

## Illinois Compiled Statutes

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## Table of Contents

### Chapter 430 Public Safety

#### Firearm Owners Identification Card Act

430 ILCS 65/0.01 Short title

430 ILCS 65/1 [Declaration of policy]

430 ILCS 65/1.1 Firearm defined; Firearm ammunition defined

430 ILCS 65/2 Firearm Owner's Identification Card required; exceptions

430 ILCS 65/3 [Transfer of Firearms; Records; Exceptions]

430 ILCS 65/3a [Reciprocal rights in Iowa, Missouri, Indiana, Wisconsin and Kentucky]

430 ILCS 65/3.1 Dial up system

430 ILCS 65/3.2 List of prohibited projectiles; notice to dealers

430 ILCS 65/3.3 Report to the local law enforcement agency

430 ILCS 65/4 [Application for Firearm Owner's Identification Card]

430 ILCS 65/5 [Approval or denial of application; fees]

430 ILCS 65/6 Contents of Firearm Owner's Identification Card

430 ILCS 65/8 Grounds for denial and revocation

430 ILCS 65/8.1 Notifications to the Department of State Police

430 ILCS 65/8.2 Firearm Owner's Identification Card denial or revocation

430 ILCS 65/9 [Grounds for denial or revocation]

430 ILCS 65/9.5 Revocation of Firearm Owner's Identification Card

430 ILCS 65/10 Appeal To Director; Hearing; Relief From Firearm Prohibitions

430 ILCS 65/11 Judicial review of final administrative decisions

430 ILCS 65/12 [Transfer of firearms upon death of owner or incident to legal proceedings]

430 ILCS 65/13 [Acquisition or possession otherwise prohibited]

430 ILCS 65/13.1 Preemption

430 ILCS 65/13.2 [Notice of expiration]

430 ILCS 65/13.3 Municipal ordinance submission

#### Firearm Concealed Carry Act

430 ILCS 66/5 Definitions

430 ILCS 66/10 Issuance of Licenses to Carry a Concealed Firearm

430 ILCS 66/15 Objections by law enforcement agencies

430 ILCS 66/20 Concealed Carry Licensing Review Board

430 ILCS 66/25 Qualifications for a license

430 ILCS 66/30 Contents of license application

430 ILCS 66/35 Investigation of the applicant

430 ILCS 66/40 Non-resident license applications

430 ILCS 66/50 License renewal

430 ILCS 66/55 Change of address or name; lost, destroyed, or stolen licenses

430 ILCS 66/65 Prohibited areas

430 ILCS 66/70 Violations

430 ILCS 66/85 Background Checks for Sales

430 ILCS 66/87 Administrative and judicial review

430 ILCS 66/90 Preemption

### Chapter 720, Title III, Part D, Article 24. Deadly Weapons

720 ILCS 5/24-1 Unlawful use of weapons

720 ILCS 5/24-1.1 Unlawful use or possession of weapons by felons or persons in the custody of the department of corrections facilities

720 ILCS 5/24-1.2 Aggravated discharge of a firearm

720 ILCS 5/24-1.2-5 Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm

720 ILCS 5/24-1.5 Reckless discharge of a firearm  
720 ILCS 5/24-1.6 Aggravated unlawful use of a weapon  
720 ILCS 5/24-1.7 Armed habitual criminal  
720 ILCS 5/24-1.8 Unlawful possession of a firearm by a street gang member  
720 ILCS 5/24-2 Exemptions  
720 ILCS 5/24-2.1 Unlawful use of firearm projectiles  
720 ILCS 5/24-2.2 Manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells  
720 ILCS 5/24-3 Unlawful sale or delivery of firearms  
720 ILCS 5/24-3A Gunrunning  
720 ILCS 5/24-3B Firearms trafficking.  
720 ILCS 5/24-3.1 Unlawful possession of firearms and firearm ammunition  
720 ILCS 5/24-3.2 Unlawful discharge of firearm projectiles  
720 ILCS 5/24-3.3 Unlawful sale or delivery of firearms on the premises of any school, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency  
720 ILCS 5/24-3.4 Unlawful sale of firearms by liquor licensee  
720 ILCS 5/24-3.5 Unlawful purchase of a firearm  
720 ILCS 5/24-3.6 Unlawful use of a firearm in the shape of a wireless telephone  
720 ILCS 5/24-3.7 Use of a stolen firearm in the commission of an offense  
720 ILCS 5/24-3.8 Possession of a stolen firearm  
720 ILCS 5/24-3.9 Aggravated possession of a stolen firearm  
720 ILCS 5/24-4 Register of sales by dealer  
720 ILCS 5/24-4.1 Report of lost or stolen firearms  
720 ILCS 5/24-5 Defacing identification marks of firearms  
720 ILCS 5/24-6 Confiscation and disposition of weapons  
720 ILCS 5/24-7 Weapons offenses; community service  
720 ILCS 5/24-8 Firearm tracing 720 ILCS 5/24-9 Firearms; child protection  
720 ILCS 5/24-9 Firearms; child protection  
720 ILCS 5/24-9.5 Handgun safety devices  
720 ILCS 5/24-10 Municipal ordinance regulating firearms; affirmative defense to a violation

#### **Aurora Code of Ordinances**

#### **Municipal Code of Chicago**

#### **Peoria Code of Ordinances**

#### **Rockford Code of Ordinances**

### **Chapter 430 Public Safety Firearm Owners Identification Card Act**

**430 ILCS 65/0.01 Short title.** This Act may be cited as the Firearm Owners Identification Card Act.

**430 ILCS 65/1 [Declaration of policy]** It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms, firearm ammunition, stun guns, and tasers within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by § 24-3.1 of the Criminal Code of 2012 [720 ILCS 5/24-3.1], from acquiring or possessing firearms and firearm ammunition and who are prohibited by this Act from acquiring stun guns and tasers.

**430 ILCS 65/1.1 Firearm defined; Firearm ammunition defined.** For purposes of this Act:

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

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

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

"Addicted to narcotics" does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

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

- (1) presents a clear and present danger to himself, herself, or to others;
- (2) lacks the mental capacity to manage his or her own affairs or is adjudicated a disabled person as defined in § 11a-2 of the Probate Act of 1975 [755 ILCS 5/11a-2];
- (3) is not guilty in a criminal case by reason of insanity, mental disease or defect;
- (3.5) is guilty but mentally ill, as provided in § 5-2-6 of the Unified Code of Corrections [730 ILCS 5/5-2-6];
- (4) is incompetent to stand trial in a criminal case;
- (5) is not guilty by reason of lack of mental responsibility under Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b;
- (6) is a sexually violent person under subsection (f) of § 5 of the Sexually Violent Persons Commitment Act [725 ILCS 207/5];
- (7) is a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 207/1 et seq.];
- (8) is unfit to stand trial under the Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.];
- (9) is not guilty by reason of insanity under the Juvenile Court Act of 1987;
- (10) is subject to involuntary admission as an inpatient as defined in § 1-119 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-119];
- (11) is subject to involuntary admission as an outpatient as defined in § 1-119.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-119.1];
- (12) is subject to judicial admission as set forth in § 4-500 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/4-500]; or
- (13) is subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act [725 ILCS 205/0.01 et seq.].

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

- (1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or
- (2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

**"Clinical psychologist"** has the meaning provided in § 1-103 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-103].

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

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

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

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

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

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

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

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

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

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

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

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

**"Gun show"** means an event or function:

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

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

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section. Nothing in this definition shall be construed to exclude a gun show held in conjunction with competitive shooting events at the World Shooting Complex sanctioned by a national governing body in which the sale or transfer of firearms is authorized under subparagraph (5) of paragraph (g) of subsection (A) of § 24-3 of the Criminal Code of 2012 [720 ILCS 5/24-3].

Unless otherwise expressly stated, "gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, or any other event where the sale or transfer of firearms is not the primary course of business.

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

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

**"Involuntarily admitted"** has the meaning as prescribed in §§ 1-119 and 1-119.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-119 and 405 ILCS 5/1-119.1].

