



Rep. Brandon W. Phelps

Filed: 5/29/2016

09900SB0206ham002

LRB099 03366 SLF 49406 a

1 AMENDMENT TO SENATE BILL 206

2 AMENDMENT NO. _____. Amend Senate Bill 206 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing
5 Section 2.33 as follows:

6 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

7 Sec. 2.33. Prohibitions.

8 (a) It is unlawful to carry or possess any gun in any State
9 refuge unless otherwise permitted by administrative rule.

10 (b) It is unlawful to use or possess any snare or
11 snare-like device, deadfall, net, or pit trap to take any
12 species, except that snares not powered by springs or other
13 mechanical devices may be used to trap fur-bearing mammals, in
14 water sets only, if at least one-half of the snare noose is
15 located underwater at all times.

16 (c) It is unlawful for any person at any time to take a

1 wild mammal protected by this Act from its den by means of any
2 mechanical device, spade, or digging device or to use smoke or
3 other gases to dislodge or remove such mammal except as
4 provided in Section 2.37.

5 (d) It is unlawful to use a ferret or any other small
6 mammal which is used in the same or similar manner for which
7 ferrets are used for the purpose of frightening or driving any
8 mammals from their dens or hiding places.

9 (e) (Blank).

10 (f) It is unlawful to use spears, gigs, hooks or any like
11 device to take any species protected by this Act.

12 (g) It is unlawful to use poisons, chemicals or explosives
13 for the purpose of taking any species protected by this Act.

14 (h) It is unlawful to hunt adjacent to or near any peat,
15 grass, brush or other inflammable substance when it is burning.

16 (i) It is unlawful to take, pursue or intentionally harass
17 or disturb in any manner any wild birds or mammals by use or
18 aid of any vehicle or conveyance, except as permitted by the
19 Code of Federal Regulations for the taking of waterfowl. It is
20 also unlawful to use the lights of any vehicle or conveyance or
21 any light from or any light connected to the vehicle or
22 conveyance in any area where wildlife may be found except in
23 accordance with Section 2.37 of this Act; however, nothing in
24 this Section shall prohibit the normal use of headlamps for the
25 purpose of driving upon a roadway. Striped skunk, opossum, red
26 fox, gray fox, raccoon, bobcat, and coyote may be taken during

1 the open season by use of a small light which is worn on the
2 body or hand-held by a person on foot and not in any vehicle.

3 (j) It is unlawful to use any shotgun larger than 10 gauge
4 while taking or attempting to take any of the species protected
5 by this Act.

6 (k) It is unlawful to use or possess in the field any
7 shotgun shell loaded with a shot size larger than lead BB or
8 steel T (.20 diameter) when taking or attempting to take any
9 species of wild game mammals (excluding white-tailed deer),
10 wild game birds, migratory waterfowl or migratory game birds
11 protected by this Act, except white-tailed deer as provided for
12 in Section 2.26 and other species as provided for by subsection
13 (l) or administrative rule.

14 (l) It is unlawful to take any species of wild game, except
15 white-tailed deer and fur-bearing mammals, with a shotgun
16 loaded with slugs unless otherwise provided for by
17 administrative rule.

18 (m) It is unlawful to use any shotgun capable of holding
19 more than 3 shells in the magazine or chamber combined, except
20 on game breeding and hunting preserve areas licensed under
21 Section 3.27 and except as permitted by the Code of Federal
22 Regulations for the taking of waterfowl. If the shotgun is
23 capable of holding more than 3 shells, it shall, while being
24 used on an area other than a game breeding and shooting
25 preserve area licensed pursuant to Section 3.27, be fitted with
26 a one piece plug that is irremovable without dismantling the

1 shotgun or otherwise altered to render it incapable of holding
2 more than 3 shells in the magazine and chamber, combined.

3 (n) It is unlawful for any person, except persons who
4 possess a permit to hunt from a vehicle as provided in this
5 Section and persons otherwise permitted by law, to have or
6 carry any gun in or on any vehicle, conveyance or aircraft,
7 unless such gun is unloaded and enclosed in a case, except that
8 at field trials authorized by Section 2.34 of this Act,
9 unloaded guns or guns loaded with blank cartridges only, may be
10 carried on horseback while not contained in a case, or to have
11 or carry any bow or arrow device in or on any vehicle unless
12 such bow or arrow device is unstrung or enclosed in a case, or
13 otherwise made inoperable.

