



Sen. William R. Haine

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LRB099 06116 RLC 35817 a

1 AMENDMENT TO SENATE BILL 803

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 803 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 1.1, 2, and 3.1 and by adding  
6 Section 13.4 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

9 "Addicted to narcotics" means a person who has been:

10 (1) convicted of an offense involving the use or  
11 possession of cannabis, a controlled substance, or  
12 methamphetamine within the past year; or

13 (2) determined by the Department of State Police to be  
14 addicted to narcotics based upon federal law or federal  
15 guidelines.

16 "Addicted to narcotics" does not include possession or use

1 of a prescribed controlled substance under the direction and  
2 authority of a physician or other person authorized to  
3 prescribe the controlled substance when the controlled  
4 substance is used in the prescribed manner.

5 "Adjudicated as a mentally disabled person" means the  
6 person is the subject of a determination by a court, board,  
7 commission or other lawful authority that the person, as a  
8 result of marked subnormal intelligence, or mental illness,  
9 mental impairment, incompetency, condition, or disease:

10 (1) presents a clear and present danger to himself,  
11 herself, or to others;

12 (2) lacks the mental capacity to manage his or her own  
13 affairs or is adjudicated a disabled person as defined in  
14 Section 11a-2 of the Probate Act of 1975;

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

17 (3.5) is guilty but mentally ill, as provided in  
18 Section 5-2-6 of the Unified Code of Corrections;

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

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

23 (6) is a sexually violent person under subsection (f)  
24 of Section 5 of the Sexually Violent Persons Commitment  
25 Act;

26 (7) is a sexually dangerous person under the Sexually

1 Dangerous Persons Act;

2 (8) is unfit to stand trial under the Juvenile Court  
3 Act of 1987;

4 (9) is not guilty by reason of insanity under the  
5 Juvenile Court Act of 1987;

6 (10) is subject to involuntary admission as an  
7 inpatient as defined in Section 1-119 of the Mental Health  
8 and Developmental Disabilities Code;

9 (11) is subject to involuntary admission as an  
10 outpatient as defined in Section 1-119.1 of the Mental  
11 Health and Developmental Disabilities Code;

12 (12) is subject to judicial admission as set forth in  
13 Section 4-500 of the Mental Health and Developmental  
14 Disabilities Code; or

15 (13) is subject to the provisions of the Interstate  
16 Agreements on Sexually Dangerous Persons Act.

17 "Clear and present danger" means a person who:

18 (1) communicates a serious threat of physical violence  
19 against a reasonably identifiable victim or poses a clear  
20 and imminent risk of serious physical injury to himself,  
21 herself, or another person as determined by a physician,  
22 clinical psychologist, or qualified examiner; or

23 (2) demonstrates threatening physical or verbal  
24 behavior, such as violent, suicidal, or assaultive  
25 threats, actions, or other behavior, as determined by a  
26 physician, clinical psychologist, qualified examiner,

1 school administrator, or law enforcement official.

2 "Clinical psychologist" has the meaning provided in  
3 Section 1-103 of the Mental Health and Developmental  
4 Disabilities Code.

5 "Controlled substance" means a controlled substance or  
6 controlled substance analog as defined in the Illinois  
7 Controlled Substances Act.

8 "Counterfeit" means to copy or imitate, without legal  
9 authority, with intent to deceive.

10 "Developmentally disabled" means a disability which is  
11 attributable to any other condition which results in impairment  
12 similar to that caused by an intellectual disability and which  
13 requires services similar to those required by intellectually  
14 disabled persons. The disability must originate before the age  
15 of 18 years, be expected to continue indefinitely, and  
16 constitute a substantial handicap.

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

20 "Firearm" means any device, by whatever name known, which  
21 is designed to expel a projectile or projectiles by the action  
22 of an explosion, expansion of gas or escape of gas; excluding,  
23 however:

24 (1) any pneumatic gun, spring gun, paint ball gun, or  
25 B-B gun which expels a single globular projectile not  
26 exceeding .18 inch in diameter or which has a maximum

1 muzzle velocity of less than 700 feet per second;

2 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
3 B-B gun which expels breakable paint balls containing  
4 washable marking colors;

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

8 (3) any device used exclusively for the firing of stud  
9 cartridges, explosive rivets or similar industrial  
10 ammunition; and

11 (4) an antique firearm (other than a machine-gun)  
12 which, although designed as a weapon, the Department of  
13 State Police finds by reason of the date of its  
14 manufacture, value, design, and other characteristics is  
15 primarily a collector's item and is not likely to be used  
16 as a weapon.

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

20 (1) any ammunition exclusively designed for use with a  
21 device used exclusively for signalling or safety and  
22 required or recommended by the United States Coast Guard or  
23 the Interstate Commerce Commission; and

24 (2) any ammunition designed exclusively for use with a  
25 stud or rivet driver or other similar industrial  
26 ammunition.

1 "Gun show" means an event or function:

2 (1) at which the sale and transfer of firearms is the  
3 regular and normal course of business and where 50 or more  
4 firearms are displayed, offered, or exhibited for sale,  
5 transfer, or exchange; or

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

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

13 "Gun show" does not include training or safety classes,  
14 competitive shooting events, such as rifle, shotgun, or handgun  
15 matches, trap, skeet, or sporting clays shoots, dinners,  
16 banquets, raffles, or any other event where the sale or  
17 transfer of firearms is not the primary course of business.

18 "Gun show promoter" means a person who organizes or  
19 operates a gun show.

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

25 "Intellectually disabled" means significantly subaverage  
26 general intellectual functioning which exists concurrently

1 with impairment in adaptive behavior and which originates  
2 before the age of 18 years.

3 "Involuntarily admitted" has the meaning as prescribed in  
4 Sections 1-119 and 1-119.1 of the Mental Health and  
5 Developmental Disabilities Code.

6 "Mental health facility" means any licensed private  
7 hospital or hospital affiliate, institution, or facility, or  
8 part thereof, and any facility, or part thereof, operated by  
9 the State or a political subdivision thereof which provide  
10 treatment of persons with mental illness and includes all  
11 hospitals, institutions, clinics, evaluation facilities,  
12 mental health centers, colleges, universities, long-term care  
13 facilities, and nursing homes, or parts thereof, which provide  
14 treatment of persons with mental illness whether or not the  
15 primary purpose is to provide treatment of persons with mental  
16 illness.

17 "Patient" means:

18 (1) a person who voluntarily receives mental health  
19 treatment as an in-patient or resident of any public or  
20 private mental health facility, unless the treatment was  
21 solely for an alcohol abuse disorder and no other secondary  
22 substance abuse disorder or mental illness; or

23 (2) a person who voluntarily receives mental health  
24 treatment as an out-patient or is provided services by a  
25 public or private mental health facility, and who poses a  
26 clear and present danger to himself, herself, or to others.

1 "Physician" has the meaning as defined in Section 1-120 of  
2 the Mental Health and Developmental Disabilities Code.

3 "Qualified examiner" has the meaning provided in Section  
4 1-122 of the Mental Health and Developmental Disabilities Code.