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

**"National governing body"** means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

**"Patient"** means:

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

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

**"Person with a developmental disability"** means a person with a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by persons with intellectual disabilities. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability. This disability results, in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:

(i) self-care;

(ii) receptive and expressive language;

(iii) learning;

(iv) mobility; or

(v) self-direction.

**"Person with an intellectual disability"** means a person with a significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

**"Physician"** has the meaning as defined in § 1-120 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-120].

**"Qualified examiner"** has the meaning provided in § 1-122 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-122].

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

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

**"Stun gun or taser"** has the meaning ascribed to it in § 24-1 of the Criminal Code of 2012 [720 ILCS 5/24-1].

#### **430 ILCS 65/2 Firearm Owner's Identification Card required; exceptions**

(a) (1) No person may acquire or possess any firearm, stun gun, or taser within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.

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

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

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

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

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

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

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

(6) Those hunters exempt from obtaining a hunting license who are required to submit their Firearm Owner's Identification Card when hunting on Department of Natural Resources owned or managed sites;

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

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

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

(10) Nonresidents who are currently licensed or registered to possess a firearm in their resident state;

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

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

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner's Identification Card and while in an area within a commercial club licensed under the Wildlife Code [520 ILCS 5/1.1 et seq.] where hunting is permitted and controlled, but in no instance upon sites owned or managed by the Department of Natural Resources;

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

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

(16) Competitive shooting athletes whose competition firearms are sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting in connection with such athletes' training for and participation in shooting competitions at the 2016 Olympic and Paralympic Games and sanctioned test events leading up to the 2016 Olympic and Paralympic Games.

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

(c-5) The provisions of paragraphs (1) and (2) of subsection (a) of this Section regarding the possession of firearms and firearm ammunition do not apply to the holder of a valid concealed carry license issued under the Firearm Concealed Carry Act [430 ILCS 66/1] who is in physical possession of the concealed carry license.

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

#### **430 ILCS 65/3 [Transfer of Firearms; Records; Exceptions]**

(a) Except as provided in § 3a [430 ILCS 65/3a], no person may knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun gun, or taser to any person within this State unless the transferee with whom he deals displays either:

(1) a currently valid Firearm Owner's Identification Card which has previously been issued in his or her name by the Department of State Police under the provisions of this Act; or

(2) a currently valid license to carry a concealed firearm which has previously been issued in his or her name by the Department of State Police under the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.]. In addition, all firearm, stun gun, and taser transfers by federally licensed firearm dealers are subject to § 3.1 [430 ILCS 65/3.1].

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with § 3.1.

(a-10) Notwithstanding item (2) of subsection (a) of this Section, any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm or firearms to any person who is not a federally licensed firearm dealer shall, before selling or transferring the firearms, contact the Department of State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the validity of the transferee's or purchaser's Firearm Owner's Identification Card. This subsection shall not be effective until January 1, 2014. The Department of State Police may adopt rules concerning the implementation of this subsection. The Department of State Police shall provide the seller or transferor an approval number if the purchaser's Firearm Owner's Identification Card is valid. Approvals issued by the Department for the purchase of a firearm pursuant to this subsection are valid for 30 days from the date of issue.

(a-15) The provisions of subsection (a-10) of this Section do not apply to:

(1) transfers that occur at the place of business of a federally licensed firearm dealer, if the federally licensed firearm dealer conducts a background check on the prospective recipient of the firearm in accordance with § 3.1 of this Act and

follows all other applicable federal, State, and local laws as if he or she were the seller or transferor of the firearm, although the dealer is not required to accept the firearm into his or her inventory. The purchaser or transferee may be required by the federally licensed firearm dealer to pay a fee not to exceed \$10 per firearm, which the dealer may retain as compensation for performing the functions required under this paragraph, plus the applicable fees authorized by § 3.1;

(2) transfers as a bona fide gift to the transferor's husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, nephew, niece, uncle, aunt, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, or daughter-in-law;

(3) transfers by persons acting pursuant to operation of law or a court order;

(4) transfers on the grounds of a gun show under subsection (a-5) of this Section;

(5) the delivery of a firearm by its owner to a gunsmith for service or repair, the return of the firearm to its owner by the gunsmith, or the delivery of a firearm by a gunsmith to a federally licensed firearms dealer for service or repair and the return of the firearm to the gunsmith;

(6) temporary transfers that occur while in the home of the unlicensed transferee, if the unlicensed transferee is not otherwise prohibited from possessing firearms and the unlicensed transferee reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee;

(7) transfers to a law enforcement or corrections agency or a law enforcement or corrections officer acting within the course and scope of his or her official duties;

(8) transfers of firearms that have been rendered permanently inoperable to a nonprofit historical society, museum, or institutional collection; and

(9) transfers to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under § 2 of this Act [430 ILCS 65/2].

(a-20) The Department of State Police shall develop an Internet-based system for individuals to determine the validity of a Firearm Owner's Identification Card prior to the sale or transfer of a firearm. The Department shall have the Internet-based system completed and available for use by July 1, 2015. The Department shall adopt rules not inconsistent with this Section to implement this system.

(b) Any person within this State who transfers or causes to be transferred any firearm, stun gun, or taser shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm, stun gun, or taser if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number and any approval number or documentation provided by the Department of State Police pursuant to subsection (a-10) of this Section. On or after January 1, 2006, the record shall contain the date of application for transfer of the firearm. On demand of a peace officer such transferor shall produce for inspection such record of transfer. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number or approval number is a petty offense.

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

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

### **430 ILCS 65/3a [Reciprocal rights in Iowa, Missouri, Indiana, Wisconsin and Kentucky]**

(a) Any resident of Illinois who has obtained a firearm owner's identification card pursuant to this Act and who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase or obtain a rifle or shotgun or ammunition for a rifle or shotgun in Iowa, Missouri, Indiana, Wisconsin or Kentucky.

(b) Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his domicile, or the United States from obtaining, possessing or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for a rifle or shotgun in Illinois.

(b-5) Any non-resident who is participating in a sanctioned competitive shooting event, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a shotgun or shotgun ammunition in Illinois for the purpose of participating in that event. A person may purchase or obtain a shotgun or shotgun ammunition under this subsection only at the site where the sanctioned competitive shooting event is being held.

(b-10) Any non-resident registered competitor or attendee of a competitive shooting event held at the World Shooting Complex sanctioned by a national governing body, who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm may purchase or obtain a rifle, shotgun, or other long gun or ammunition for a rifle, shotgun, or other long gun at the competitive shooting event. The sanctioning body shall provide a list of registered competitors and attendees as required under subparagraph (5) of paragraph (g) of subsection (A) of § 24-3 of the Criminal Code of 2012 [720 ILCS 5/24-3]. A competitor or attendee of a competitive shooting event who does not wish to purchase a firearm at the event is not required to register or have his or her name appear on a list of registered competitors and attendees provided to the Department of State Police by the sanctioning

body.

(c) Any transaction under this Section is subject to the provisions of the Gun Control Act of 1968 (18 U.S.C. 922 (b)(3)).

#### **430 ILCS 65/3.1 Dial up system**

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm, stun gun, or taser under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed \$2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by § 24-3 of the Criminal Code of 2012 [720 ILCS 5/24-3] regarding the delivery of firearms, stun guns, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

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

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

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

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

**430 ILCS 65/3.2 List of prohibited projectiles; notice to dealers.** Prior to January 1, 2002, the Department of State Police shall list on the Department's World Wide Web site all firearm projectiles that are prohibited under §§ 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 2012 [720 ILCS 5/24-2.1, 720 ILCS 5/24-2.2, and 720 ILCS 5/24-3.2], together with a statement setting forth the sentence that may be imposed for violating those Sections. The Department of State Police shall, prior to January 1, 2002, send a list of all firearm projectiles that are prohibited under §§ 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 2012 to each federally licensed firearm dealer in Illinois registered with the Department.

**430 ILCS 65/3.3 Report to the local law enforcement agency.** The Department of State Police must report the name and address of a person to the local law enforcement agency where the person resides if the person attempting to purchase a firearm is disqualified from purchasing a firearm because of information obtained under subsection (a-10) of § 3 or § 3.1 [430 ILCS 65/3 or 430 ILCS 65/3.1] that would disqualify the person from obtaining a Firearm Owner's Identification Card under any of subsections (c) through (n) of § 8 of this Act [430 ILCS 65/8].

