful commerce in
24 weapons, or except when on his land or in his own abode,
25 legal dwelling, or fixed place of business, or on the land
26 or in the legal dwelling of another person as an invitee

1 with that person's permission, any pistol, revolver, stun
2 gun or taser or other firearm, except that this subsection
3 (a) (10) does not apply to or affect transportation of
4 weapons that meet one of the following conditions:

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

6 (ii) are not immediately accessible; or

7 (iii) are unloaded and enclosed in a firearm case,
8 firearm carrying box, shipping box, or other similar
9 portable container designed for the safe
10 transportation of firearms by a person who has been
11 issued a currently valid Firearm Owner's
12 Identification Card.

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

25 (11) Sells, manufactures or purchases any explosive
26 bullet. For purposes of this paragraph (a) "explosive

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

9 (12) (Blank); or

10 (13) Carries or possesses on or about his or her person
11 while in a building occupied by a unit of government, a
12 billy club, other weapon of like character, or other
13 instrument of like character intended for use as a weapon.
14 For the purposes of this Section, "billy club" means a
15 short stick or club commonly carried by police officers
16 which is either telescopic or constructed of a solid piece
17 of wood or other man-made material.

18 (b) Sentence. A person convicted of a violation of
19 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
20 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
21 Class A misdemeanor. A person convicted of a violation of
22 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
23 person convicted of a violation of subsection 24-1(a)(6) or
24 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
25 convicted of a violation of subsection 24-1(a)(7)(i) commits a
26 Class 2 felony and shall be sentenced to a term of imprisonment

1 of not less than 3 years and not more than 7 years, unless the
2 weapon is possessed in the passenger compartment of a motor
3 vehicle as defined in Section 1-146 of the Illinois Vehicle
4 Code, or on the person, while the weapon is loaded, in which
5 case it shall be a Class X felony. A person convicted of a
6 second or subsequent violation of subsection 24-1(a)(4),
7 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
8 felony. The possession of each weapon in violation of this
9 Section constitutes a single and separate violation.

10 (c) Violations in specific places.

11 (1) A person who violates subsection 24-1(a)(6) or
12 24-1(a)(7) in any school, regardless of the time of day or
13 the time of year, in residential property owned, operated
14 or managed by a public housing agency or leased by a public
15 housing agency as part of a scattered site or mixed-income
16 development, in a public park, in a courthouse, on the real
17 property comprising any school, regardless of the time of
18 day or the time of year, on residential property owned,
19 operated or managed by a public housing agency or leased by
20 a public housing agency as part of a scattered site or
21 mixed-income development, on the real property comprising
22 any public park, on the real property comprising any
23 courthouse, in any conveyance owned, leased or contracted
24 by a school to transport students to or from school or a
25 school related activity, in any conveyance owned, leased,
26 or contracted by a public transportation agency, or on any

1 public way within 1,000 feet of the real property
2 comprising any school, public park, courthouse, public
3 transportation facility, 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 and shall
7 be sentenced to a term of imprisonment of not less than 3
8 years and not more than 7 years.

9 (1.5) A person who violates subsection 24-1(a)(4),
10 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
11 time of day or the time of year, in residential property
12 owned, operated, or managed by a public housing agency or
13 leased by a public housing agency as part of a scattered
14 site or mixed-income development, in a public park, in a
15 courthouse, on the real property comprising any school,
16 regardless of the time of day or the time of year, on
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, on
20 the real property comprising any public park, on the real
21 property comprising any courthouse, in any conveyance
22 owned, leased, or contracted by a school to transport
23 students to or from school or a school related activity, in
24 any conveyance owned, leased, or contracted by a public
25 transportation agency, or on any public way within 1,000
26 feet of the real property comprising any school, public

1 park, courthouse, public transportation facility, or
2 residential property owned, operated, or managed by a
3 public housing agency or leased by a public housing agency
4 as part of a scattered site or mixed-income development
5 commits a Class 3 felony.

6 (2) A person who violates subsection 24-1(a)(1),
7 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
8 time of day or the time of year, in residential property
9 owned, operated or managed by a public housing agency or
10 leased by a public housing agency as part of a scattered
11 site or mixed-income development, in a public park, in a
12 courthouse, on the real property comprising any school,
13 regardless of the time of day or the time of year, on
14 residential property owned, operated or managed by a public
15 housing agency or leased by a public housing agency as part
16 of a scattered site or mixed-income development, on the
17 real property comprising any public park, on the real
18 property comprising any courthouse, in any conveyance
19 owned, leased or contracted by a school to transport
20 students to or from school or a school related activity, in
21 any conveyance owned, leased, or contracted by a public
22 transportation agency, or on any public way within 1,000
23 feet of the real property comprising any school, public
24 park, courthouse, public transportation facility, or
25 residential property owned, operated, or managed by a
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development
2 commits a Class 4 felony. "Courthouse" means any building
3 that is used by the Circuit, Appellate, or Supreme Court of
4 this State for the conduct of official business.