5 "Sanctioned competitive shooting event" means a shooting  
6 contest officially recognized by a national or state shooting  
7 sport association, and includes any sight-in or practice  
8 conducted in conjunction with the event.

9 "School administrator" means the person required to report  
10 under the School Administrator Reporting of Mental Health Clear  
11 and Present Danger Determinations Law.

12 "Stun gun or taser" has the meaning ascribed to it in  
13 Section 24-1 of the Criminal Code of 2012.

14 "Suppressor" means any device or attachment of any kind  
15 designed, used, or intended for use in silencing or suppressing  
16 the report of any firearm.

17 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;  
18 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13.)

19 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

20 Sec. 2. Firearm Owner's Identification Card required;  
21 exceptions.

22 (a) (1) No person may acquire or possess any firearm, stun  
23 gun, suppressor, or taser within this State without having  
24 in his or her possession a Firearm Owner's Identification  
25 Card previously issued in his or her name by the Department



1 of State Police under the provisions of this Act.

2 (2) No person may acquire or possess firearm ammunition  
3 within this State without having in his or her possession a  
4 Firearm Owner's Identification Card previously issued in  
5 his or her name by the Department of State Police under the  
6 provisions of this Act.

7 (b) The provisions of this Section regarding the possession  
8 of firearms, firearm ammunition, stun guns, and tasers do not  
9 apply to:

10 (1) United States Marshals, while engaged in the  
11 operation of their official duties;

12 (2) Members of the Armed Forces of the United States or  
13 the National Guard, while engaged in the operation of their  
14 official duties;

15 (3) Federal officials required to carry firearms,  
16 while engaged in the operation of their official duties;

17 (4) Members of bona fide veterans organizations which  
18 receive firearms directly from the armed forces of the  
19 United States, while using the firearms for ceremonial  
20 purposes with blank ammunition;

21 (5) Nonresident hunters during hunting season, with  
22 valid nonresident hunting licenses and while in an area  
23 where hunting is permitted; however, at all other times and  
24 in all other places these persons must have their firearms  
25 unloaded and enclosed in a case;

26 (6) Those hunters exempt from obtaining a hunting

1 license who are required to submit their Firearm Owner's  
2 Identification Card when hunting on Department of Natural  
3 Resources owned or managed sites;

4 (7) Nonresidents while on a firing or shooting range  
5 recognized by the Department of State Police; however,  
6 these persons must at all other times and in all other  
7 places have their firearms unloaded and enclosed in a case;

8 (8) Nonresidents while at a firearm showing or display  
9 recognized by the Department of State Police; however, at  
10 all other times and in all other places these persons must  
11 have their firearms unloaded and enclosed in a case;

12 (9) Nonresidents whose firearms are unloaded and  
13 enclosed in a case;

14 (10) Nonresidents who are currently licensed or  
15 registered to possess a firearm, ammunition, or suppressor  
16 in their resident state;

17 (11) Unemancipated minors while in the custody and  
18 immediate control of their parent or legal guardian or  
19 other person in loco parentis to the minor if the parent or  
20 legal guardian or other person in loco parentis to the  
21 minor has a currently valid Firearm Owner's Identification  
22 Card;

23 (12) Color guards of bona fide veterans organizations  
24 or members of bona fide American Legion bands while using  
25 firearms for ceremonial purposes with blank ammunition;

26 (13) Nonresident hunters whose state of residence does

1 not require them to be licensed or registered to possess a  
2 firearm and only during hunting season, with valid hunting  
3 licenses, while accompanied by, and using a firearm owned  
4 by, a person who possesses a valid Firearm Owner's  
5 Identification Card and while in an area within a  
6 commercial club licensed under the Wildlife Code where  
7 hunting is permitted and controlled, but in no instance  
8 upon sites owned or managed by the Department of Natural  
9 Resources;

10 (14) Resident hunters who are properly authorized to  
11 hunt and, while accompanied by a person who possesses a  
12 valid Firearm Owner's Identification Card, hunt in an area  
13 within a commercial club licensed under the Wildlife Code  
14 where hunting is permitted and controlled;

15 (15) A person who is otherwise eligible to obtain a  
16 Firearm Owner's Identification Card under this Act and is  
17 under the direct supervision of a holder of a Firearm  
18 Owner's Identification Card who is 21 years of age or older  
19 while the person is on a firing or shooting range or is a  
20 participant in a firearms safety and training course  
21 recognized by a law enforcement agency or a national,  
22 statewide shooting sports organization; and

23 (16) Competitive shooting athletes whose competition  
24 firearms are sanctioned by the International Olympic  
25 Committee, the International Paralympic Committee, the  
26 International Shooting Sport Federation, or USA Shooting

1 in connection with such athletes' training for and  
2 participation in shooting competitions at the 2016 Olympic  
3 and Paralympic Games and sanctioned test events leading up  
4 to the 2016 Olympic and Paralympic Games.

5 (c) The provisions of this Section regarding the  
6 acquisition and possession of firearms, firearm ammunition,  
7 stun guns, and tasers do not apply to law enforcement officials  
8 of this or any other jurisdiction, while engaged in the  
9 operation of their official duties.

10 (d) Any person who becomes a resident of this State, who is  
11 not otherwise prohibited from obtaining, possessing, or using a  
12 firearm or firearm ammunition, shall not be required to have a  
13 Firearm Owner's Identification Card to possess firearms or  
14 firearms ammunition until 60 calendar days after he or she  
15 obtains an Illinois driver's license or Illinois  
16 Identification Card.

17 (Source: P.A. 96-7, eff. 4-3-09; 97-1131, eff. 1-1-13.)

18 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

19 Sec. 3.1. Dial up system.

20 (a) The Department of State Police shall provide a dial up  
21 telephone system or utilize other existing technology which  
22 shall be used by any federally licensed firearm dealer, gun  
23 show promoter, or gun show vendor who is to transfer a firearm,  
24 stun gun, suppressor, or taser under the provisions of this  
25 Act. The Department of State Police may utilize existing

1 technology which allows the caller to be charged a fee not to  
2 exceed \$2. Fees collected by the Department of State Police  
3 shall be deposited in the State Police Services Fund and used  
4 to provide the service.

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

24 (c) If receipt of a firearm or suppressor would not violate  
25 Section 24-3 of the Criminal Code of 2012, federal law, or this  
26 Act the Department of State Police shall:

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

3           (2) provide the licensee, gun show promoter, or gun  
4 show vendor with the number.

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

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

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

22           (3) The Department of State Police shall provide notice of  
23 the disqualification of a person under subsection (b) of this  
24 Section or the revocation of a person's Firearm Owner's  
25 Identification Card under Section 8 of this Act, and the reason  
26 for the disqualification or revocation, to all law enforcement

1 agencies with jurisdiction to assist with the seizure of the  
2 person's Firearm Owner's Identification Card.

3 (f) The Department of State Police shall adopt rules not  
4 inconsistent with this Section to implement this system.