#### **430 ILCS 65/4 [Application for Firearm Owner's Identification Card]**

(a) Each applicant for a Firearm Owner's Identification Card must:

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

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

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

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

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

(iv) He or she has not been a patient in a mental health facility within the past 5 years or, if he or she has been a patient in a mental health facility more than 5 years ago submit the certification required under subsection (u) of § 8 of this Act [430 ILCS 65/8];

(v) He or she is not a person with an intellectual disability;

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

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

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

(ix) He or she has not been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012. If the applicant knowingly and intelligently waives the right to have an offense described in this clause (ix) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under § 112A-11.1 of the Code of Criminal Procedure of

1963 [725 ILCS 5/112A-11.1], an entry by the court of a judgment of conviction for that offense shall be grounds for denying the issuance of a Firearm Owner's Identification Card under this Section;

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

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

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

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

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

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

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

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

(xii) He or she is not a minor subject to a petition filed under § 5-520 of the Juvenile Court Act of 1987 [705 ILCS 405/5-520] alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

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

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

(xv) He or she has not been adjudicated as a person with a mental disability;

(xvi) He or she has not been involuntarily admitted into a mental health facility; and

(xvii) He or she is not a person with a developmental disability; and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

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

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

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

(a-20) Each applicant for a Firearm Owner's Identification Card shall furnish to the Department of State Police his or her photograph. An applicant who is 21 years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. In lieu of a photograph, an applicant regardless of age seeking a religious exemption to the photograph requirement shall submit fingerprints on a form and manner prescribed by the Department with his or her application.

(b) Each application form shall include the following statement printed in bold type:

"Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of § 14 of the Firearm Owners Identification Card Act [430 ILCS 65/14]."

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

**430 ILCS 65/5 [Approval or denial of application; fees]** The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified under § 8 of this Act [430 ILCS 65/8] by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a \$10 fee. Any applicant who is an active duty member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of the Reserve Forces of the United States is exempt from the application fee.

#### **430 ILCS 65/6 Contents of Firearm Owner's Identification Card**

(a) A Firearm Owner's Identification Card, issued by the Department of State Police at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph, except as provided in subsection (c-5), and signature. Each Firearm Owner's Identification Card must have

the expiration date boldly and conspicuously displayed on the face of the card. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION -- This card does not permit bearer to UNLAWFULLY carry or use firearms." On and after December 1, 2002, the Department shall use a person's digital photograph and signature from his or her Illinois driver's license or Illinois Identification Card, if available. The Department shall decline to use a person's digital photograph or signature if the digital photograph or signature is the result of or associated with fraudulent or erroneous data, unless otherwise provided by law.

**(b)** A person applying for a Firearm Owner's Identification Card shall consent to the Department of State Police using the applicant's digital driver's license or Illinois Identification Card photograph, if available, and signature on the applicant's Firearm Owner's Identification Card. The Secretary of State shall allow the Department of State Police access to the photograph and signature for the purpose of identifying the applicant and issuing to the applicant a Firearm Owner's Identification Card.

**(c-5)** If a person qualifies for a photograph exemption, in lieu of a photograph, the Firearm Owner's Identification Card shall contain a copy of the card holder's fingerprints. Each Firearm Owner's Identification Card described in this subsection (c-5) must have printed on it the following: "This card is only valid for firearm purchases through a federally licensed firearms dealer when presented with photographic identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."

**430 ILCS 65/8 Grounds for denial and revocation.** The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

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

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

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

**(d)** A person addicted to narcotics;

**(e)** A person who has been a patient of a mental health facility within the past 5 years or a person who has been a patient in a mental health facility more than 5 years ago who has not received the certification required under subsection (u) of this Section. An active law enforcement officer employed by a unit of government who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under this subsection (e) may obtain relief as described in subsection (c-5) of § 10 of this Act [430 ILCS 65/10] if the officer did not act in a manner threatening to the officer, another person, or the public as determined by the treating clinical psychologist or physician, and the officer seeks mental health treatment;

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

**(g)** A person who has an intellectual disability;

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

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

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

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

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

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

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

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

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

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

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

**(l)** A person who has been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012. If the applicant or person who has been previously issued a Firearm Owner's Identification Card under this Act knowingly and intelligently waives the right to have an offense described in this paragraph (l) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under § 112A-11.1 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-11.1], an entry by the court of a judgment of conviction for that offense shall be grounds for denying an application for and for revoking and seizing a Firearm Owner's Identification Card previously issued to the person under this Act;

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

**(o)** A minor subject to a petition filed under § 5-520 of the Juvenile Court Act of 1987 [705 ILCS 405/5-520] alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

- (p)** An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.] for the commission of an offense that if committed by an adult would be a felony;
- (q)** A person who is not a resident of the State of Illinois, except as provided in subsection (a-10) of § 4 [430 ILCS 65/4];
- (r)** A person who has been adjudicated as a person with a mental disability;
- (s)** A person who has been found to have a developmental disability;
- (t)** A person involuntarily admitted into a mental health facility; or
- (u)** A person who has had his or her Firearm Owner's Identification Card revoked or denied under subsection (e) of this Section or item (iv) of paragraph (2) of subsection (a) of § 4 of this Act because he or she was a patient in a mental health facility as provided in subsection (e) of this Section, shall not be permitted to obtain a Firearm Owner's Identification Card, after the 5-year period has lapsed, unless he or she has received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as those terms are defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-100 et seq.], and has received a certification that he or she is not a clear and present danger to himself, herself, or others. The physician, clinical psychologist, or qualified examiner making the certification and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the certification required under this subsection, except for willful or wanton misconduct. This subsection does not apply to a person whose firearm possession rights have been restored through administrative or judicial action under § 10 or 11 of this Act [430 ILCS 65/10 or 430 ILCS 65/11].

Upon revocation of a person's Firearm Owner's Identification Card, the Department of State Police shall provide notice to the person and the person shall comply with § 9.5 of this Act [430 ILCS 65/9.5].

#### **430 ILCS 65/8.1 Notifications to the Department of State Police**

**(a)** The Circuit Clerk shall, in the form and manner required by the Supreme Court, notify the Department of State Police of all final dispositions of cases for which the Department has received information reported to it under §§ 2.1 and 2.2 of the Criminal Identification Act [20 ILCS 2630/2.1 and 20 ILCS 2630/2.2].

**(b)** Upon adjudication of any individual as a person with a mental disability, as defined in § 1.1 of this Act [430 ILCS 65/1.1] or a finding that a person has been involuntarily admitted, the court shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

**(b-1)** Beginning July 1, 2016, and each July 1 and December 30 of every year thereafter, the circuit court clerk shall, in the form and manner prescribed by the Department of State Police, notify the Department of State Police, Firearm Owner's Identification (FOID) department if the court has not directed the circuit court clerk to notify the Department of State Police, Firearm Owner's Identification (FOID) department under subsection (b) of this Section, within the preceding 6 months, because no person has been adjudicated as a person with a mental disability by the court as defined in § 1.1 of this Act or if no person has been involuntarily admitted. The Supreme Court may adopt any orders or rules necessary to identify the persons who shall be reported to the Department of State Police under subsection (b), or any other orders or rules necessary to implement the requirements of this Act. **(c)** The Department of Human Services shall, in the form and manner prescribed by the Department of State Police, report all information collected under subsection (b) of § 12 of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110/12] for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

**(c)** The Department of Human Services shall, in the form and manner prescribed by the Department of State Police, report all information collected under subsection (b) of § 12 of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110/12] for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

**(d)** If a person is determined to pose a clear and present danger to himself, herself, or to others:

**(1)** by a physician, clinical psychologist, or qualified examiner, or is determined to have a developmental disability by a physician, clinical psychologist, or qualified examiner, whether employed by the State or privately, then the physician, clinical psychologist, or qualified examiner shall, within 24 hours of making the determination, notify the Department of Human Services that the person poses a clear and present danger or has a developmental disability; or

**(2)** by a law enforcement official or school administrator, then the law enforcement official or school administrator shall, within 24 hours of making the determination, notify the Department of State Police that the person poses a clear and present danger. The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Department of State Police in a form and manner prescribed by the Department of State Police. The Department of State Police shall determine whether to revoke the person's Firearm Owner's Identification Card under § 8 of this Act [430 ILCS 65/8]. Any information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of § 3.1 of this Act [430 ILCS 65/3.1], nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond what is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton

misconduct.