14 (o) It is unlawful to use any crossbow for the purpose of
15 taking any wild birds or mammals, except as provided for in
16 Section 2.5.

17 (p) It is unlawful to take game birds, migratory game birds
18 or migratory waterfowl with a rifle, pistol, revolver or
19 airgun.

20 (q) It is unlawful to fire a rifle, pistol, revolver or
21 airgun on, over or into any waters of this State, including
22 frozen waters.

23 (r) It is unlawful to discharge any gun or bow and arrow
24 device along, upon, across, or from any public right-of-way or
25 highway in this State.

26 (s) (Blank) ~~It is unlawful to use a silencer or other~~

1 ~~device to muffle or mute the sound of the explosion or report~~
2 ~~resulting from the firing of any gun.~~

3 (t) It is unlawful for any person to take or attempt to
4 take any species of wildlife or parts thereof, intentionally or
5 wantonly allow a dog to hunt, within or upon the land of
6 another, or upon waters flowing over or standing on the land of
7 another, or to knowingly shoot a gun or bow and arrow device at
8 any wildlife physically on or flying over the property of
9 another without first obtaining permission from the owner or
10 the owner's designee. For the purposes of this Section, the
11 owner's designee means anyone who the owner designates in a
12 written authorization and the authorization must contain (i)
13 the legal or common description of property for such authority
14 is given, (ii) the extent that the owner's designee is
15 authorized to make decisions regarding who is allowed to take
16 or attempt to take any species of wildlife or parts thereof,
17 and (iii) the owner's notarized signature. Before enforcing
18 this Section the law enforcement officer must have received
19 notice from the owner or the owner's designee of a violation of
20 this Section. Statements made to the law enforcement officer
21 regarding this notice shall not be rendered inadmissible by the
22 hearsay rule when offered for the purpose of showing the
23 required notice.

24 (u) It is unlawful for any person to discharge any firearm
25 for the purpose of taking any of the species protected by this
26 Act, or hunt with gun or dog, or intentionally or wantonly

1 allow a dog to hunt, within 300 yards of an inhabited dwelling
2 without first obtaining permission from the owner or tenant,
3 except that while trapping, hunting with bow and arrow, hunting
4 with dog and shotgun using shot shells only, or hunting with
5 shotgun using shot shells only, or providing outfitting
6 services under a waterfowl outfitter permit, or on licensed
7 game breeding and hunting preserve areas, as defined in Section
8 3.27, on federally owned and managed lands and on Department
9 owned, managed, leased, or controlled lands, a 100 yard
10 restriction shall apply.

11 (v) It is unlawful for any person to remove fur-bearing
12 mammals from, or to move or disturb in any manner, the traps
13 owned by another person without written authorization of the
14 owner to do so.

15 (w) It is unlawful for any owner of a dog to knowingly or
16 wantonly allow his or her dog to pursue, harass or kill deer,
17 except that nothing in this Section shall prohibit the tracking
18 of wounded deer with a dog in accordance with the provisions of
19 Section 2.26 of this Code.

20 (x) It is unlawful for any person to wantonly or carelessly
21 injure or destroy, in any manner whatsoever, any real or
22 personal property on the land of another while engaged in
23 hunting or trapping thereon.

24 (y) It is unlawful to hunt wild game protected by this Act
25 between one half hour after sunset and one half hour before
26 sunrise, except that hunting hours between one half hour after

1 sunset and one half hour before sunrise may be established by
2 administrative rule for fur-bearing mammals.