5 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

6 (430 ILCS 65/13.4 new)

7 Sec. 13.4. Firearm transfer certification.

8 (a) The Director of State Police, or his or her designee,  
9 may not make a certification under this Section that the  
10 Director knows to be untrue. The Director may not refuse to  
11 provide certification based on a generalized objection to  
12 private persons or entities making, possessing, or receiving  
13 firearms or any certain type of firearm, or suppressors, the  
14 possession of which is not prohibited by State law.

15 (b) Upon receiving a federal firearm transfer form (ATF  
16 Form 1 or Form 4), the Director of State Police, or his or her  
17 designee, shall provide certification if the applicant:

18 (1) is not prohibited by law from receiving or  
19 possessing the firearm or suppressor; or

20 (2) is not the subject of a proceeding that could  
21 result in the applicant being prohibited by law from  
22 receiving or possessing the firearm or suppressor.

23 (c) The Director of State Police, or his or her designee,  
24 signing the federal transfer form shall:

25 (1) return the federal transfer form to the applicant

1       within 15 calendar days; or

2           (2) if the applicant is denied, provide to the  
3       applicant the reasons for denial in writing within 15  
4       calendar days.

5           Section 10. The Wildlife Code is amended by changing  
6       Section 2.33 and by adding Section 2.33-2 as follows:

7           (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

8           Sec. 2.33. Prohibitions.

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

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

17          (c) It is unlawful for any person at any time to take a  
18       wild mammal protected by this Act from its den by means of any  
19       mechanical device, spade, or digging device or to use smoke or  
20       other gases to dislodge or remove such mammal except as  
21       provided in Section 2.37.

22          (d) It is unlawful to use a ferret or any other small  
23       mammal which is used in the same or similar manner for which  
24       ferrets are used for the purpose of frightening or driving any



1 mammals from their dens or hiding places.

2 (e) (Blank).

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

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

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

9 (i) It is unlawful to take, pursue or intentionally harass  
10 or disturb in any manner any wild birds or mammals by use or  
11 aid of any vehicle or conveyance, except as permitted by the  
12 Code of Federal Regulations for the taking of waterfowl. It is  
13 also unlawful to use the lights of any vehicle or conveyance or  
14 any light from or any light connected to the vehicle or  
15 conveyance in any area where wildlife may be found except in  
16 accordance with Section 2.37 of this Act; however, nothing in  
17 this Section shall prohibit the normal use of headlamps for the  
18 purpose of driving upon a roadway. Striped skunk, opossum, red  
19 fox, gray fox, raccoon and coyote may be taken during the open  
20 season by use of a small light which is worn on the body or  
21 hand-held by a person on foot and not in any vehicle.

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

25 (k) It is unlawful to use or possess in the field any  
26 shotgun shell loaded with a shot size larger than lead BB or

1 steel T (.20 diameter) when taking or attempting to take any  
2 species of wild game mammals (excluding white-tailed deer),  
3 wild game birds, migratory waterfowl or migratory game birds  
4 protected by this Act, except white-tailed deer as provided for  
5 in Section 2.26 and other species as provided for by subsection  
6 (l) or administrative rule.

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

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

22 (n) It is unlawful for any person, except persons who  
23 possess a permit to hunt from a vehicle as provided in this  
24 Section and persons otherwise permitted by law, to have or  
25 carry any gun in or on any vehicle, conveyance or aircraft,  
26 unless such gun is unloaded and enclosed in a case, except that

1 at field trials authorized by Section 2.34 of this Act,  
2 unloaded guns or guns loaded with blank cartridges only, may be  
3 carried on horseback while not contained in a case, or to have  
4 or carry any bow or arrow device in or on any vehicle unless  
5 such bow or arrow device is unstrung or enclosed in a case, or  
6 otherwise made inoperable.

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

10 (p) It is unlawful to take game birds, migratory game birds  
11 or migratory waterfowl with a rifle, pistol, revolver or  
12 airgun.

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

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

19 (s) (Blank). ~~It is unlawful to use a silencer or other~~  
20 ~~device to muffle or mute the sound of the explosion or report~~  
21 ~~resulting from the firing of any gun.~~

22 (t) It is unlawful for any person to take or attempt to  
23 take any species of wildlife or parts thereof, intentionally or  
24 wantonly allow a dog to hunt, within or upon the land of  
25 another, or upon waters flowing over or standing on the land of  
26 another, or to knowingly shoot a gun or bow and arrow device at

1 any wildlife physically on or flying over the property of  
2 another without first obtaining permission from the owner or  
3 the owner's designee. For the purposes of this Section, the  
4 owner's designee means anyone who the owner designates in a  
5 written authorization and the authorization must contain (i)  
6 the legal or common description of property for such authority  
7 is given, (ii) the extent that the owner's designee is  
8 authorized to make decisions regarding who is allowed to take  
9 or attempt to take any species of wildlife or parts thereof,  
10 and (iii) the owner's notarized signature. Before enforcing  
11 this Section the law enforcement officer must have received  
12 notice from the owner or the owner's designee of a violation of  
13 this Section. Statements made to the law enforcement officer  
14 regarding this notice shall not be rendered inadmissible by the  
15 hearsay rule when offered for the purpose of showing the  
16 required notice.

17 (u) It is unlawful for any person to discharge any firearm  
18 for the purpose of taking any of the species protected by this  
19 Act, or hunt with gun or dog, or intentionally or wantonly  
20 allow a dog to hunt, within 300 yards of an inhabited dwelling  
21 without first obtaining permission from the owner or tenant,  
22 except that while trapping, hunting with bow and arrow, hunting  
23 with dog and shotgun using shot shells only, or hunting with  
24 shotgun using shot shells only, or providing outfitting  
25 services under a waterfowl outfitter permit, or on licensed  
26 game breeding and hunting preserve areas, as defined in Section

1 3.27, on federally owned and managed lands and on Department  
2 owned, managed, leased, or controlled lands, a 100 yard  
3 restriction shall apply.

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

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

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

17 (y) It is unlawful to hunt wild game protected by this Act  
18 between one half hour after sunset and one half hour before  
19 sunrise, except that hunting hours between one half hour after  
20 sunset and one half hour before sunrise may be established by  
21 administrative rule for fur-bearing mammals.

22 (z) It is unlawful to take any game bird (excluding wild  
23 turkeys and crippled pheasants not capable of normal flight and  
24 otherwise irretrievable) protected by this Act when not flying.  
25 Nothing in this Section shall prohibit a person from carrying  
26 an uncased, unloaded shotgun in a boat, while in pursuit of a

1     crippled migratory waterfowl that is incapable of normal  
2     flight, for the purpose of attempting to reduce the migratory  
3     waterfowl to possession, provided that the attempt is made  
4     immediately upon downing the migratory waterfowl and is done  
5     within 400 yards of the blind from which the migratory  
6     waterfowl was downed. This exception shall apply only to  
7     migratory game birds that are not capable of normal flight.  
8     Migratory waterfowl that are crippled may be taken only with a  
9     shotgun as regulated by subsection (j) of this Section using  
10    shotgun shells as regulated in subsection (k) of this Section.