(e) The Department of State Police shall adopt rules to implement this Section.

**430 ILCS 65/8.2 Firearm Owner's Identification Card denial or revocation.** The Department of State Police shall deny an application or shall revoke and seize a Firearm Owner's Identification Card previously issued under this Act if the Department finds that the applicant or person to whom such card was issued is or was at the time of issuance subject to an existing order of protection.

**430 ILCS 65/9 [Grounds for denial or revocation]** Every person whose application for a Firearm Owner's Identification Card is denied, and every holder of such a Card whose Card is revoked or seized, shall receive a written notice from the Department of State Police stating specifically the grounds upon which his application has been denied or upon which his Identification Card has been revoked. The written notice shall include the requirements of § 9.5 of this Act [430 ILCS 65/9.5] and the persons's right to administrative or judicial review under § 10 and 11 of this Act [430 ILCS 65/10 and 430 ILCS 65/11]. A copy of the written notice shall be provided to the sheriff and law enforcement agency where the person resides.

**430 ILCS 65/9.5 Revocation of Firearm Owner's Identification Card**

(a) A person who receives a revocation notice under § 9 of this Act shall, within 48 hours of receiving notice of the revocation:

(1) surrender his or her Firearm Owner's Identification Card to the local law enforcement agency where the person resides. The local law enforcement agency shall provide the person a receipt and transmit the Firearm Owner's Identification Card to the Department of State Police; and

(2) complete a Firearm Disposition Record on a form prescribed by the Department of State Police and place his or her firearms in the location or with the person reported in the Firearm Disposition Record. The form shall require the person to disclose:

(A) the make, model, and serial number of each firearm owned by or under the custody and control of the revoked person;

(B) the location where each firearm will be maintained during the prohibited term; and

(C) if any firearm will be transferred to the custody of another person, the name, address and Firearm Owner's Identification Card number of the transferee.

(b) The local law enforcement agency shall provide a copy of the Firearm Disposition Record to the person whose Firearm Owner's Identification Card has been revoked and to the Department of State Police.

(c) If the person whose Firearm Owner's Identification Card has been revoked fails to comply with the requirements of this Section, the sheriff or law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the Firearm Owner's Identification Card and firearms in the possession or under the custody or control of the person whose Firearm Owner's Identification Card has been revoked.

(d) A violation of subsection (a) of this Section is a Class A misdemeanor.

(e) The observation of a Firearm Owner's Identification Card in the possession of a person whose Firearm Owner's Identification Card has been revoked constitutes a sufficient basis for the arrest of that person for violation of this Section.

(f) Within 30 days after the effective date of this amendatory Act of the 98th General Assembly [P.A. 98-63], the Department of State Police shall provide written notice of the requirements of this Section to persons whose Firearm Owner's Identification Cards have been revoked, suspended, or expired and who have failed to surrender their cards to the Department.

(g) A person whose Firearm Owner's Identification Card has been revoked and who received notice under subsection (f) shall comply with the requirements of this Section within 48 hours of receiving notice.

**430 ILCS 65/10 Appeal To Director; Hearing; Relief From Firearm Prohibitions**

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

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Department of State Police to issue a Card. However, the court shall not issue the order if the petitioner is otherwise prohibited from obtaining, possessing, or using a firearm under federal law.

(c) Any person prohibited from possessing a firearm under §§ 24-1.1 or 24-3.1 of the Criminal Code of 2012 or acquiring a Firearm Owner's Identification Card under § 8 of this Act may apply to the Director of State Police or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section,

requesting relief from such prohibition and the Director or court may grant such relief if it is established by the applicant to the court's or Director's satisfaction that:

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

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

**(2)** the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety;

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

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

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

**(A)** the officer has not received treatment involuntarily at a mental health facility, regardless of the length of admission; or has not been voluntarily admitted to a mental health facility for more than 30 days and not for more than one incident within the past 5 years; and

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

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

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

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

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

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

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

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

**(c-10)(1)** An applicant, who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of § 8 of this Act based upon a determination of a developmental disability or an intellectual disability may apply to the Director of State Police requesting relief.

**(2)** The Director shall act on the request for relief within 60 business days of receipt of written certification, in the form prescribed by the Director, from a physician or clinical psychologist, or qualified examiner, that the aggrieved party's developmental disability or intellectual disability condition is determined by a physician, clinical psychologist, or qualified to be mild. If a fact-finding conference is scheduled to obtain additional information concerning the circumstances of the denial or revocation, the 60 business days the Director has to act shall be tolled until the completion of the fact-finding conference.

**(3)** The Director may grant relief if the aggrieved party's developmental disability or intellectual disability is mild as determined by a physician, clinical psychologist, or qualified examiner and it is established by the applicant to the Director's satisfaction that:

**(A)** granting relief would not be contrary to the public interest; and

**(B)** granting relief would not be contrary to federal law.

**(4)** The Director may not grant relief if the condition is determined by a physician, clinical psychologist, or qualified examiner to be moderate, severe, or profound.

**(5)** The changes made to this Section by this amendatory Act of the 99th General Assembly apply to requests for relief pending on or before the effective date of this amendatory Act, except that the 60-day period for the Director to act on requests pending before the effective date shall begin on the effective date of this amendatory Act.

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

**(e)** The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an

application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Department of State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

**(f)** Any person who is subject to the disabilities of 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 because of an adjudication or commitment that occurred under the laws of this State or who was determined to be subject to the provisions of subsections (e), (f), or (g) of § 8 of this Act may apply to the Department of State Police requesting relief from that prohibition. The Director shall grant the relief if it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest. In making this determination, the Director shall receive evidence concerning **(i)** the circumstances regarding the firearms disabilities from which relief is sought; **(ii)** the petitioner's mental health and criminal history records, if any; **(iii)** the petitioner's reputation, developed at a minimum through character witness statements, testimony, or other character evidence; and **(iv)** changes in the petitioner's condition or circumstances since the disqualifying events relevant to the relief sought. If relief is granted under this subsection or by order of a court under this Section, the Director shall as soon as practicable but in no case later than 15 business days, update, correct, modify, or remove the person's record in any database that the Department of State Police makes available to the National Instant Criminal Background Check System and notify the United States Attorney General that the basis for the record being made available no longer applies. The Department of State Police shall adopt rules for the administration of this Section.

#### **430 ILCS 65/11 Judicial review of final administrative decisions**

**(a)** All final administrative decisions of the Department under this Act, except final administrative decisions of the Director of State Police to deny a person's application for relief under subsection (f) of § 10 of this Act [430 ILCS 65/10], shall be subject to judicial review under the provisions of the Administrative Review Law [735 ILCS 5/3-101 et seq.], and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in § 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

**(b)** Any final administrative decision by the Director of State Police to deny a person's application for relief under subsection (f) of § 10 of this Act is subject to de novo judicial review by the circuit court, and any party may offer evidence that is otherwise proper and admissible without regard to whether that evidence is part of the administrative record.

**430 ILCS 65/12 [Transfer of firearms upon death of owner or incident to legal proceedings]** The provisions of this Act shall not apply to the passing or transfer of any firearm or firearm ammunition upon the death of the owner thereof to his heir or legatee or to the passing or transfer of any firearm or firearm ammunition incident to any legal proceeding or action until 60 days after such passing or transfer.

**430 ILCS 65/13 [Acquisition or possession otherwise prohibited]** Nothing in this Act shall make lawful the acquisition or possession of firearms or firearm ammunition which is otherwise prohibited by law.

#### **430 ILCS 65/13.1 Preemption**

**(a)** Except as otherwise provided in the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.] and subsections (b) and (c) of this Section, the provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act.