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

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

17 (5) For the purposes of this subsection (c), "public
18 transportation agency" means a public or private agency
19 that provides for the transportation or conveyance of
20 persons by means available to the general public, except
21 for transportation by automobiles not used for conveyance
22 of the general public as passengers; and "public
23 transportation facility" means a terminal or other place
24 where one may obtain public transportation.

25 (d) The presence in an automobile other than a public
26 omnibus of any weapon, instrument or substance referred to in

1 subsection (a)(7) is prima facie evidence that it is in the
2 possession of, and is being carried by, all persons occupying
3 such automobile at the time such weapon, instrument or
4 substance is found, except under the following circumstances:

5 (i) if such weapon, instrument or instrumentality is found upon
6 the person of one of the occupants therein; or (ii) if such
7 weapon, instrument or substance is found in an automobile
8 operated for hire by a duly licensed driver in the due, lawful
9 and proper pursuit of his trade, then such presumption shall
10 not apply to the driver.

11 (e) Exemptions. Crossbows, Common or Compound bows and
12 Underwater Spearguns are exempted from the definition of
13 ballistic knife as defined in paragraph (1) of subsection (a)
14 of this Section.

15 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
16 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
17 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

18 (720 ILCS 5/24-1.6)

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

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

22 (1) Carries on or about his or her person or in any
23 vehicle or concealed on or about his or her person except
24 when on his or her land or in his or her abode, legal
25 dwelling, or fixed place of business, or on the land or in

1 the legal dwelling of another person as an invitee with
2 that person's permission, any pistol, revolver, stun gun or
3 taser or other firearm; or

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

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

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

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

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

24 (D) the person possessing the weapon was
25 previously adjudicated a delinquent minor under the
26 Juvenile Court Act of 1987 for an act that if committed

1 by an adult would be a felony; or

2 (E) the person possessing the weapon was engaged in
3 a misdemeanor violation of the Cannabis Control Act, in
4 a misdemeanor violation of the Illinois Controlled
5 Substances Act, or in a misdemeanor violation of the
6 Methamphetamine Control and Community Protection Act;
7 or

8 (F) (blank); or

9 (G) the person possessing the weapon had a order of
10 protection issued against him or her within the
11 previous 2 years; or

12 (H) the person possessing the weapon was engaged in
13 the commission or attempted commission of a
14 misdemeanor involving the use or threat of violence
15 against the person or property of another; or

16 (I) the person possessing the weapon was under 21
17 years of age and in possession of a handgun as defined
18 in Section 24-3, unless the person under 21 is engaged
19 in lawful activities under the Wildlife Code or
20 described in subsection 24-2(b)(1), (b)(3), or
21 24-2(f).

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

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

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

1 (ii) are not immediately accessible; or

2 (iii) are unloaded and enclosed in a firearm case,
3 firearm carrying box, shipping box, or other similar
4 portable container designed for the safe
5 transportation of firearms by a person who has been
6 issued a currently valid Firearm Owner's
7 Identification Card.

8 (d) Sentence.

9 (1) Aggravated unlawful use of a weapon is a Class 4
10 felony; a second or subsequent offense is a Class 2 felony
11 for which the person shall be sentenced to a term of
12 imprisonment of not less than 3 years and not more than 7
13 years.

14 (2) Except as otherwise provided in paragraphs (3) and
15 (4) of this subsection (d), a first offense of aggravated
16 unlawful use of a weapon committed with a firearm by a
17 person 18 years of age or older where the factors listed in
18 both items (A) and (C) of paragraph (3) of subsection (a)
19 are present is a Class 4 felony, for which the person shall
20 be sentenced to a term of imprisonment of not less than one
21 year and not more than 3 years.

22 (3) Aggravated unlawful use of a weapon by a person who
23 has been previously convicted of a felony in this State or
24 another jurisdiction is a Class 2 felony for which the
25 person shall be sentenced to a term of imprisonment of not
26 less than 3 years and not more than 7 years.

1 (4) Aggravated unlawful use of a weapon while wearing
2 or in possession of body armor as defined in Section 33F-1
3 by a person who has not been issued a valid Firearms
4 Owner's Identification Card in accordance with Section 5 of
5 the Firearm Owners Identification Card Act is a Class X
6 felony.