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

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

19       (cc) It is unlawful for any person to have in his or her  
20    possession any freshly killed species protected by this Act  
21    during the season closed for taking.

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

25       (ee) It is unlawful to possess any rifle while in the field  
26    during gun deer season except as provided in Section 2.26 and

1 administrative rules.

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

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

15 (hh) It shall be unlawful to kill or cripple any species  
16 protected by this Act for which there is a bag limit without  
17 making a reasonable effort to retrieve such species and include  
18 such in the bag limit. It shall be unlawful for any person  
19 having control over harvested game mammals, game birds, or  
20 migratory game birds for which there is a bag limit to wantonly  
21 waste or destroy the usable meat of the game, except this shall  
22 not apply to wildlife taken under Sections 2.37 or 3.22 of this  
23 Code. For purposes of this subsection, "usable meat" means the  
24 breast meat of a game bird or migratory game bird and the hind  
25 ham and front shoulders of a game mammal. It shall be unlawful  
26 for any person to place, leave, dump, or abandon a wildlife

1 carcass or parts of it along or upon a public right-of-way or  
2 highway or on public or private property, including a waterway  
3 or stream, without the permission of the owner or tenant. It  
4 shall not be unlawful to discard game meat that is determined  
5 to be unfit for human consumption.

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

11 (jj) (Blank).

12 (kk) Nothing contained in this Section shall prohibit the  
13 Director from issuing permits to paraplegics or to other  
14 disabled persons who meet the requirements set forth in  
15 administrative rule to shoot or hunt from a vehicle as provided  
16 by that rule, provided that such is otherwise in accord with  
17 this Act.

18 (ll) Nothing contained in this Act shall prohibit the  
19 taking of aquatic life protected by the Fish and Aquatic Life  
20 Code or birds and mammals protected by this Act, except deer  
21 and fur-bearing mammals, from a boat not camouflaged or  
22 disguised to alter its identity or to further provide a place  
23 of concealment and not propelled by sail or mechanical power.  
24 However, only shotguns not larger than 10 gauge nor smaller  
25 than .410 bore loaded with not more than 3 shells of a shot  
26 size no larger than lead BB or steel T (.20 diameter) may be



1 used to take species protected by this Act.

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

5 (nn) It shall be unlawful to possess any species of  
6 wildlife or wildlife parts taken unlawfully in Illinois, any  
7 other state, or any other country, whether or not the wildlife  
8 or wildlife parts is indigenous to Illinois. For the purposes  
9 of this subsection, the statute of limitations for unlawful  
10 possession of wildlife or wildlife parts shall not cease until  
11 2 years after the possession has permanently ended.

12 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;  
13 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;  
14 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914, eff.  
15 1-1-15.)

16 (520 ILCS 5/2.33-2 new)

17 Sec. 2.33-2. Use of silencers.

18 (a) Notwithstanding any other provision of this Act, no  
19 person shall, carry, possess, transport or use a silencer,  
20 suppressor or other device to muffle or mute the sound of the  
21 explosion or report resulting from the firing of any gun for  
22 the taking of game, unless such silencer, suppressor, or device  
23 is in compliance with the National Firearms Act.

24 (b) Any game animal regulated under this Act may be taken  
25 within its season with a silencer, suppressor, or device to

1 muffle or mute the sound of the explosion or report resulting  
2 from the firing of any gun. A silencer, suppressor, or device  
3 to muffle or mute the sound of the explosion or report  
4 resulting from the firing of any gun may be used when taking  
5 wildlife in accordance with Section 2.37 of this Act.

6 Section 15. The Criminal Code of 2012 is amended by  
7 changing Sections 24-1, 24-1.1, 24-1.8, 24-2, 24-3, 24-3.5,  
8 24-4.1, and 24-5 and by adding Section 2-23 as follows:

9 (720 ILCS 5/2-23 new)

10 Sec. 2-23. "Suppressor" or "silencer". "Suppressor" or  
11 "silencer" have the meaning ascribed to "suppressor" in Section  
12 1.1 of the Firearm Owners Identification Card Act.

13 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

14 Sec. 24-1. Unlawful Use of Weapons.

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

17 (1) Sells, manufactures, purchases, possesses or  
18 carries any bludgeon, black-jack, slung-shot, sand-club,  
19 sand-bag, metal knuckles or other knuckle weapon  
20 regardless of its composition, throwing star, or any knife,  
21 commonly referred to as a switchblade knife, which has a  
22 blade that opens automatically by hand pressure applied to  
23 a button, spring or other device in the handle of the

1 knife, or a ballistic knife, which is a device that propels  
2 a knifelike blade as a projectile by means of a coil  
3 spring, elastic material or compressed gas; or

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

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

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

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a  
2 person who has been issued a currently valid Firearm  
3 Owner's Identification Card; or

4 (5) Sets a spring gun; or

5 (6) Possesses any device or attachment of any kind  
6 designed, used, or intended for use in silencing or  
7 suppressing the report of any firearm that is not in  
8 compliance with the National Firearms Act; or

9 (7) Sells, manufactures, purchases, possesses or  
10 carries:

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

23 (ii) any rifle having one or more barrels less than  
24 16 inches in length or a shotgun having one or more  
25 barrels less than 18 inches in length or any weapon  
26 made from a rifle or shotgun, whether by alteration,

1 modification, or otherwise, if such a weapon as  
2 modified has an overall length of less than 26 inches;  
3 or

4 (iii) any bomb, bomb-shell, grenade, bottle or  
5 other container containing an explosive substance of  
6 over one-quarter ounce for like purposes, such as, but  
7 not limited to, black powder bombs and Molotov  
8 cocktails or artillery projectiles; or

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

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

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

25 (10) Carries or possesses on or about his person, upon  
26 any public street, alley, or other public lands within the

1 corporate limits of a city, village or incorporated town,  
2 except when an invitee thereon or therein, for the purpose  
3 of the display of such weapon or the lawful commerce in  
4 weapons, or except when on his land or in his own abode,  
5 legal dwelling, or fixed place of business, or on the land  
6 or in the legal dwelling of another person as an invitee  
7 with that person's permission, any pistol, revolver, stun  
8 gun or taser or other firearm, except that this subsection  
9 (a) (10) does not apply to or affect transportation of  
10 weapons that meet one of the following conditions:

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

12 (ii) are not immediately accessible; or

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

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

1           disrupting the person's nervous system in such a manner as  
2           to render him incapable of normal functioning; or

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

13          (12) (Blank); or

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

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

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

14 (c) Violations in specific places.

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



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

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

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

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

1 feet of the real property comprising any school, public  
2 park, courthouse, public transportation facility, or  
3 residential property owned, operated, or managed by a  
4 public housing agency or leased by a public housing agency  
5 as part of a scattered site or mixed-income development  
6 commits a Class 4 felony. "Courthouse" means any building  
7 that is used by the Circuit, Appellate, or Supreme Court of  
8 this State for the conduct of official business.

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

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

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

1 transportation facility" means a terminal or other place  
2 where one may obtain public transportation.