**(b)** Notwithstanding subsection (a) of this Section, the regulation, licensing, possession, and registration of handguns and ammunition for a handgun, and the transportation of any firearm and ammunition by a holder of a valid Firearm Owner's Identification Card issued by the Department of State Police under this Act are exclusive powers and functions of this State. Any ordinance or regulation, or portion of that ordinance or regulation, enacted on or before the effective date of this amendatory Act of the 98th General Assembly [P.A. 98-63] that purports to impose regulations or restrictions on a holder of a valid Firearm Owner's Identification Card issued by the Department of State Police under this Act in a manner that is inconsistent with this Act, on the effective date of this amendatory Act of the 98th General Assembly, shall be invalid in its application to a holder of a valid Firearm Owner's Identification Card issued by the Department of State Police under this Act.

**(c)** Notwithstanding subsection (a) of this Section, the regulation of the possession or ownership of assault weapons are exclusive powers and functions of this State. Any ordinance or regulation, or portion of that ordinance or regulation, that purports to regulate the possession or ownership of assault weapons in a manner that is inconsistent with this Act, shall be invalid unless the ordinance or regulation is enacted on, before, or within 10 days after the effective date of this amendatory Act of the 98th General Assembly. Any ordinance or regulation described in this subsection (c) enacted more than 10 days after the effective date of this amendatory Act of the 98th General Assembly is invalid. An ordinance enacted on, before, or within 10 days after the effective date of this amendatory Act of the 98th General Assembly may be amended. The enactment or amendment of ordinances under this subsection (c) are subject to the submission requirements of § 13.3 [430 ILCS 65/13.3]. For the purposes of this subsection, "assault weapons" means firearms designated by either make or model or by a test or list of cosmetic features that cumulatively would place the firearm into a definition of "assault weapon" under the ordinance.

**(d)** For the purposes of this Section, "handgun" has the meaning ascribed to it in § 5 of the Firearm Concealed Carry Act [

(e) This Section is a denial and limitation of home rule powers and functions under subsection (h) of § 6 of Article VII of the Illinois Constitution [Ill. Const. Art. VII, § 6].

**430 ILCS 65/13.2 [Notice of expiration]** The Department of State Police shall, 60 days prior to the expiration of a Firearm Owner's Identification Card, forward by first class mail to each person whose card is to expire a notification of the expiration of the card and an application which may be used to apply for renewal of the card. It is the obligation of the holder of a Firearm Owner's Identification Card to notify the Department of State Police of any address change since the issuance of the Firearm Owner's Identification Card. Whenever any person moves from the residence address named on his or her card, the person shall within 21 calendar days thereafter notify in a form and manner prescribed by the Department of his or her old and new residence addresses and the card number held by him or her. Any person whose legal name has changed from the name on the card that he or she has been previously issued must apply for a corrected card within 30 calendar days after the change. The cost for a corrected card shall be \$5 which shall be deposited into the State Police Firearm Services Fund.

**430 ILCS 65/13.3 Municipal ordinance submission.** Within 6 months after the effective date of this amendatory Act of the 92nd General Assembly [P.A. 92-238], every municipality must submit to the Department of State Police a copy of every ordinance adopted by the municipality that regulates the acquisition, possession, sale, or transfer of firearms within the municipality and must submit, 30 days after adoption, every such ordinance adopted after its initial submission of ordinances under this Section. The Department of State Police shall compile these ordinances and publish them in a form available to the public free of charge and shall periodically update this compilation of ordinances in a manner prescribed by the Director of State Police.

### **Firearm Concealed Carry Act**

**430 ILCS 66/5 Definitions.** As used in this Act:

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

"**Board**" means the Concealed Carry Licensing Review Board.

"**Concealed firearm**" means a loaded or unloaded handgun carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle.

"**Department**" means the Department of State Police.

"**Director**" means the Director of State Police.

"**Handgun**" means any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand. "Handgun" does not include:

- (1) a stun gun or taser;
- (2) a machine gun as defined in item (i) of paragraph (7) of subsection (a) of § 24-1 of the Criminal Code of 2012 [720 ILCS 5/24-1];
- (3) a short-barreled rifle or shotgun as defined in item (ii) of paragraph (7) of subsection (a) of § 24-1 of the Criminal Code of 2012; or
- (4) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter, or which has a maximum muzzle velocity of less than 700 feet per second, or which expels breakable paint balls containing washable marking colors.

"**Law enforcement agency**" means any federal, State, or local law enforcement agency, including offices of State's Attorneys and the Office of the Attorney General.

"**License**" means a license issued by the Department of State Police to carry a concealed handgun.

"**Licensee**" means a person issued a license to carry a concealed handgun.

"**Municipality**" has the meaning ascribed to it in § 1 of Article VII of the Illinois Constitution [Ill. Const., Art. VII, § 1].

"**Unit of local government**" has the meaning ascribed to it in § 1 of Article VII of the Illinois Constitution.

### **430 ILCS 66/10 Issuance of Licenses to Carry a Concealed Firearm**

(a) The Department shall issue a license to carry a concealed firearm under this Act to an applicant who:

- (1) meets the qualifications of § 25 of this Act [430 ILCS 66/25];
- (2) has provided the application and documentation required in § 30 of this Act [430 ILCS 66/30];
- (3) has submitted the requisite fees; and
- (4) does not pose a danger to himself, herself, or others, or a threat to public safety as determined by the Concealed Carry Licensing Review Board in accordance with § 20 [430 ILCS 66/20].

(b) The Department shall issue a renewal, corrected, or duplicate license as provided in this Act.

(c) A license shall be valid throughout the State for a period of 5 years from the date of issuance. A license shall permit the licensee to:

- (1) carry a loaded or unloaded concealed firearm, fully concealed or partially concealed, on or about his or her person; and
- (2) keep or carry a loaded or unloaded concealed firearm on or about his or her person within a vehicle.

(d) The Department shall make applications for a license available no later than 180 days after the effective date of this Act. The Department shall establish rules for the availability and submission of applications in accordance with this Act.

**(e)** An application for a license submitted to the Department that contains all the information and materials required by this Act, including the requisite fee, shall be deemed completed. Except as otherwise provided in this Act, no later than 90 days after receipt of a completed application, the Department shall issue or deny the applicant a license.

**(f)** The Department shall deny the applicant a license if the applicant fails to meet the requirements under this Act or the Department receives a determination from the Board that the applicant is ineligible for a license. The Department must notify the applicant stating the grounds for the denial. The notice of denial must inform the applicant of his or her right to an appeal through administrative and judicial review.

**(g)** A licensee shall possess a license at all times the licensee carries a concealed firearm except:

**(1)** when the licensee is carrying or possessing a concealed firearm on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission;

**(2)** when the person is authorized to carry a firearm under § 24-2 of the Criminal Code of 2012 [720 ILCS 5/24-2], except subsection (a-5) of that Section; or

**(3)** when the handgun is broken down in a non-functioning state, is not immediately accessible, or is unloaded and enclosed in a case.

**(h)** If an officer of a law enforcement agency initiates an investigative stop, including but not limited to a traffic stop, of a licensee or a non-resident carrying a concealed firearm under subsection (e) of § 40 of this Act [430 ILCS 66/40], upon the request of the officer the licensee or non-resident shall disclose to the officer that he or she is in possession of a concealed firearm under this Act, or present the license upon the request of the officer if he or she is a licensee or present upon the request of the officer evidence under paragraph (2) of subsection (e) of § 40 of this Act that he or she is a non-resident qualified to carry under that subsection. The disclosure requirement under this subsection (h) is satisfied if the licensee presents his or her license to the officer or the non-resident presents to the officer evidence under paragraph (2) of subsection (e) of § 40 of this Act that he or she is qualified to carry under that subsection. Upon the request of the officer, the licensee or non-resident shall also identify the location of the concealed firearm and permit the officer to safely secure the firearm for the duration of the investigative stop. During a traffic stop, any passenger within the vehicle who is a licensee or a non-resident carrying under subsection (e) of § 40 of this Act must comply with the requirements of this subsection (h).