3 (z) It is unlawful to take any game bird (excluding wild
4 turkeys and crippled pheasants not capable of normal flight and
5 otherwise irretrievable) protected by this Act when not flying.
6 Nothing in this Section shall prohibit a person from carrying
7 an uncased, unloaded shotgun in a boat, while in pursuit of a
8 crippled migratory waterfowl that is incapable of normal
9 flight, for the purpose of attempting to reduce the migratory
10 waterfowl to possession, provided that the attempt is made
11 immediately upon downing the migratory waterfowl and is done
12 within 400 yards of the blind from which the migratory
13 waterfowl was downed. This exception shall apply only to
14 migratory game birds that are not capable of normal flight.
15 Migratory waterfowl that are crippled may be taken only with a
16 shotgun as regulated by subsection (j) of this Section using
17 shotgun shells as regulated in subsection (k) of this Section.

18 (aa) It is unlawful to use or possess any device that may
19 be used for tree climbing or cutting, while hunting fur-bearing
20 mammals, excluding coyotes.

21 (bb) It is unlawful for any person, except licensed game
22 breeders, pursuant to Section 2.29 to import, carry into, or
23 possess alive in this State any species of wildlife taken
24 outside of this State, without obtaining permission to do so
25 from the Director.

26 (cc) It is unlawful for any person to have in his or her

1 possession any freshly killed species protected by this Act
2 during the season closed for taking.

3 (dd) It is unlawful to take any species protected by this
4 Act and retain it alive except as provided by administrative
5 rule.

6 (ee) It is unlawful to possess any rifle while in the field
7 during gun deer season except as provided in Section 2.26 and
8 administrative rules.

9 (ff) It is unlawful for any person to take any species
10 protected by this Act, except migratory waterfowl, during the
11 gun deer hunting season in those counties open to gun deer
12 hunting, unless he or she wears, when in the field, a cap and
13 upper outer garment of a solid blaze orange color, with such
14 articles of clothing displaying a minimum of 400 square inches
15 of blaze orange material.

16 (gg) It is unlawful during the upland game season for any
17 person to take upland game with a firearm unless he or she
18 wears, while in the field, a cap of solid blaze orange color.
19 For purposes of this Act, upland game is defined as Bobwhite
20 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
21 Cottontail and Swamp Rabbit.

22 (hh) It shall be unlawful to kill or cripple any species
23 protected by this Act for which there is a bag limit without
24 making a reasonable effort to retrieve such species and include
25 such in the bag limit. It shall be unlawful for any person
26 having control over harvested game mammals, game birds, or

1 migratory game birds for which there is a bag limit to wantonly
2 waste or destroy the usable meat of the game, except this shall
3 not apply to wildlife taken under Sections 2.37 or 3.22 of this
4 Code. For purposes of this subsection, "usable meat" means the
5 breast meat of a game bird or migratory game bird and the hind
6 ham and front shoulders of a game mammal. It shall be unlawful
7 for any person to place, leave, dump, or abandon a wildlife
8 carcass or parts of it along or upon a public right-of-way or
9 highway or on public or private property, including a waterway
10 or stream, without the permission of the owner or tenant. It
11 shall not be unlawful to discard game meat that is determined
12 to be unfit for human consumption.

13 (ii) This Section shall apply only to those species
14 protected by this Act taken within the State. Any species or
15 any parts thereof, legally taken in and transported from other
16 states or countries, may be possessed within the State, except
17 as provided in this Section and Sections 2.35, 2.36 and 3.21.

18 (jj) (Blank).

19 (kk) Nothing contained in this Section shall prohibit the
20 Director from issuing permits to paraplegics or to other
21 persons with disabilities who meet the requirements set forth
22 in administrative rule to shoot or hunt from a vehicle as
23 provided by that rule, provided that such is otherwise in
24 accord with this Act.

25 (ll) Nothing contained in this Act shall prohibit the
26 taking of aquatic life protected by the Fish and Aquatic Life

1 Code or birds and mammals protected by this Act, except deer
2 and fur-bearing mammals, from a boat not camouflaged or
3 disguised to alter its identity or to further provide a place
4 of concealment and not propelled by sail or mechanical power.
5 However, only shotguns not larger than 10 gauge nor smaller
6 than .410 bore loaded with not more than 3 shells of a shot
7 size no larger than lead BB or steel T (.20 diameter) may be
8 used to take species protected by this Act.