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

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

19 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
20 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
21 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

22 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

23 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
24 Felons or Persons in the Custody of the Department of  
25 Corrections Facilities.

1           (a) It is unlawful for a person to knowingly possess on or  
2 about his person or on his land or in his own abode or fixed  
3 place of business any weapon prohibited under Section 24-1 of  
4 this Act or any firearm, ~~or any~~ firearm ammunition, or  
5 suppressor if the person has been convicted of a felony under  
6 the laws of this State or any other jurisdiction. This Section  
7 shall not apply if the person has been granted relief by the  
8 Director of the Department of State Police under Section 10 of  
9 the Firearm Owners Identification Card Act.

10           (b) It is unlawful for any person confined in a penal  
11 institution, which is a facility of the Illinois Department of  
12 Corrections, to possess any weapon prohibited under Section  
13 24-1 of this Code or any firearm, ~~or~~ firearm ammunition, or  
14 suppressor, regardless of the intent with which he possesses  
15 it.

16           (c) It shall be an affirmative defense to a violation of  
17 subsection (b), that such possession was specifically  
18 authorized by rule, regulation, or directive of the Illinois  
19 Department of Corrections or order issued pursuant thereto.

20           (d) The defense of necessity is not available to a person  
21 who is charged with a violation of subsection (b) of this  
22 Section.

23           (e) Sentence. Violation of this Section by a person not  
24 confined in a penal institution shall be a Class 3 felony for  
25 which the person shall be sentenced to no less than 2 years and  
26 no more than 10 years and any second or subsequent violation

1 shall be a Class 2 felony for which the person shall be  
2 sentenced to a term of imprisonment of not less than 3 years  
3 and not more than 14 years. Violation of this Section by a  
4 person not confined in a penal institution who has been  
5 convicted of a forcible felony, a felony violation of Article  
6 24 of this Code or of the Firearm Owners Identification Card  
7 Act, stalking or aggravated stalking, or a Class 2 or greater  
8 felony under the Illinois Controlled Substances Act, the  
9 Cannabis Control Act, or the Methamphetamine Control and  
10 Community Protection Act is a Class 2 felony for which the  
11 person shall be sentenced to not less than 3 years and not more  
12 than 14 years. Violation of this Section by a person who is on  
13 parole or mandatory supervised release is a Class 2 felony for  
14 which the person shall be sentenced to not less than 3 years  
15 and not more than 14 years. Violation of this Section by a  
16 person not confined in a penal institution is a Class X felony  
17 when the firearm possessed is a machine gun. Any person who  
18 violates this Section while confined in a penal institution,  
19 which is a facility of the Illinois Department of Corrections,  
20 is guilty of a Class 1 felony, if he possesses any weapon  
21 prohibited under Section 24-1 of this Code regardless of the  
22 intent with which he possesses it, a Class X felony if he  
23 possesses any firearm, firearm ammunition or explosive, and a  
24 Class X felony for which the offender shall be sentenced to not  
25 less than 12 years and not more than 50 years when the firearm  
26 possessed is a machine gun. A violation of this Section while

1 wearing or in possession of body armor as defined in Section  
2 33F-1 is a Class X felony punishable by a term of imprisonment  
3 of not less than 10 years and not more than 40 years. The  
4 possession of each firearm or firearm ammunition in violation  
5 of this Section constitutes a single and separate violation.

6 (Source: P.A. 97-237, eff. 1-1-12.)

7 (720 ILCS 5/24-1.8)

8 Sec. 24-1.8. Unlawful possession of a firearm by a street  
9 gang member.

10 (a) A person commits unlawful possession of a firearm by a  
11 street gang member when he or she knowingly:

12 (1) possesses, carries, or conceals on or about his or  
13 her person a firearm, ~~and~~ firearm ammunition, silencer, or  
14 suppressor while on any street, road, alley, gangway,  
15 sidewalk, or any other lands, except when inside his or her  
16 own abode or inside his or her fixed place of business, and  
17 has not been issued a currently valid Firearm Owner's  
18 Identification Card and is a member of a street gang; or

19 (2) possesses or carries in any vehicle a firearm, ~~and~~  
20 firearm ammunition, silencer, or suppressor which are ~~both~~  
21 immediately accessible at the time of the offense while on  
22 any street, road, alley, or any other lands, except when  
23 inside his or her own abode or garage, and has not been  
24 issued a currently valid Firearm Owner's Identification  
25 Card and is a member of a street gang.

1 (b) Unlawful possession of a firearm by a street gang  
2 member is a Class 2 felony for which the person, if sentenced  
3 to a term of imprisonment, shall be sentenced to no less than 3  
4 years and no more than 10 years. A period of probation, a term  
5 of periodic imprisonment or conditional discharge shall not be  
6 imposed for the offense of unlawful possession of a firearm by  
7 a street gang member when the firearm was loaded or contained  
8 firearm ammunition and the court shall sentence the offender to  
9 not less than the minimum term of imprisonment authorized for  
10 the Class 2 felony.

11 (c) For purposes of this Section:

12 "Street gang" or "gang" has the meaning ascribed to it  
13 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
14 Prevention Act.

15 "Street gang member" or "gang member" has the meaning  
16 ascribed to it in Section 10 of the Illinois Streetgang  
17 Terrorism Omnibus Prevention Act.

18 (Source: P.A. 96-829, eff. 12-3-09.)

19 (720 ILCS 5/24-2)

20 Sec. 24-2. Exemptions.

21 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
22 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
23 the following:

24 (1) Peace officers, and any person summoned by a peace  
25 officer to assist in making arrests or preserving the



1 peace, while actually engaged in assisting such officer.

2 (2) Wardens, superintendents and keepers of prisons,  
3 penitentiaries, jails and other institutions for the  
4 detention of persons accused or convicted of an offense,  
5 while in the performance of their official duty, or while  
6 commuting between their homes and places of employment.

7 (3) Members of the Armed Services or Reserve Forces of  
8 the United States or the Illinois National Guard or the  
9 Reserve Officers Training Corps, while in the performance  
10 of their official duty.

11 (4) Special agents employed by a railroad or a public  
12 utility to perform police functions, and guards of armored  
13 car companies, while actually engaged in the performance of  
14 the duties of their employment or commuting between their  
15 homes and places of employment; and watchmen while actually  
16 engaged in the performance of the duties of their  
17 employment.

18 (5) Persons licensed as private security contractors,  
19 private detectives, or private alarm contractors, or  
20 employed by an agency certified by the Department of  
21 Financial and Professional Regulation, if their duties  
22 include the carrying of a weapon under the provisions of  
23 the Private Detective, Private Alarm, Private Security,  
24 Fingerprint Vendor, and Locksmith Act of 2004, while  
25 actually engaged in the performance of the duties of their  
26 employment or commuting between their homes and places of

1 employment, provided that such commuting is accomplished  
2 within one hour from departure from home or place of  
3 employment, as the case may be. A person shall be  
4 considered eligible for this exemption if he or she has  
5 completed the required 20 hours of training for a private  
6 security contractor, private detective, or private alarm  
7 contractor, or employee of a licensed agency and 20 hours  
8 of required firearm training, and has been issued a firearm  
9 control card by the Department of Financial and  
10 Professional Regulation. Conditions for the renewal of  
11 firearm control cards issued under the provisions of this  
12 Section shall be the same as for those cards issued under  
13 the provisions of the Private Detective, Private Alarm,  
14 Private Security, Fingerprint Vendor, and Locksmith Act of  
15 2004. The firearm control card shall be carried by the  
16 private security contractor, private detective, or private  
17 alarm contractor, or employee of the licensed agency at all  
18 times when he or she is in possession of a concealable  
19 weapon.