**(h-1)** If a licensee carrying a firearm or a non-resident carrying a firearm in a vehicle under subsection (e) of § 40 of this Act is contacted by a law enforcement officer or emergency services personnel, the law enforcement officer or emergency services personnel may secure the firearm or direct that it be secured during the duration of the contact if the law enforcement officer or emergency services personnel determines that it is necessary for the safety of any person present, including the law enforcement officer or emergency services personnel. The licensee or nonresident shall submit to the order to secure the firearm. When the law enforcement officer or emergency services personnel have determined that the licensee or non-resident is not a threat to the safety of any person present, including the law enforcement officer or emergency services personnel, and if the licensee or non-resident is physically and mentally capable of possessing the firearm, the law enforcement officer or emergency services personnel shall return the firearm to the licensee or non-resident before releasing him or her from the scene and breaking contact. If the licensee or non-resident is transported for treatment to another location, the firearm shall be turned over to any peace officer. The peace officer shall provide a receipt which includes the make, model, caliber, and serial number of the firearm.

**(i)** The Department shall maintain a database of license applicants and licensees. The database shall be available to all federal, State, and local law enforcement agencies, State's Attorneys, the Attorney General, and authorized court personnel. Within 180 days after the effective date of this Act, the database shall be searchable and provide all information included in the application, including the applicant's previous addresses within the 10 years prior to the license application and any information related to violations of this Act. No law enforcement agency, State's Attorney, Attorney General, or member or staff of the judiciary shall provide any information to a requester who is not entitled to it by law.

**(j)** No later than 10 days after receipt of a completed application, the Department shall enter the relevant information about the applicant into the database under subsection (i) of this Section which is accessible by law enforcement agencies.

#### **430 ILCS 66/15 Objections by law enforcement agencies**

**(a)** Any law enforcement agency may submit an objection to a license applicant based upon a reasonable suspicion that the applicant is a danger to himself or herself or others, or a threat to public safety. The objection shall be made by the chief law enforcement officer of the law enforcement agency, or his or her designee, and must include any information relevant to the objection. If a law enforcement agency submits an objection within 30 days after the entry of an applicant into the database, the Department shall submit the objection and all information available to the Board under State and federal law related to the application to the Board within 10 days of completing all necessary background checks.

**(b)** If an applicant has 5 or more arrests for any reason, that have been entered into the Criminal History Records Information (CHRI) System, within the 7 years preceding the date of application for a license, or has 3 or more arrests within the 7 years preceding the date of application for a license for any combination of gang-related offenses, the Department shall object and submit the applicant's arrest record to the extent the Board is allowed to receive that information under State and federal law, the application materials, and any additional information submitted by a law enforcement agency to the Board. For purposes of this subsection, "gang-related offense" is an offense described in § 12-6.4, § 24-1.8, § 25-5, § 33-4, or § 33G-4, or in paragraph (1) of subsection (a) of § 12-6.2, paragraph (2) of subsection (b)

of § 16-30, paragraph (2) of subsection (b) of § 31-4, or item (iii) of paragraph (1.5) of subsection (i) of § 48-1 of the Criminal Code of 2012 [720 ILCS 5/12-6.4, 720 ILCS 5/24-1.8, 720 ILCS 5/25-5, 720 ILCS 5/33-4, or 720 ILCS 5/33G-4, or 720 ILCS 5/12-6.2, 720 ILCS 5/16-30, 720 ILCS 5/31-4, or 720 ILCS 5/48-1].

(c) The referral of an objection under this Section to the Board shall toll the 90-day period for the Department to issue or deny the applicant a license under subsection (e) of § 10 of this Act [430 ILCS 66/10], during the period of review and until the Board issues its decision.

(d) If no objection is made by a law enforcement agency or the Department under this Section, the Department shall process the application in accordance with this Act.

#### **430 ILCS 66/20 Concealed Carry Licensing Review Board**

(a) There is hereby created within the Department of State Police a Concealed Carry Licensing Review Board to consider any objection to an applicant's eligibility to obtain a license under this Act submitted by a law enforcement agency or the Department under § 15 of this Act [430 ILCS 66/15]....

(c) The Board shall meet at the call of the chairperson as often as necessary to consider objections to applications for a license under this Act. If necessary to ensure the participation of a commissioner, the Board shall allow a commissioner to participate in a Board meeting by electronic communication. Any commissioner participating electronically shall be deemed present for purposes of establishing a quorum and voting.

(d) The Board shall adopt rules for the review of objections and the conduct of hearings. The Board shall maintain a record of its decisions and all materials considered in making its decisions. All Board decisions and voting records shall be kept confidential and all materials considered by the Board shall be exempt from inspection except upon order of a court.

(e) In considering an objection of a law enforcement agency or the Department, the Board shall review the materials received with the objection from the law enforcement agency or the Department. By a vote of at least 4 commissioners, the Board may request additional information from the law enforcement agency, Department, or the applicant, or the testimony of the law enforcement agency, Department, or the applicant. The Board may require that the applicant submit electronic fingerprints to the Department for an updated background check where the Board determines it lacks sufficient information to determine eligibility. The Board may only consider information submitted by the Department, a law enforcement agency, or the applicant. The Board shall review each objection and determine by a majority of commissioners whether an applicant is eligible for a license.

(f) The Board shall issue a decision within 30 days of receipt of the objection from the Department. However, the Board need not issue a decision within 30 days if:

(1) the Board requests information from the applicant, including but not limited to electronic fingerprints to be submitted to the Department, in accordance with subsection (e) of this Section, in which case the Board shall make a decision within 30 days of receipt of the required information from the applicant;

(2) the applicant agrees, in writing, to allow the Board additional time to consider an objection; or

(3) the Board notifies the applicant and the Department that the Board needs an additional 30 days to issue a decision.

(g) If the Board determines by a preponderance of the evidence that the applicant poses a danger to himself or herself or others, or is a threat to public safety, then the Board shall affirm the objection of the law enforcement agency or the Department and shall notify the Department that the applicant is ineligible for a license. If the Board does not determine by a preponderance of the evidence that the applicant poses a danger to himself or herself or others, or is a threat to public safety, then the Board shall notify the Department that the applicant is eligible for a license.

**430 ILCS 66/25 Qualifications for a license.** The Department shall issue a license to an applicant completing an application in accordance with § 30 of this Act [430 ILCS 66/30] if the person:

(1) is at least 21 years of age;

(2) has a currently valid Firearm Owner's Identification Card and at the time of application meets the requirements for the issuance of a Firearm Owner's Identification Card and is not prohibited under the Firearm Owners Identification Card Act [430 ILCS 65/0.01 et seq.] or federal law from possessing or receiving a firearm;

(3) has not been convicted or found guilty in this State or in any other state of:

(A) a misdemeanor involving the use or threat of physical force or violence to any person within the 5 years preceding the date of the license application; or

(B) 2 or more violations related to driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, within the 5 years preceding the date of the license application;

(4) is not the subject of a pending arrest warrant, prosecution, or proceeding for an offense or action that could lead to disqualification to own or possess a firearm;

(5) has not been in residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment within the 5 years immediately preceding the date of the license application; and

(6) has completed firearms training and any education component required under § 75 of this Act [430 ILCS 66/75].

#### **430 ILCS 66/30 Contents of license application**

(a) The license application shall be in writing, under penalty of perjury, on a standard form adopted by the Department and shall be accompanied by the documentation required in this Section and the applicable fee. Each application form shall include the following statement printed in bold type: "Warning: Entering false information on this form is punishable as

perjury under § 32-2 of the Criminal Code of 2012 [720 ILCS 5/32-2]."