9 (mm) Nothing contained in this Act shall prohibit the use
10 of a shotgun, not larger than 10 gauge nor smaller than a 20
11 gauge, with a rifled barrel.

12 (nn) It shall be unlawful to possess any species of
13 wildlife or wildlife parts taken unlawfully in Illinois, any
14 other state, or any other country, whether or not the wildlife
15 or wildlife parts is indigenous to Illinois. For the purposes
16 of this subsection, the statute of limitations for unlawful
17 possession of wildlife or wildlife parts shall not cease until
18 2 years after the possession has permanently ended.

19 (Source: P.A. 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183,
20 eff. 1-1-14; 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914,
21 eff. 1-1-15; 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; revised
22 10-20-15.)

23 Section 10. The Criminal Code of 2012 is amended by
24 changing Section 24-1 and 24-3 as follows:

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

2 Sec. 24-1. Unlawful use of weapons.

3 (a) A person commits the offense of unlawful use of weapons
4 when he knowingly:

5 (1) Sells, manufactures, purchases, possesses or
6 carries any bludgeon, black-jack, slung-shot, sand-club,
7 sand-bag, metal knuckles or other knuckle weapon
8 regardless of its composition, throwing star, or any knife,
9 commonly referred to as a switchblade knife, which has a
10 blade that opens automatically by hand pressure applied to
11 a button, spring or other device in the handle of the
12 knife, or a ballistic knife, which is a device that propels
13 a knifelike blade as a projectile by means of a coil
14 spring, elastic material or compressed gas; or

15 (2) Carries or possesses with intent to use the same
16 unlawfully against another, a dagger, dirk, billy,
17 dangerous knife, razor, stiletto, broken bottle or other
18 piece of glass, stun gun or taser or any other dangerous or
19 deadly weapon or instrument of like character; or

20 (3) Carries on or about his person or in any vehicle, a
21 tear gas gun projector or bomb or any object containing
22 noxious liquid gas or substance, other than an object
23 containing a non-lethal noxious liquid gas or substance
24 designed solely for personal defense carried by a person 18
25 years of age or older; or

26 (4) Carries or possesses in any vehicle or concealed on

1 or about his person except when on his land or in his own
2 abode, legal dwelling, or fixed place of business, or on
3 the land or in the legal dwelling of another person as an
4 invitee with that person's permission, any pistol,
5 revolver, stun gun or taser or other firearm, except that
6 this subsection (a) (4) does not apply to or affect
7 transportation of weapons that meet one of the following
8 conditions:

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

10 (ii) are not immediately accessible; or

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

15 (iv) are carried or possessed in accordance with
16 the Firearm Concealed Carry Act by a person who has
17 been issued a currently valid license under the Firearm
18 Concealed Carry Act; or

19 (5) Sets a spring gun; or

20 (6) Uses, attaches, or possesses with the intent to use
21 or attach ~~Possesses~~ any device or attachment of any kind
22 for ~~designed, used or intended for use in~~ silencing the
23 report of any handgun, unless the use, attachment, or
24 possession with the intent to use the device or attachment
25 is on the premises of a firing or shooting range; or
26 possesses any device or attachment of any kind designed,

1 used, or intended for use in silencing the report of any
2 other firearm if the device or attachment is not possessed
3 in compliance with the National Firearms Act ~~firearm~~; or

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

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

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

25 (iii) any bomb, bomb-shell, grenade, bottle or
26 other container containing an explosive substance of

1 over one-quarter ounce for like purposes, such as, but
2 not limited to, black powder bombs and Molotov
3 cocktails or artillery projectiles; or

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

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

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

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

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

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

7 (ii) are not immediately accessible; or

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

12 (iv) are carried or possessed in accordance with
13 the Firearm Concealed Carry Act by a person who has
14 been issued a currently valid license under the Firearm
15 Concealed Carry Act.