20 (6) Any person regularly employed in a commercial or  
21 industrial operation as a security guard for the protection  
22 of persons employed and private property related to such  
23 commercial or industrial operation, while actually engaged  
24 in the performance of his or her duty or traveling between  
25 sites or properties belonging to the employer, and who, as  
26 a security guard, is a member of a security force of at

1 least 5 persons registered with the Department of Financial  
2 and Professional Regulation; provided that such security  
3 guard has successfully completed a course of study,  
4 approved by and supervised by the Department of Financial  
5 and Professional Regulation, consisting of not less than 40  
6 hours of training that includes the theory of law  
7 enforcement, liability for acts, and the handling of  
8 weapons. A person shall be considered eligible for this  
9 exemption if he or she has completed the required 20 hours  
10 of training for a security officer and 20 hours of required  
11 firearm training, and has been issued a firearm control  
12 card by the Department of Financial and Professional  
13 Regulation. Conditions for the renewal of firearm control  
14 cards issued under the provisions of this Section shall be  
15 the same as for those cards issued under the provisions of  
16 the Private Detective, Private Alarm, Private Security,  
17 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
18 control card shall be carried by the security guard at all  
19 times when he or she is in possession of a concealable  
20 weapon.

21 (7) Agents and investigators of the Illinois  
22 Legislative Investigating Commission authorized by the  
23 Commission to carry the weapons specified in subsections  
24 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
25 any investigation for the Commission.

26 (8) Persons employed by a financial institution for the

1 protection of other employees and property related to such  
2 financial institution, while actually engaged in the  
3 performance of their duties, commuting between their homes  
4 and places of employment, or traveling between sites or  
5 properties owned or operated by such financial  
6 institution, provided that any person so employed has  
7 successfully completed a course of study, approved by and  
8 supervised by the Department of Financial and Professional  
9 Regulation, consisting of not less than 40 hours of  
10 training which includes theory of law enforcement,  
11 liability for acts, and the handling of weapons. A person  
12 shall be considered to be eligible for this exemption if he  
13 or she has completed the required 20 hours of training for  
14 a security officer and 20 hours of required firearm  
15 training, and has been issued a firearm control card by the  
16 Department of Financial and Professional Regulation.  
17 Conditions for renewal of firearm control cards issued  
18 under the provisions of this Section shall be the same as  
19 for those issued under the provisions of the Private  
20 Detective, Private Alarm, Private Security, Fingerprint  
21 Vendor, and Locksmith Act of 2004. Such firearm control  
22 card shall be carried by the person so trained at all times  
23 when such person is in possession of a concealable weapon.  
24 For purposes of this subsection, "financial institution"  
25 means a bank, savings and loan association, credit union or  
26 company providing armored car services.

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

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

6           (11) Investigators of the Office of the State's  
7 Attorneys Appellate Prosecutor authorized by the board of  
8 governors of the Office of the State's Attorneys Appellate  
9 Prosecutor to carry weapons pursuant to Section 7.06 of the  
10 State's Attorneys Appellate Prosecutor's Act.

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

13           (12.5) Probation officers while in the performance of  
14 their duties, or while commuting between their homes,  
15 places of employment or specific locations that are part of  
16 their assigned duties, with the consent of the chief judge  
17 of the circuit for which they are employed, if they have  
18 received weapons training according to requirements of the  
19 Peace Officer and Probation Officer Firearm Training Act.

20           (13) Court Security Officers while in the performance  
21 of their official duties, or while commuting between their  
22 homes and places of employment, with the consent of the  
23 Sheriff.

24           (13.5) A person employed as an armed security guard at  
25 a nuclear energy, storage, weapons or development site or  
26 facility regulated by the Nuclear Regulatory Commission

1 who has completed the background screening and training  
2 mandated by the rules and regulations of the Nuclear  
3 Regulatory Commission.

4 (14) Manufacture, transportation, or sale of weapons  
5 to persons authorized under subdivisions (1) through  
6 (13.5) of this subsection to possess those weapons.

7 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
8 to or affect any person carrying a concealed pistol, revolver,  
9 or handgun and the person has been issued a currently valid  
10 license under the Firearm Concealed Carry Act at the time of  
11 the commission of the offense.

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

14 (1) Members of any club or organization organized for  
15 the purpose of practicing shooting at targets upon  
16 established target ranges, whether public or private, and  
17 patrons of such ranges, while such members or patrons are  
18 using their firearms on those target ranges.

19 (2) Duly authorized military or civil organizations  
20 while parading, with the special permission of the  
21 Governor.

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

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

26 (5) Carrying or possessing any pistol, revolver, stun

1 gun or taser or other firearm on the land or in the legal  
2 dwelling of another person as an invitee with that person's  
3 permission.

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

6 (1) Peace officers while in performance of their  
7 official duties.

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

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

14 (4) Manufacture, transportation, or sale of machine  
15 guns to persons authorized under subdivisions (1) through  
16 (3) of this subsection to possess machine guns, if the  
17 machine guns are broken down in a non-functioning state or  
18 are not immediately accessible.

19 (5) Persons licensed under federal law to manufacture  
20 any weapon from which 8 or more shots or bullets can be  
21 discharged by a single function of the firing device, or  
22 ammunition for such weapons, and actually engaged in the  
23 business of manufacturing such weapons or ammunition, but  
24 only with respect to activities which are within the lawful  
25 scope of such business, such as the manufacture,  
26 transportation, or testing of such weapons or ammunition.

1 This exemption does not authorize the general private  
2 possession of any weapon from which 8 or more shots or  
3 bullets can be discharged by a single function of the  
4 firing device, but only such possession and activities as  
5 are within the lawful scope of a licensed manufacturing  
6 business described in this paragraph.

7 During transportation, such weapons shall be broken  
8 down in a non-functioning state or not immediately  
9 accessible.

10 (6) The manufacture, transport, testing, delivery,  
11 transfer or sale, and all lawful commercial or experimental  
12 activities necessary thereto, of rifles, shotguns, and  
13 weapons made from rifles or shotguns, or ammunition for  
14 such rifles, shotguns or weapons, where engaged in by a  
15 person operating as a contractor or subcontractor pursuant  
16 to a contract or subcontract for the development and supply  
17 of such rifles, shotguns, weapons or ammunition to the  
18 United States government or any branch of the Armed Forces  
19 of the United States, when such activities are necessary  
20 and incident to fulfilling the terms of such contract.