**(b)** The application shall contain the following:

**(1)** the applicant's name, current address, date and year of birth, place of birth, height, weight, hair color, eye color, maiden name or any other name the applicant has used or identified with, and any address where the applicant resided for more than 30 days within the 10 years preceding the date of the license application;

**(2)** the applicant's valid driver's license number or valid state identification card number;

**(3)** a waiver of the applicant's privacy and confidentiality rights and privileges under all federal and state laws, including those limiting access to juvenile court, criminal justice, psychological, or psychiatric records or records relating to any institutionalization of the applicant, and an affirmative request that a person having custody of any of these records provide it or information concerning it to the Department. The waiver only applies to records sought in connection with determining whether the applicant qualifies for a license to carry a concealed firearm under this Act, or whether the applicant remains in compliance with the Firearm Owners Identification Card Act [430 ILCS 65/0.01];

**(4)** an affirmation that the applicant possesses a currently valid Firearm Owner's Identification Card and card number if possessed or notice the applicant is applying for a Firearm Owner's Identification Card in conjunction with the license application;

**(5)** an affirmation that the applicant has not been convicted or found guilty of:

**(A)** a felony;

**(B)** a misdemeanor involving the use or threat of physical force or violence to any person within the 5 years preceding the date of the application; or

**(C)** 2 or more violations related to driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, within the 5 years preceding the date of the license application; and

**(6)** whether the applicant has failed a drug test for a drug for which the applicant did not have a prescription, within the previous year, and if so, the provider of the test, the specific substance involved, and the date of the test;

**(7)** written consent for the Department to review and use the applicant's Illinois digital driver's license or Illinois identification card photograph and signature;

**(8)** a full set of fingerprints submitted to the Department in electronic format, provided the Department may accept an application submitted without a set of fingerprints in which case the Department shall be granted 30 days in addition to the 90 days provided under subsection (e) of § 10 of this Act [430 ILCS 66/10] to issue or deny a license;

**(9)** a head and shoulder color photograph in a size specified by the Department taken within the 30 days preceding the date of the license application; and

**(10)** a photocopy of any certificates or other evidence of compliance with the training requirements under this Act.

**430 ILCS 66/35 Investigation of the applicant.** The Department shall conduct a background check of the applicant to ensure compliance with the requirements of this Act and all federal, State, and local laws. The background check shall include a search of the following:

**(1)** the National Instant Criminal Background Check System of the Federal Bureau of Investigation;

**(2)** all available state and local criminal history record information files, including records of juvenile adjudications;

**(3)** all available federal, state, and local records regarding wanted persons;

**(4)** all available federal, state, and local records of domestic violence restraining and protective orders;

**(5)** the files of the Department of Human Services relating to mental health and developmental disabilities; and

**(6)** all other available records of a federal, state, or local agency or other public entity in any jurisdiction likely to contain information relevant to whether the applicant is prohibited from purchasing, possessing, or carrying a firearm under federal, state, or local law.

Fingerprints collected under § 30 [430 ILCS 66/30] shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check.

#### **430 ILCS 66/40 Non-resident license applications**

**(a)** For the purposes of this Section, "non-resident" means a person who has not resided within this State for more than 30 days and resides in another state or territory.

**(b)** The Department shall by rule allow for non-resident license applications from any state or territory of the United States with laws related to firearm ownership, possession, and carrying, that are substantially similar to the requirements to obtain a license under this Act.

**(c)** A resident of a state or territory approved by the Department under subsection (b) of this Section may apply for a non-resident license. The applicant shall apply to the Department and must meet all of the qualifications established in § 25 of this Act [430 ILCS 66/25], except for the Illinois residency requirement in item (xiv) of paragraph (2) of subsection (a) of § 4 of the Firearm Owners Identification Card Act [430 ILCS 65/4]. The applicant shall submit:

**(1)** the application and documentation required under § 30 of this Act [430 ILCS 66/30] and the applicable fee;

**(2)** a notarized document stating that the applicant:

**(A)** is eligible under federal law and the laws of his or her state or territory of residence to own or possess a firearm;

(B) if applicable, has a license or permit to carry a firearm or concealed firearm issued by his or her state or territory of residence and attach a copy of the license or permit to the application;

(C) understands Illinois laws pertaining to the possession and transport of firearms; and

(D) acknowledges that the applicant is subject to the jurisdiction of the Department and Illinois courts for any violation of this Act;

(3) a photocopy of any certificates or other evidence of compliance with the training requirements under § 75 of this Act [430 ILCS 66/75]; and

(4) a head and shoulder color photograph in a size specified by the Department taken within the 30 days preceding the date of the application.

(d) In lieu of an Illinois driver's license or Illinois identification card, a non-resident applicant shall provide similar documentation from his or her state or territory of residence. In lieu of a valid Firearm Owner's Identification Card, the applicant shall submit documentation and information required by the Department to obtain a Firearm Owner's Identification Card, including an affidavit that the non-resident meets the mental health standards to obtain a firearm under Illinois law, and the Department shall ensure that the applicant would meet the eligibility criteria to obtain a Firearm Owner's Identification card if he or she was a resident of this State.

(e) Nothing in this Act shall prohibit a non-resident from transporting a concealed firearm within his or her vehicle in Illinois, if the concealed firearm remains within his or her vehicle and the non-resident:

(1) is not prohibited from owning or possessing a firearm under federal law;

(2) is eligible to carry a firearm in public under the laws of his or her state or territory of residence, as evidenced by the possession of a concealed carry license or permit issued by his or her state of residence, if applicable; and

(3) is not in possession of a license under this Act.

If the non-resident leaves his or her vehicle unattended, he or she shall store the firearm within a locked vehicle or locked container within the vehicle in accordance with subsection (b) of § 65 of this Act [430 ILCS 66/65].

**430 ILCS 66/50 License renewal.** Applications for renewal of a license shall be made to the Department. A license shall be renewed for a period of 5 years upon receipt of a completed renewal application, completion of 3 hours of training required under § 75 of this Act [430 ILCS 66/75], payment of the applicable renewal fee, and completion of an investigation under § 35 of this Act [430 ILCS 66/35]. The renewal application shall contain the information required in § 30 of this Act [430 ILCS 66/30], except that the applicant need not resubmit a full set of fingerprints.

#### **430 ILCS 66/55 Change of address or name; lost, destroyed, or stolen licenses**

(a) A licensee shall notify the Department within 30 days of moving or changing residence or any change of name. The licensee shall submit the requisite fee and the Department may require a notarized statement that the licensee has changed his or her residence or his or her name, including the prior and current address or name and the date the applicant moved or changed his or her name.

(b) A licensee shall notify the Department within 10 days of discovering that a license has been lost, destroyed, or stolen. A lost, destroyed, or stolen license is invalid. To request a replacement license, the licensee shall submit:

(1) a notarized statement that the licensee no longer possesses the license, and that it was lost, destroyed, or stolen;

(2) if applicable, a copy of a police report stating that the license was stolen; and

(3) the requisite fee.

(c) A violation of this Section is a petty offense with a fine of \$150 which shall be deposited into the Mental Health Reporting Fund.

#### **430 ILCS 66/65 Prohibited areas**

(a) A licensee under this Act shall not knowingly carry a firearm on or into:

(1) Any building, real property, and parking area under the control of a public or private elementary or secondary school.

(2) Any building, real property, and parking area under the control of a pre-school or child care facility, including any room or portion of a building under the control of a pre-school or child care facility. Nothing in this paragraph shall prevent the operator of a child care facility in a family home from owning or possessing a firearm in the home or license under this Act, if no child under child care at the home is present in the home or the firearm in the home is stored in a locked container when a child under child care at the home is present in the home.

(3) Any building, parking area, or portion of a building under the control of an officer of the executive or legislative branch of government, provided that nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area or building where firearm possession is permitted as established by the Department of Natural Resources under § 1.8 of the Wildlife Code [430 ILCS 66/1.8].

(4) Any building designated for matters before a circuit court, appellate court, or the Supreme Court, or any building or portion of a building under the control of the Supreme Court.

(5) Any building or portion of a building under the control of a unit of local government.

(6) Any building, real property, and parking area under the control of an adult or juvenile detention or correctional institution, prison, or jail.

(7) Any building, real property, and parking area under the control of a public or private hospital or hospital affiliate, mental health facility, or nursing home.

**(8)** Any bus, train, or form of transportation paid for in whole or in part with public funds, and any building, real property, and parking area under the control of a public transportation facility paid for in whole or in part with public funds.

**(9)** Any building, real property, and parking area under the control of an establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol. The owner of an establishment who knowingly fails to prohibit concealed firearms on its premises as provided in this paragraph or who knowingly makes a false statement or record to avoid the prohibition on concealed firearms under this paragraph is subject to the penalty under subsection (c-5) of § 10-1 of the Liquor Control Act of 1934 [235 ILCS 5/10-1].