7 (e) The possession of each firearm in violation of this
8 Section constitutes a single and separate violation.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
10 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

11 (720 ILCS 5/24-2)

12 Sec. 24-2. Exemptions.

13 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
14 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
15 the following:

16 (1) Peace officers, and any person summoned by a peace
17 officer to assist in making arrests or preserving the
18 peace, while actually engaged in assisting such officer.

19 (2) Wardens, superintendents and keepers of prisons,
20 penitentiaries, jails and other institutions for the
21 detention of persons accused or convicted of an offense,
22 while in the performance of their official duty, or while
23 commuting between their homes and places of employment.

24 (3) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard or the

1 Reserve Officers Training Corps, while in the performance
2 of their official duty.

3 (4) Special agents employed by a railroad or a public
4 utility to perform police functions, and guards of armored
5 car companies, while actually engaged in the performance of
6 the duties of their employment or commuting between their
7 homes and places of employment; and watchmen while actually
8 engaged in the performance of the duties of their
9 employment.

10 (5) Persons licensed as private security contractors,
11 private detectives, or private alarm contractors, or
12 employed by an agency certified by the Department of
13 Financial and Professional Regulation, if their duties
14 include the carrying of a weapon under the provisions of
15 the Private Detective, Private Alarm, Private Security,
16 Fingerprint Vendor, and Locksmith Act of 2004, while
17 actually engaged in the performance of the duties of their
18 employment or commuting between their homes and places of
19 employment, provided that such commuting is accomplished
20 within one hour from departure from home or place of
21 employment, as the case may be. A person shall be
22 considered eligible for this exemption if he or she has
23 completed the required 20 hours of training for a private
24 security contractor, private detective, or private alarm
25 contractor, or employee of a licensed agency and 20 hours
26 of required firearm training, and has been issued a firearm

1 control card by the Department of Financial and
2 Professional Regulation. Conditions for the renewal of
3 firearm control cards issued under the provisions of this
4 Section shall be the same as for those cards issued under
5 the provisions of the Private Detective, Private Alarm,
6 Private Security, Fingerprint Vendor, and Locksmith Act of
7 2004. The firearm control card shall be carried by the
8 private security contractor, private detective, or private
9 alarm contractor, or employee of the licensed agency at all
10 times when he or she is in possession of a concealable
11 weapon.

12 (6) Any person regularly employed in a commercial or
13 industrial operation as a security guard for the protection
14 of persons employed and private property related to such
15 commercial or industrial operation, while actually engaged
16 in the performance of his or her duty or traveling between
17 sites or properties belonging to the employer, and who, as
18 a security guard, is a member of a security force of at
19 least 5 persons registered with the Department of Financial
20 and Professional Regulation; provided that such security
21 guard has successfully completed a course of study,
22 approved by and supervised by the Department of Financial
23 and Professional Regulation, consisting of not less than 40
24 hours of training that includes the theory of law
25 enforcement, liability for acts, and the handling of
26 weapons. A person shall be considered eligible for this

1 exemption if he or she has completed the required 20 hours
2 of training for a security officer and 20 hours of required
3 firearm training, and has been issued a firearm control
4 card by the Department of Financial and Professional
5 Regulation. Conditions for the renewal of firearm control
6 cards issued under the provisions of this Section shall be
7 the same as for those cards issued under the provisions of
8 the Private Detective, Private Alarm, Private Security,
9 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
10 control card shall be carried by the security guard at all
11 times when he or she is in possession of a concealable
12 weapon.

13 (7) Agents and investigators of the Illinois
14 Legislative Investigating Commission authorized by the
15 Commission to carry the weapons specified in subsections
16 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
17 any investigation for the Commission.

18 (8) Persons employed by a financial institution for the
19 protection of other employees and property related to such
20 financial institution, while actually engaged in the
21 performance of their duties, commuting between their homes
22 and places of employment, or traveling between sites or
23 properties owned or operated by such financial
24 institution, provided that any person so employed has
25 successfully completed a course of study, approved by and
26 supervised by the Department of Financial and Professional

1 Regulation, consisting of not less than 40 hours of
2 training which includes theory of law enforcement,
3 liability for acts, and the handling of weapons. A person
4 shall be considered to be eligible for this exemption if he
5 or she has completed the required 20 hours of training for
6 a security officer and 20 hours of required firearm
7 training, and has been issued a firearm control card by the
8 Department of Financial and Professional Regulation.
9 Conditions for renewal of firearm control cards issued
10 under the provisions of this Section shall be the same as
11 for those issued under the provisions of the Private
12 Detective, Private Alarm, Private Security, Fingerprint
13 Vendor, and Locksmith Act of 2004. Such firearm control
14 card shall be carried by the person so trained at all times
15 when such person is in possession of a concealable weapon.
16 For purposes of this subsection, "financial institution"
17 means a bank, savings and loan association, credit union or
18 company providing armored car services.