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



1           (7) A person possessing a rifle with a barrel or  
2           barrels less than 16 inches in length if: (A) the person  
3           has been issued a Curios and Relics license from the U.S.  
4           Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
5           the person is an active member of a bona fide, nationally  
6           recognized military re-enacting group and the modification  
7           is required and necessary to accurately portray the weapon  
8           for historical re-enactment purposes; the re-enactor is in  
9           possession of a valid and current re-enacting group  
10          membership credential; and the overall length of the weapon  
11          as modified is not less than 26 inches.

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

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

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

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

25                  (1) Members of the Armed Services or Reserve Forces of  
26          the United States or the Illinois National Guard, while in

1 the performance of their official duty.

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

4 (3) Laboratories having a department of forensic  
5 ballistics, or specializing in the development of  
6 ammunition or explosive ordinance.

7 (4) Commerce, preparation, assembly or possession of  
8 explosive bullets by manufacturers of ammunition licensed  
9 by the federal government, in connection with the supply of  
10 those organizations and persons exempted by subdivision  
11 (g)(1) of this Section, or like organizations and persons  
12 outside this State, or the transportation of explosive  
13 bullets to any organization or person exempted in this  
14 Section by a common carrier or by a vehicle owned or leased  
15 by an exempted manufacturer.

16 (g-5) Subsection 24-1(a)(6) does not apply to or affect any  
17 person, agency, manufacturer, dealer, federal firearms  
18 licensee, or trust that is in compliance with the National  
19 Firearms Act. ~~persons licensed under federal law to manufacture~~  
20 ~~any device or attachment of any kind designed, used, or~~  
21 ~~intended for use in silencing the report of any firearm,~~  
22 ~~firearms, or ammunition for those firearms equipped with those~~  
23 ~~devices, and actually engaged in the business of manufacturing~~  
24 ~~those devices, firearms, or ammunition, but only with respect~~  
25 ~~to activities that are within the lawful scope of that~~  
26 ~~business, such as the manufacture, transportation, or testing~~

1 ~~of those devices, firearms, or ammunition. This exemption does~~  
2 ~~not authorize the general private possession of any device or~~  
3 ~~attachment of any kind designed, used, or intended for use in~~  
4 ~~silencing the report of any firearm, but only such possession~~  
5 ~~and activities as are within the lawful scope of a licensed~~  
6 ~~manufacturing business described in this subsection (g 5).~~  
7 ~~During transportation, these devices shall be detached from any~~  
8 ~~weapon or not immediately accessible.~~

9 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
10 24-1.6 do not apply to or affect any parole agent or parole  
11 supervisor who meets the qualifications and conditions  
12 prescribed in Section 3-14-1.5 of the Unified Code of  
13 Corrections.

14 (g-7) Subsection 24-1(a)(6) does not apply to any law  
15 enforcement agency that has adopted guidelines for the use of  
16 suppressors or silencers by their employees while on duty. ~~a~~  
17 ~~peace officer while serving as a member of a tactical response~~  
18 ~~team or special operations team. A peace officer may not~~  
19 ~~personally own or apply for ownership of a device or attachment~~  
20 ~~of any kind designed, used, or intended for use in silencing~~  
21 ~~the report of any firearm. These devices shall be owned and~~  
22 ~~maintained by lawfully recognized units of government whose~~  
23 ~~duties include the investigation of criminal acts.~~

24 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
25 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
26 athlete's possession, transport on official Olympic and

1 Paralympic transit systems established for athletes, or use of  
2 competition firearms sanctioned by the International Olympic  
3 Committee, the International Paralympic Committee, the  
4 International Shooting Sport Federation, or USA Shooting in  
5 connection with such athlete's training for and participation  
6 in shooting competitions at the 2016 Olympic and Paralympic  
7 Games and sanctioned test events leading up to the 2016 Olympic  
8 and Paralympic Games.

9 (h) An information or indictment based upon a violation of  
10 any subsection of this Article need not negate any exemptions  
11 contained in this Article. The defendant shall have the burden  
12 of proving such an exemption.

13 (i) Nothing in this Article shall prohibit, apply to, or  
14 affect the transportation, carrying, or possession, of any  
15 pistol or revolver, stun gun, taser, or other firearm consigned  
16 to a common carrier operating under license of the State of  
17 Illinois or the federal government, where such transportation,  
18 carrying, or possession is incident to the lawful  
19 transportation in which such common carrier is engaged; and  
20 nothing in this Article shall prohibit, apply to, or affect the  
21 transportation, carrying, or possession of any pistol,  
22 revolver, stun gun, taser, or other firearm, not the subject of  
23 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
24 this Article, which is unloaded and enclosed in a case, firearm  
25 carrying box, shipping box, or other container, by the  
26 possessor of a valid Firearm Owners Identification Card.

1 (Source: P.A. 97-465, eff. 8-22-11; 97-676, eff. 6-1-12;  
2 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13; 98-63, eff. 7-9-13;  
3 98-463, eff. 8-16-13; 98-725, eff. 1-1-15.)

4 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

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

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

1 illness.

2 "Patient in a mental institution" means the person  
3 was admitted, either voluntarily or involuntarily, to  
4 a mental institution for mental health treatment,  
5 unless the treatment was voluntary and solely for an  
6 alcohol abuse disorder and no other secondary  
7 substance abuse disorder or mental illness.

8 (f) Sells or gives any firearms to any person who is  
9 intellectually disabled.

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

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

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

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

1           (j) Sells or gives a firearm while engaged in the  
2 business of selling firearms at wholesale or retail without  
3 being licensed as a federal firearms dealer under Section  
4 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
5 In this paragraph (j):

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

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

22           (k) Sells or transfers ownership of a firearm to a  
23 person who does not display to the seller or transferor of  
24 the firearm a currently valid Firearm Owner's  
25 Identification Card that has previously been issued in the  
26 transferee's name by the Department of State Police under



1 the provisions of the Firearm Owners Identification Card  
2 Act. This paragraph (k) does not apply to the transfer of a  
3 firearm to a person who is exempt from the requirement of  
4 possessing a Firearm Owner's Identification Card under  
5 Section 2 of the Firearm Owners Identification Card Act.  
6 For the purposes of this Section, a currently valid Firearm  
7 Owner's Identification Card means (i) a Firearm Owner's  
8 Identification Card that has not expired or (ii) an  
9 approval number issued in accordance with subsection  
10 (a-10) of subsection 3 or Section 3.1 of the Firearm Owners  
11 Identification Card Act shall be proof that the Firearm  
12 Owner's Identification Card was valid.

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

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

26 (1) Not being entitled to the possession of a firearm,

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

6 (m) Sells or gives a suppressor or silencer to a person  
7 not authorized to possess the suppressor or silencer under  
8 federal law.

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

19 (C) Sentence.

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

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

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

1 of firearms in violation of paragraph (a) or (m) of  
2 subsection (A) commits a Class 2 felony.