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

1 to render him incapable of normal functioning; or

2 (11) Sells, manufactures or purchases any explosive
3 bullet. For purposes of this paragraph (a) "explosive
4 bullet" means the projectile portion of an ammunition
5 cartridge which contains or carries an explosive charge
6 which will explode upon contact with the flesh of a human
7 or an animal. "Cartridge" means a tubular metal case having
8 a projectile affixed at the front thereof and a cap or
9 primer at the rear end thereof, with the propellant
10 contained in such tube between the projectile and the cap;
11 or

12 (12) (Blank); or

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

21 (b) Sentence. A person convicted of a violation of
22 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
23 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
24 Class A misdemeanor. A person convicted of a violation of
25 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
26 person convicted of a violation of subsection 24-1(a)(6) or

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

13 (c) Violations in specific places.

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

1 by a school to transport students to or from school or a
2 school related activity, in any conveyance owned, leased,
3 or contracted by a public transportation agency, or on any
4 public way within 1,000 feet of the real property
5 comprising any school, public park, courthouse, public
6 transportation facility, or residential property owned,
7 operated, or managed by a public housing agency or leased
8 by a public housing agency as part of a scattered site or
9 mixed-income development commits a Class 2 felony and shall
10 be sentenced to a term of imprisonment of not less than 3
11 years and not more than 7 years.

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

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

9 (2) A person who violates subsection 24-1(a)(1),
10 24-1(a)(2), or 24-1(a)(3) 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 public
18 housing agency or leased by a public housing agency as part
19 of a scattered site or mixed-income development, on the
20 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 4 felony. "Courthouse" means any building
6 that is used by the Circuit, Appellate, or Supreme Court of
7 this State for the conduct of official business.

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

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

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

1 where one may obtain public transportation.

2 (d) The presence in an automobile other than a public
3 omnibus of any weapon, instrument or substance referred to in
4 subsection (a)(7) is prima facie evidence that it is in the
5 possession of, and is being carried by, all persons occupying
6 such automobile at the time such weapon, instrument or
7 substance is found, except under the following circumstances:
8 (i) if such weapon, instrument or instrumentality is found upon
9 the person of one of the occupants therein; or (ii) if such
10 weapon, instrument or substance is found in an automobile
11 operated for hire by a duly licensed driver in the due, lawful
12 and proper pursuit of his trade, then such presumption shall
13 not apply to the driver.

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

18 (Source: P.A. 99-29, eff. 7-10-15.)

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

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

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

24 (a) Sells or gives any firearm of a size which may be
25 concealed upon the person to any person under 18 years of

1 age.

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

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

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

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

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

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

23 (f) Sells or gives any firearms to any person who is a
24 person with an intellectual disability.

25 (g) Delivers any firearm of a size which may be
26 concealed upon the person, incidental to a sale, without

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

1 competitor or attendee by any dealer licensed as a federal
2 firearms dealer under Section 923 of the federal Gun
3 Control Act of 1968 at competitive shooting events held at
4 the World Shooting Complex sanctioned by a national
5 governing body. For purposes of transfers or sales under
6 subparagraph (5) of this paragraph (g), the Department of
7 Natural Resources shall give notice to the Department of
8 State Police at least 30 calendar days prior to any
9 competitive shooting events at the World Shooting Complex
10 sanctioned by a national governing body. The notification
11 shall be made on a form prescribed by the Department of
12 State Police. The sanctioning body shall provide a list of
13 all registered competitors and attendees at least 24 hours
14 before the events to the Department of State Police. Any
15 changes to the list of registered competitors and attendees
16 shall be forwarded to the Department of State Police as
17 soon as practicable. The Department of State Police must
18 destroy the list of registered competitors and attendees no
19 later than 30 days after the date of the event. Nothing in
20 this paragraph (g) relieves a federally licensed firearm
21 dealer from the requirements of conducting a NICS
22 background check through the Illinois Point of Contact
23 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
24 "application" means when the buyer and seller reach an
25 agreement to purchase a firearm. For purposes of this
26 paragraph (g), "national governing body" means a group of

1 persons who adopt rules and formulate policy on behalf of a
2 national firearm sporting organization.