19 (9) Any person employed by an armored car company to
20 drive an armored car, while actually engaged in the
21 performance of his duties.

22 (10) Persons who have been classified as peace officers
23 pursuant to the Peace Officer Fire Investigation Act.

24 (11) Investigators of the Office of the State's
25 Attorneys Appellate Prosecutor authorized by the board of
26 governors of the Office of the State's Attorneys Appellate

1 Prosecutor to carry weapons pursuant to Section 7.06 of the
2 State's Attorneys Appellate Prosecutor's Act.

3 (12) Special investigators appointed by a State's
4 Attorney under Section 3-9005 of the Counties Code.

5 (12.5) Probation officers while in the performance of
6 their duties, or while commuting between their homes,
7 places of employment or specific locations that are part of
8 their assigned duties, with the consent of the chief judge
9 of the circuit for which they are employed.

10 (13) Court Security Officers while in the performance
11 of their official duties, or while commuting between their
12 homes and places of employment, with the consent of the
13 Sheriff.

14 (13.5) A person employed as an armed security guard at
15 a nuclear energy, storage, weapons or development site or
16 facility regulated by the Nuclear Regulatory Commission
17 who has completed the background screening and training
18 mandated by the rules and regulations of the Nuclear
19 Regulatory Commission.

20 (14) Manufacture, transportation, or sale of weapons
21 to persons authorized under subdivisions (1) through
22 (13.5) of this subsection to possess those weapons.

23 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
24 24-1.6 do not apply to or affect any of the following:

25 (1) Members of any club or organization organized for
26 the purpose of practicing shooting at targets upon

1 established target ranges, whether public or private, and
2 patrons of such ranges, while such members or patrons are
3 using their firearms on those target ranges.

4 (2) Duly authorized military or civil organizations
5 while parading, with the special permission of the
6 Governor.

7 (3) Hunters, trappers or fishermen with a license or
8 permit while engaged in hunting, trapping or fishing.

9 (4) Transportation of weapons that are broken down in a
10 non-functioning state or are not immediately accessible.

11 (5) Carrying or possessing any pistol, revolver, stun
12 gun or taser or other firearm on the land or in the legal
13 dwelling of another adult person as an invitee with that
14 adult's person's permission to carry a concealed firearm.

15 (c) Subsection 24-1(a)(7) does not apply to or affect any
16 of the following:

17 (1) Peace officers while in performance of their
18 official duties.

19 (2) Wardens, superintendents and keepers of prisons,
20 penitentiaries, jails and other institutions for the
21 detention of persons accused or convicted of an offense.

22 (3) Members of the Armed Services or Reserve Forces of
23 the United States or the Illinois National Guard, while in
24 the performance of their official duty.

25 (4) Manufacture, transportation, or sale of machine
26 guns to persons authorized under subdivisions (1) through

1 (3) of this subsection to possess machine guns, if the
2 machine guns are broken down in a non-functioning state or
3 are not immediately accessible.

4 (5) Persons licensed under federal law to manufacture
5 any weapon from which 8 or more shots or bullets can be
6 discharged by a single function of the firing device, or
7 ammunition for such weapons, and actually engaged in the
8 business of manufacturing such weapons or ammunition, but
9 only with respect to activities which are within the lawful
10 scope of such business, such as the manufacture,
11 transportation, or testing of such weapons or ammunition.
12 This exemption does not authorize the general private
13 possession of any weapon from which 8 or more shots or
14 bullets can be discharged by a single function of the
15 firing device, but only such possession and activities as
16 are within the lawful scope of a licensed manufacturing
17 business described in this paragraph.

18 During transportation, such weapons shall be broken
19 down in a non-functioning state or not immediately
20 accessible.

21 (6) The manufacture, transport, testing, delivery,
22 transfer or sale, and all lawful commercial or experimental
23 activities necessary thereto, of rifles, shotguns, and
24 weapons made from rifles or shotguns, or ammunition for
25 such rifles, shotguns or weapons, where engaged in by a
26 person operating as a contractor or subcontractor pursuant

1 to a contract or subcontract for the development and supply
2 of such rifles, shotguns, weapons or ammunition to the
3 United States government or any branch of the Armed Forces
4 of the United States, when such activities are necessary
5 and incident to fulfilling the terms of such contract.