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

25 (5) Any person convicted of unlawful sale or delivery  
26 of firearms in violation of paragraph (a) or (i) of

1 subsection (A) in residential property owned, operated, or  
2 managed by a public housing agency or leased by a public  
3 housing agency as part of a scattered site or mixed-income  
4 development, in a public park, in a courthouse, on  
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, on  
8 the real property comprising any public park, on the real  
9 property comprising any courthouse, or on any public way  
10 within 1,000 feet of the real property comprising any  
11 public park, courthouse, or residential property owned,  
12 operated, or managed by a public housing agency or leased  
13 by a public housing agency as part of a scattered site or  
14 mixed-income development commits a Class 2 felony.

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

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

26 (8) A person 18 years of age or older convicted of

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

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

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

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

19 (D) For purposes of this Section:

20 "School" means a public or private elementary or secondary  
21 school, community college, college, or university.

22 "School related activity" means any sporting, social,  
23 academic, or other activity for which students' attendance or  
24 participation is sponsored, organized, or funded in whole or in  
25 part by a school or school district.

26 (E) A prosecution for a violation of paragraph (k) of

1 subsection (A) of this Section may be commenced within 6 years  
2 after the commission of the offense. A prosecution for a  
3 violation of this Section other than paragraph (g) of  
4 subsection (A) of this Section may be commenced within 5 years  
5 after the commission of the offense defined in the particular  
6 paragraph.

7 (Source: P.A. 97-227, eff. 1-1-12; 97-347, eff. 1-1-12; 97-813,  
8 eff. 7-13-12; 97-1167, eff. 6-1-13; 98-508, eff. 8-19-13.)

9 (720 ILCS 5/24-3.5)

10 Sec. 24-3.5. Unlawful purchase of a firearm, silencer, or  
11 suppressor.

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

14 (1) executed by a transferee of a firearm, silencer, or  
15 suppressor stating: (i) the transferee's name and address  
16 (including county or similar political subdivision); (ii)  
17 whether the transferee is a citizen of the United States;  
18 (iii) the transferee's State of residence; and (iv) the  
19 date and place of birth, height, weight, and race of the  
20 transferee; and

21 (2) on which the transferee certifies that he or she is  
22 not prohibited by federal law from transporting or shipping  
23 a firearm in interstate or foreign commerce or receiving a  
24 firearm that has been shipped or transported in interstate  
25 or foreign commerce or possessing a firearm in or affecting

1 commerce.

2 (b) A person commits the offense of unlawful purchase of a  
3 firearm, silencer, or suppressor who knowingly purchases or  
4 attempts to purchase a firearm with the intent to deliver that  
5 firearm, silencer, or suppressor to another person who is  
6 prohibited by federal or State law from possessing a firearm,   
7 silencer, or suppressor.

8 (c) A person commits the offense of unlawful purchase of a  
9 firearm, silencer, or suppressor when he or she, in purchasing  
10 or attempting to purchase a firearm, silencer, or suppressor,  
11 intentionally provides false or misleading information on a  
12 United States Department of the Treasury, Bureau of Alcohol,  
13 Tobacco and Firearms firearms transaction record form.

14 (d) Exemption. It is not a violation of subsection (b) of  
15 this Section for a person to make a gift or loan of a firearm to  
16 a person who is not prohibited by federal or State law from  
17 possessing a firearm if the transfer of the firearm is made in  
18 accordance with Section 3 of the Firearm Owners Identification  
19 Card Act.

20 (e) Sentence.

21 (1) A person who commits the offense of unlawful  
22 purchase of a firearm, silencer, or suppressor:

23 (A) is guilty of a Class 2 felony for purchasing or  
24 attempting to purchase one firearm, silencer, or  
25 suppressor;

26 (B) is guilty of a Class 1 felony for purchasing or



1 attempting to purchase not less than 2 firearms,  
2 silencers, or suppressors, or any combination thereof,  
3 and not more than 5 firearms, silencers, or  
4 suppressors, or any combination thereof, at the same  
5 time or within a one year period;

6 (C) is guilty of a Class X felony for which the  
7 offender shall be sentenced to a term of imprisonment  
8 of not less than 9 years and not more than 40 years for  
9 purchasing or attempting to purchase not less than 6  
10 firearms, silencers, or suppressors, or any  
11 combination thereof, at the same time or within a 2  
12 year period.

13 (2) In addition to any other penalty that may be  
14 imposed for a violation of this Section, the court may  
15 sentence a person convicted of a violation of subsection  
16 (c) of this Section to a fine not to exceed \$250,000 for  
17 each violation.

18 (f) A prosecution for unlawful purchase of a firearm,  
19 silencer, or suppressor may be commenced within 6 years after  
20 the commission of the offense.

21 (Source: P.A. 95-882, eff. 1-1-09.)

22 (720 ILCS 5/24-4.1)

23 Sec. 24-4.1. Report of lost or stolen firearms, silencers,  
24 or suppressors.

25 (a) If a person who possesses a valid Firearm Owner's

1 Identification Card and who possesses or acquires a firearm,  
2 silencer, or suppressor thereafter loses the firearm,  
3 silencer, or suppressor, or if the firearm, silencer, or  
4 suppressor is stolen from the person, the person must report  
5 the loss or theft to the local law enforcement agency within 72  
6 hours after obtaining knowledge of the loss or theft.

7 (b) A law enforcement agency having jurisdiction shall take  
8 a written report and shall, as soon as practical, enter the  
9 firearm, silencer, or suppressor's ~~firearm's~~ serial number as  
10 stolen into the Law Enforcement Agencies Data System (LEADS).

11 (c) A person shall not be in violation of this Section if:

12 (1) the failure to report is due to an act of God, act  
13 of war, or inability of a law enforcement agency to receive  
14 the report;

15 (2) the person is hospitalized, in a coma, or is  
16 otherwise seriously physically or mentally impaired as to  
17 prevent the person from reporting; or

18 (3) the person's designee makes a report if the person  
19 is unable to make the report.

20 (d) Sentence. A person who violates this Section is guilty  
21 of a petty offense for a first violation. A second or  
22 subsequent violation of this Section is a Class A misdemeanor.

23 (Source: P.A. 98-508, eff. 8-19-13.)

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

25 Sec. 24-5. Defacing identification marks of firearms,

1 silencers, or suppressors.

2 (a) Any person who shall knowingly or intentionally change,  
3 alter, remove or obliterate the name of the importer's or  
4 manufacturer's serial number of any firearm, silencer, or  
5 suppressor commits a Class 2 felony.

6 (b) A person who possesses any firearm, silencer, or  
7 suppressor upon which any such importer's or manufacturer's  
8 serial number has been changed, altered, removed or obliterated  
9 commits a Class 3 felony.

10 (c) Nothing in this Section shall prevent a person from  
11 making repairs, replacement of parts, or other changes to a  
12 firearm if those repairs, replacement of parts, or changes  
13 cause the removal of the name of the maker, model, or other  
14 marks of identification other than the serial number on the  
15 firearm's frame or receiver.

16 (d) A prosecution for a violation of this Section may be  
17 commenced within 6 years after the commission of the offense.

18 (Source: P.A. 93-906, eff. 8-11-04.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."