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

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

19 (j) Sells or gives a firearm while engaged in the
20 business of selling firearms at wholesale or retail without
21 being licensed as a federal firearms dealer under Section
22 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
23 In this paragraph (j):

24 A person "engaged in the business" means a person who
25 devotes time, attention, and labor to engaging in the
26 activity as a regular course of trade or business with the

1 principal objective of livelihood and profit, but does not
2 include a person who makes occasional repairs of firearms
3 or who occasionally fits special barrels, stocks, or
4 trigger mechanisms to firearms.

5 "With the principal objective of livelihood and
6 profit" means that the intent underlying the sale or
7 disposition of firearms is predominantly one of obtaining
8 livelihood and pecuniary gain, as opposed to other intents,
9 such as improving or liquidating a personal firearms
10 collection; however, proof of profit shall not be required
11 as to a person who engages in the regular and repetitive
12 purchase and disposition of firearms for criminal purposes
13 or terrorism.

14 (k) Sells or transfers ownership of a firearm to a
15 person who does not display to the seller or transferor of
16 the firearm either: (1) a currently valid Firearm Owner's
17 Identification Card that has previously been issued in the
18 transferee's name by the Department of State Police under
19 the provisions of the Firearm Owners Identification Card
20 Act; or (2) a currently valid license to carry a concealed
21 firearm that has previously been issued in the transferee's
22 name by the Department of State Police under the Firearm
23 Concealed Carry Act. This paragraph (k) does not apply to
24 the transfer of a firearm to a person who is exempt from
25 the requirement of possessing a Firearm Owner's
26 Identification Card under Section 2 of the Firearm Owners

1 Identification Card Act. For the purposes of this Section,
2 a currently valid Firearm Owner's Identification Card
3 means (i) a Firearm Owner's Identification Card that has
4 not expired or (ii) an approval number issued in accordance
5 with subsection (a-10) of subsection 3 or Section 3.1 of
6 the Firearm Owners Identification Card Act shall be proof
7 that the Firearm Owner's Identification Card was valid.

8 (1) In addition to the other requirements of this
9 paragraph (k), all persons who are not federally
10 licensed firearms dealers must also have complied with
11 subsection (a-10) of Section 3 of the Firearm Owners
12 Identification Card Act by determining the validity of
13 a purchaser's Firearm Owner's Identification Card.

14 (2) All sellers or transferors who have complied
15 with the requirements of subparagraph (1) of this
16 paragraph (k) shall not be liable for damages in any
17 civil action arising from the use or misuse by the
18 transferee of the firearm transferred, except for
19 willful or wanton misconduct on the part of the seller
20 or transferor.

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

1 (m) Transfers or gives a suppressor or silencer to a person
2 not authorized to possess the suppressor or silencer under
3 federal law.

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

14 (C) Sentence.

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

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

21 (3) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (a) of subsection (A)
23 commits a Class 2 felony.

24 (4) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (a), (b), or (i) of
26 subsection (A) in any school, on the real property

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

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

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

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

14 (7) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (k) of subsection (A)
16 commits a Class 4 felony, except that a violation of
17 subparagraph (1) of paragraph (k) of subsection (A) shall
18 not be punishable as a crime or petty offense. A third or
19 subsequent conviction for a violation of paragraph (k) of
20 subsection (A) is a Class 1 felony.

21 (8) A person 18 years of age or older convicted of
22 unlawful sale or delivery of firearms in violation of
23 paragraph (a) or (i) of subsection (A), when the firearm
24 that was sold or given to another person under 18 years of
25 age was used in the commission of or attempt to commit a
26 forcible felony, shall be fined or imprisoned, or both, not

1 to exceed the maximum provided for the most serious
2 forcible felony so committed or attempted by the person
3 under 18 years of age who was sold or given the firearm.

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

7 (10) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (l) of subsection (A)
9 commits a Class 2 felony if the delivery is of one firearm.

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

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

14 (D) For purposes of this Section:

15 "School" means a public or private elementary or secondary
16 school, community college, college, or university.

17 "School related activity" means any sporting, social,
18 academic, or other activity for which students' attendance or
19 participation is sponsored, organized, or funded in whole or in
20 part by a school or school district.

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

1 paragraph.

2 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;
3 99-143, eff. 7-27-15; revised 10-16-15.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".