6 The exemption granted under this subdivision (c)(6)
7 shall also apply to any authorized agent of any such
8 contractor or subcontractor who is operating within the
9 scope of his employment, where such activities involving
10 such weapon, weapons or ammunition are necessary and
11 incident to fulfilling the terms of such contract.

12 During transportation, any such weapon shall be broken
13 down in a non-functioning state, or not immediately
14 accessible.

15 (7) A person possessing a rifle with a barrel or
16 barrels less than 16 inches in length if: (A) the person
17 has been issued a Curios and Relics license from the U.S.
18 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
19 the person is an active member of a bona fide, nationally
20 recognized military re-enacting group and the modification
21 is required and necessary to accurately portray the weapon
22 for historical re-enactment purposes; the re-enactor is in
23 possession of a valid and current re-enacting group
24 membership credential; and the overall length of the weapon
25 as modified is not less than 26 inches.

26 During transportation, any such weapon shall be broken

1 down in a non-functioning state, or not immediately
2 accessible.

3 (d) Subsection 24-1(a)(1) does not apply to the purchase,
4 possession or carrying of a black-jack or slung-shot by a peace
5 officer.

6 (e) Subsection 24-1(a)(8) does not apply to any owner,
7 manager or authorized employee of any place specified in that
8 subsection nor to any law enforcement officer.

9 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
10 Section 24-1.6 do not apply to members of any club or
11 organization organized for the purpose of practicing shooting
12 at targets upon established target ranges, whether public or
13 private, while using their firearms on those target ranges.

14 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
15 to:

16 (1) Members of the Armed Services or Reserve Forces of
17 the United States or the Illinois National Guard, while in
18 the performance of their official duty.

19 (2) Bonafide collectors of antique or surplus military
20 ordinance.

21 (3) Laboratories having a department of forensic
22 ballistics, or specializing in the development of
23 ammunition or explosive ordinance.

24 (4) Commerce, preparation, assembly or possession of
25 explosive bullets by manufacturers of ammunition licensed
26 by the federal government, in connection with the supply of

1 those organizations and persons exempted by subdivision
2 (g) (1) of this Section, or like organizations and persons
3 outside this State, or the transportation of explosive
4 bullets to any organization or person exempted in this
5 Section by a common carrier or by a vehicle owned or leased
6 by an exempted manufacturer.

7 (g-5) Subsection 24-1(a) (6) does not apply to or affect
8 persons licensed under federal law to manufacture any device or
9 attachment of any kind designed, used, or intended for use in
10 silencing the report of any firearm, firearms, or ammunition
11 for those firearms equipped with those devices, and actually
12 engaged in the business of manufacturing those devices,
13 firearms, or ammunition, but only with respect to activities
14 that are within the lawful scope of that business, such as the
15 manufacture, transportation, or testing of those devices,
16 firearms, or ammunition. This exemption does not authorize the
17 general private possession of any device or attachment of any
18 kind designed, used, or intended for use in silencing the
19 report of any firearm, but only such possession and activities
20 as are within the lawful scope of a licensed manufacturing
21 business described in this subsection (g-5). During
22 transportation, these devices shall be detached from any weapon
23 or not immediately accessible.

24 (g-6) Subsections 24-1(a) (4) and 24-1(a) (10) and Section
25 24-1.6 do not apply to or affect any parole agent or parole
26 supervisor who meets the qualifications and conditions

1 prescribed in Section 3-14-1.5 of the Unified Code of
2 Corrections.

3 (g-7) Subsection 24-1(a)(6) does not apply to a peace
4 officer while serving as a member of a tactical response team
5 or special operations team. A peace officer may not personally
6 own or apply for ownership of a device or attachment of any
7 kind designed, used, or intended for use in silencing the
8 report of any firearm. These devices shall be owned and
9 maintained by lawfully recognized units of government whose
10 duties include the investigation of criminal acts.

11 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
12 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
13 athlete's possession, transport on official Olympic and
14 Paralympic transit systems established for athletes, or use of
15 competition firearms sanctioned by the International Olympic
16 Committee, the International Paralympic Committee, the
17 International Shooting Sport Federation, or USA Shooting in
18 connection with such athlete's training for and participation
19 in shooting competitions at the 2016 Olympic and Paralympic
20 Games and sanctioned test events leading up to the 2016 Olympic
21 and Paralympic Games.

22 (h) An information or indictment based upon a violation of
23 any subsection of this Article need not negative any exemptions
24 contained in this Article. The defendant shall have the burden
25 of proving such an exemption.

26 (i) Nothing in this Article shall prohibit, apply to, or

1 affect the transportation, carrying, or possession, of any
2 pistol or revolver, stun gun, taser, or other firearm consigned
3 to a common carrier operating under license of the State of
4 Illinois or the federal government, where such transportation,
5 carrying, or possession is incident to the lawful
6 transportation in which such common carrier is engaged; and
7 nothing in this Article shall prohibit, apply to, or affect the
8 transportation, carrying, or possession of any pistol,
9 revolver, stun gun, taser, or other firearm, not the subject of
10 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
11 this Article, which is unloaded and enclosed in a firearm case,
12 firearm carrying box, shipping box, or other similar portable
13 container designed for the safe transportation of firearms, by
14 the possessor of a valid Firearm Owners Identification Card.

15 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
16 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
17 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;
18 revised 8-23-12.)

19 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

20 (Text of Section before amendment by P.A. 97-1167)

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

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

25 (a) Sells or gives any firearm of a size which may be

1 concealed upon the person to any person under 18 years of
2 age.

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

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

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

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

13 (f) Sells or gives any firearms to any person who is
14 intellectually disabled.

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

1 law enforcement officer or the sale of a firearm to a
2 person who desires to purchase a firearm for use in
3 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

1 combination of parts from which such a firearm can be
2 assembled.

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

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

10 In this paragraph (j):

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

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

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

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

26 (m) Transfers or possesses with intent to transfer a

1 firearm to another person who is not a firearms dealer
2 permittee under the Gun Safety and Responsibility Act,
3 without complying with subsection (a-5) of Section 3 of the
4 Firearm Owners Identification Card Act by conducting the
5 transfer through a firearms dealer permittee. This
6 paragraph (m) does not apply to a firearms dealer
7 permittee, or any of the persons listed as exceptions in
8 subsection (a-5) of Section 3 of the Firearm Owners
9 Identification Card Act.

10 (n) Transfers or possesses with intent to transfer a
11 firearm to another person without complying with Section 90
12 of the Gun Safety and Responsibility Act. This paragraph
13 (n) does not apply to any of the persons listed in Section
14 100 of the Gun Safety and Responsibility Act.

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

25 (C) Sentence.

26 (1) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (c), (e), (f), (g),
2 or (h) of subsection (A) commits a Class 4 felony.

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

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

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

1 a school related activity, regardless of the time of day or
2 time of year at which the offense was committed, commits a
3 Class 1 felony for which the sentence shall be a term of
4 imprisonment of no less than 5 years and no more than 15
5 years.

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

22 (6) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (j) of subsection (A)
24 commits a Class A misdemeanor. A second or subsequent
25 violation is a Class 4 felony.

26 (7) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (k) of subsection (A)
2 commits a Class 4 felony. A third or subsequent conviction
3 for a violation of paragraph (k) of subsection (A) is a
4 Class 1 felony.

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

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

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

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

24 (D) For purposes of this Section:

25 "School" means a public or private elementary or secondary
26 school, community college, college, or university.

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

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

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

14 (Text of Section after amendment by P.A. 97-1167)

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

16 (A) A person commits the offense of unlawful sale or
17 delivery of firearms when he or she knowingly does any of the
18 following:

19 (a) Sells or gives any firearm of a size which may be
20 concealed upon the person to any person under 18 years of
21 age.

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

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

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

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

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

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

18 (f) Sells or gives any firearms to any person who is
19 intellectually disabled.

20 (g) Delivers any firearm of a size which may be
21 concealed upon the person, incidental to a sale, without
22 withholding delivery of such firearm for at least 72 hours
23 after application for its purchase has been made, or
24 delivers any rifle, shotgun or other long gun, or a stun
25 gun or taser, incidental to a sale, without withholding
26 delivery of such rifle, shotgun or other long gun, or a

1 stun gun or taser for at least 24 hours after application
2 for its purchase has been made. However, this paragraph (g)
3 does not apply to: (1) the sale of a firearm to a law
4 enforcement officer if the seller of the firearm knows that
5 the person to whom he or she is selling the firearm is a
6 law enforcement officer or the sale of a firearm to a
7 person who desires to purchase a firearm for use in
8 promoting the public interest incident to his or her
9 employment as a bank guard, armed truck guard, or other
10 similar employment; (2) a mail order sale of a firearm to a
11 nonresident of Illinois under which the firearm is mailed
12 to a point outside the boundaries of Illinois; (3) the sale
13 of a firearm to a nonresident of Illinois while at a
14 firearm showing or display recognized by the Illinois
15 Department of State Police; or (4) the sale of a firearm to
16 a dealer licensed as a federal firearms dealer under
17 Section 923 of the federal Gun Control Act of 1968 (18
18 U.S.C. 923). For purposes of this paragraph (g),
19 "application" means when the buyer and seller reach an
20 agreement to purchase a firearm.

21 (h) While holding any license as a dealer, importer,
22 manufacturer or pawnbroker under the federal Gun Control
23 Act of 1968, manufactures, sells or delivers to any
24 unlicensed person a handgun having a barrel, slide, frame
25 or receiver which is a die casting of zinc alloy or any
26 other nonhomogeneous metal which will melt or deform at a

1 temperature of less than 800 degrees Fahrenheit. For
2 purposes of this paragraph, (1) "firearm" is defined as in
3 the Firearm Owners Identification Card Act; and (2)
4 "handgun" is defined as a firearm designed to be held and
5 fired by the use of a single hand, and includes a
6 combination of parts from which such a firearm can be
7 assembled.

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

11 (j) Sells or gives a firearm while engaged in the
12 business of selling firearms at wholesale or retail without
13 being licensed as a federal firearms dealer under Section
14 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
15 In this paragraph (j):

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

23 "With the principal objective of livelihood and
24 profit" means that the intent underlying the sale or
25 disposition of firearms is predominantly one of obtaining
26 livelihood and pecuniary gain, as opposed to other intents,

1 such as improving or liquidating a personal firearms
2 collection; however, proof of profit shall not be required
3 as to a person who engages in the regular and repetitive
4 purchase and disposition of firearms for criminal purposes
5 or terrorism.

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

25 (l) Not being entitled to the possession of a firearm,
26 delivers the firearm, knowing it to have been stolen or

1 converted. It may be inferred that a person who possesses a
2 firearm with knowledge that its serial number has been
3 removed or altered has knowledge that the firearm is stolen
4 or converted.

5 (m) Transfers or possesses with intent to transfer a
6 firearm to another person who is not a firearms dealer
7 permittee under the Gun Safety and Responsibility Act,
8 without complying with subsection (a-5) of Section 3 of the
9 Firearm Owners Identification Card Act by conducting the
10 transfer through a firearms dealer permittee. This
11 paragraph (m) does not apply to a firearms dealer
12 permittee, or any of the persons listed as exceptions in
13 subsection (a-5) of Section 3 of the Firearm Owners
14 Identification Card Act.

15 (n) Transfers or possesses with intent to transfer a
16 firearm to another person without complying with Section 90
17 of the Gun Safety and Responsibility Act. This paragraph
18 (n) does not apply to any of the persons listed in Section
19 100 of the Gun Safety and Responsibility Act.

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

1 shall be construed to prohibit the gift or trade of any firearm
2 if that firearm was legally held or acquired within 6 months
3 after the enactment of that Public Act.

4 (C) Sentence.

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

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

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

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

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

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

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

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

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

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

22 (10) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (l) of subsection (A)
24 commits a Class 2 felony if the delivery is of one firearm.
25 Any person convicted of unlawful sale or delivery of
26 firearms in violation of paragraph (l) of subsection (A)

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

1 years if the delivery is of 31 or more firearms at the same
2 time or within a 5 year period.

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. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
18 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1167, eff. 6-1-13.)

19 (720 ILCS 5/24-3.5)

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

21 (a) For purposes of this Section, "firearms transaction
22 record form" means a form:

23 (1) executed by a transferee of a firearm stating: (i)
24 the transferee's name and address (including county or
25 similar political subdivision); (ii) whether the

1 transferee is a citizen of the United States; (iii) the
2 transferee's State of residence; and (iv) the date and
3 place of birth, height, weight, and race of the transferee;
4 and

5 (2) on which the transferee certifies that he or she is
6 not prohibited by federal law from transporting or shipping
7 a firearm in interstate or foreign commerce or receiving a
8 firearm that has been shipped or transported in interstate
9 or foreign commerce or possessing a firearm in or affecting
10 commerce.

11 (b) A person commits ~~the offense of~~ unlawful purchase of a
12 firearm when he or she ~~who~~ knowingly purchases or attempts to
13 purchase a firearm with the intent to deliver that firearm to
14 another person who is prohibited by federal or State law from
15 possessing a firearm.

16 (c) A person commits ~~the offense of~~ unlawful purchase of a
17 firearm when he or she, in purchasing or attempting to purchase
18 a firearm, intentionally provides false or misleading
19 information on a United States Department of the Treasury,
20 Bureau of Alcohol, Tobacco and Firearms firearms transaction
21 record form.

22 (c-5) A person commits unlawful purchase of a firearm when
23 he or she knowingly purchases or attempts to purchase a firearm
24 with the intent to resell or transfer the firearm in violation
25 of Illinois law.

26 (d) Exemption. It is not a violation of subsection (b) of

1 this Section for a person to make a gift or loan of a firearm to
2 a person who is not prohibited by federal or State law from
3 possessing a firearm if the transfer of the firearm is made in
4 accordance with Section 3 of the Firearm Owners Identification
5 Card Act.

6 (e) Sentence.

7 (1) A person who commits the offense of unlawful
8 purchase of a firearm:

9 (A) is guilty of a Class 2 felony for purchasing or
10 attempting to purchase one firearm;

11 (B) is guilty of a Class 1 felony for purchasing or
12 attempting to purchase not less than 2 firearms and not
13 more than 5 firearms at the same time or within a one
14 year period;

15 (C) is guilty of a Class X felony for which the
16 offender shall be sentenced to a term of imprisonment
17 of not less than 9 years and not more than 40 years for
18 purchasing or attempting to purchase not less than 6
19 firearms at the same time or within a 2 year period.

20 (2) In addition to any other penalty that may be
21 imposed for a violation of this Section, the court may
22 sentence a person convicted of a violation of subsection
23 (c) of this Section to a fine not to exceed \$250,000 for
24 each violation.

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

1 (Source: P.A. 95-882, eff. 1-1-09.)

2 (720 ILCS 5/24-4.1 new)

3 Sec. 24-4.1. Unlawful private acquisition of firearms.

4 (a) It is unlawful for any person who is not a firearms
5 dealer permittee under the Gun Safety and Responsibility Act to
6 acquire a firearm from another person who is not a firearms
7 dealer permittee, without with complying with subsection (a-5)
8 of Section 3 of the Firearm Owners Identification Card Act by
9 conducting the transfer through a firearms dealer permittee.

10 (b) This Section does not apply to the persons listed as
11 exceptions in subsection (a-5) of Section 3 of the Firearm
12 Owners Identification Card Act.

13 (c) A violation of this Section is a Class 4 felony for a
14 first offense and a Class 3 felony for a second or subsequent
15 offense.

16 (720 ILCS 5/24-4.2 new)

17 Sec. 24-4.2. Report of lost or stolen firearms.

18 (a) If a person who possesses a firearm thereafter loses or
19 misplaces the firearm, or if the firearm is stolen from the
20 person, the person must report the loss or theft to the local
21 law enforcement agency within 72 hours after he or she knew or
22 reasonably should have known of the loss or theft.

23 (b) Subsection (a) does not apply to the following persons:

24 (1) any federal law enforcement or corrections agency,

1 or federal law enforcement or corrections officer acting
2 within the course and scope of his or her employment or
3 official duties; or

4 (2) a United States Marshal or member of the armed
5 forces of the United States or the National Guard, or a
6 federal official, who is required to possess a firearm in
7 the operation of his or her official duties.

8 (c) It is unlawful for any person to report to the local
9 law enforcement agency that a firearm has been lost or stolen,
10 knowing the report to be false.

11 (d) A person who violates subsection (a) of this Section is
12 guilty of a petty offense for a first violation. A second or
13 subsequent violation of subsection (a) of this Section is a
14 Class A misdemeanor. A violation of subsection (c) of this
15 Section is a Class 2 felony.

16 (720 ILCS 5/24-4.3 new)

17 Sec. 24-4.3. Safe storage of firearms.

18 (a) As used in this Section:

19 "Disabled" means rendered inoperable in such a way that
20 only an authorized user can make the firearm capable of firing.

21 "Locked" means fully enclosed and locked by a padlock, key
22 lock, combination lock or similar locking device.

23 "Residence" means any structure intended or used for human
24 habitation including but not limited to houses, condominiums,
25 rooms, in law units, motels, hotels, sro's, time-shares,

1 recreational and other vehicles where human habitation occurs.

2 "Store or keep" does not include a firearm while a person
3 who is in lawful possession of the firearm is carrying it on
4 his or her person or has the firearm under his or her immediate
5 control.

6 "Under his or her immediate control" means the firearm is
7 in the lawful possession of a person and it is not possible for
8 the firearm to come into the possession of another person
9 without the consent of the person in lawful possession of the
10 firearm, unless the other person gains access to the firearm
11 through means of an unlawful entry or physical force.

12 (b) No person shall store or keep a firearm in a residence
13 unless the firearm is unloaded; and

14 (1) the firearm is locked within a container designed
15 to prevent children and unauthorized users from obtaining
16 access to a firearm; or

17 (2) the firearm is disabled by a trigger lock or other
18 device designed to prevent children and unauthorized users
19 from firing the firearm. The device may be installed on the
20 firearm or incorporated into the design of the firearm.

21 Section 995. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.".