**(10)** Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business, or vehicle.

**(11)** Any building or real property that has been issued a Special Event Retailer's license as defined in § 1-3.17.1 of the Liquor Control Act [235 ILCS 5/1-3.17.1] during the time designated for the sale of alcohol by the Special Event Retailer's license, or a Special use permit license as defined in subsection (q) of § 5-1 of the Liquor Control Act [235 ILCS 5/5-1] during the time designated for the sale of alcohol by the Special use permit license.

**(12)** Any public playground.

**(13)** Any public park, athletic area, or athletic facility under the control of a municipality or park district, provided nothing in this Section shall prohibit a licensee from carrying a concealed firearm while on a trail or bikeway if only a portion of the trail or bikeway includes a public park.

**(14)** Any real property under the control of the Cook County Forest Preserve District.

**(15)** Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization property, whether owned or leased, and any real property, including parking areas, sidewalks, and common areas under the control of a public or private community college, college, or university.

**(16)** Any building, real property, or parking area under the control of a gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975 [230 ILCS 10/1 et seq. or 230 ILCS 5/1 et seq.], including an inter-track wagering location licensee.

**(17)** Any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event.

**(18)** Any building, real property, or parking area under the control of a public library.

**(19)** Any building, real property, or parking area under the control of an airport.

**(20)** Any building, real property, or parking area under the control of an amusement park.

**(21)** Any building, real property, or parking area under the control of a zoo or museum.

**(22)** Any street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission. The licensee shall not under any circumstance store a firearm or ammunition in his or her vehicle or in a compartment or container within a vehicle located anywhere in or on the street, driveway, parking area, property, building, or facility described in this paragraph.

**(23)** Any area where firearms are prohibited under federal law.

**(a-5)** Nothing in this Act shall prohibit a public or private community college, college, or university from:

**(1)** prohibiting persons from carrying a firearm within a vehicle owned, leased, or controlled by the college or university;

**(2)** developing resolutions, regulations, or policies regarding student, employee, or visitor misconduct and discipline, including suspension and expulsion;

**(3)** developing resolutions, regulations, or policies regarding the storage or maintenance of firearms, which must include designated areas where persons can park vehicles that carry firearms; and

**(4)** permitting the carrying or use of firearms for the purpose of instruction and curriculum of officially recognized programs, including but not limited to military science and law enforcement training programs, or in any designated area used for hunting purposes or target shooting.

**(a-10)** The owner of private real property of any type may prohibit the carrying of concealed firearms on the property under his or her control. The owner must post a sign in accordance with subsection (d) of this Section indicating that firearms are prohibited on the property, unless the property is a private residence.

**(b)** Notwithstanding subsections (a), (a-5), and (a-10) of this Section except under paragraph (22) or (23) of subsection (a), any licensee prohibited from carrying a concealed firearm into the parking area of a prohibited location specified in subsection (a), (a-5), or (a-10) of this Section shall be permitted to carry a concealed firearm on or about his or her person within a vehicle into the parking area and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. A licensee may carry a concealed firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk. For purposes of this subsection, "case" includes a glove compartment or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other container.

**(c)** A licensee shall not be in violation of this Section while he or she is traveling along a public right of way that touches or crosses any of the premises under subsection (a), (a-5), or (a-10) of this Section if the concealed firearm is carried on his or her person in accordance with the provisions of this Act or is being transported in a vehicle by the licensee in

accordance with all other applicable provisions of law.

**(d)** Signs stating that the carrying of firearms is prohibited shall be clearly and conspicuously posted at the entrance of a building, premises, or real property specified in this Section as a prohibited area, unless the building or premises is a private residence. Signs shall be of a uniform design as established by the Department and shall be 4 inches by 6 inches in size. The Department shall adopt rules for standardized signs to be used under this subsection.

#### **430 ILCS 66/70 Violations**

**(a)** A license issued or renewed under this Act shall be revoked if, at any time, the licensee is found to be ineligible for a license under this Act or the licensee no longer meets the eligibility requirements of the Firearm Owners Identification Card Act.

**(b)** A license shall be suspended if an order of protection, including an emergency order of protection, plenary order of protection, or interim order of protection under Article 112A of the Code of Criminal Procedure of 1963 or under the Illinois Domestic Violence Act of 1986 [725 ILCS 5/112A-1 or 750 ILCS 60/101 et seq.], is issued against a licensee for the duration of the order, or if the Department is made aware of a similar order issued against the licensee in any other jurisdiction. If an order of protection is issued against a licensee, the licensee shall surrender the license, as applicable, to the court at the time the order is entered or to the law enforcement agency or entity serving process at the time the licensee is served the order. The court, law enforcement agency, or entity responsible for serving the order of protection shall notify the Department within 7 days and transmit the license to the Department.

**(c)** A license is invalid upon expiration of the license, unless the licensee has submitted an application to renew the license, and the applicant is otherwise eligible to possess a license under this Act.

**(d)** A licensee shall not carry a concealed firearm while under the influence of alcohol, other drug or drugs, intoxicating compound or combination of compounds, or any combination thereof, under the standards set forth in subsection (a) of § 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501].

A licensee in violation of this subsection (d) shall be guilty of a Class A misdemeanor for a first or second violation and a Class 4 felony for a third violation. The Department may suspend a license for up to 6 months for a second violation and shall permanently revoke a license for a third violation.

**(e)** Except as otherwise provided, a licensee in violation of this Act shall be guilty of a Class B misdemeanor. A second or subsequent violation is a Class A misdemeanor. The Department may suspend a license for up to 6 months for a second violation and shall permanently revoke a license for 3 or more violations of § 65 of this Act. Any person convicted of a violation under this Section shall pay a \$150 fee to be deposited into the Mental Health Reporting Fund, plus any applicable court costs or fees.

**(f)** A licensee convicted or found guilty of a violation of this Act who has a valid license and is otherwise eligible to carry a concealed firearm shall only be subject to the penalties under this Section and shall not be subject to the penalties under § 21-6, paragraph (4), (8), or (10) of subsection (a) of § 24-1, or subparagraph (A-5) or (B-5) of paragraph (3) of subsection (a) of § 24-1.6 of the Criminal Code of 2012 [720 ILCS 5/24-1.6]. Except as otherwise provided in this subsection, nothing in this subsection prohibits the licensee from being subjected to penalties for violations other than those specified in this Act.

**(g)** A licensee whose license is revoked, suspended, or denied shall, within 48 hours of receiving notice of the revocation, suspension, or denial, surrender his or her concealed carry license to the local law enforcement agency where the person resides. The local law enforcement agency shall provide the licensee a receipt and transmit the concealed carry license to the Department of State Police. If the licensee whose concealed carry license has been revoked, suspended, or denied fails to comply with the requirements of this subsection, the law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the concealed carry license in the possession and under the custody or control of the licensee whose concealed carry license has been revoked, suspended, or denied. The observation of a concealed carry license in the possession of a person whose license has been revoked, suspended, or denied constitutes a sufficient basis for the arrest of that person for violation of this subsection. A violation of this subsection is a Class A misdemeanor.

**(h)** A license issued or renewed under this Act shall be revoked if, at any time, the licensee is found ineligible for a Firearm Owner's Identification Card, or the licensee no longer possesses a valid Firearm Owner's Identification Card. A licensee whose license is revoked under this subsection (h) shall surrender his or her concealed carry license as provided for in subsection (g) of this Section.

This subsection shall not apply to a person who has filed an application with the State Police for renewal of a Firearm Owner's Identification Card and who is not otherwise ineligible to obtain a Firearm Owner's Identification Card.

**(i)** A certified firearms instructor who knowingly provides or offers to provide a false certification that an applicant has completed firearms training as required under this Act is guilty of a Class A misdemeanor. A person guilty of a violation of this subsection (i) is not eligible for court supervision. The Department shall permanently revoke the firearms instructor certification of a person convicted under this subsection (i).

**430 ILCS 66/85 Background Checks for Sales.** A license to carry a concealed firearm issued by this State shall not exempt the licensee from the requirements of a background check, including a check of the National Instant Criminal Background Check System, upon purchase or transfer of a firearm.

#### **430 ILCS 66/87 Administrative and judicial review**

**(a)** Whenever an application for a concealed carry license is denied, whenever the Department fails to act on an

application within 90 days of its receipt, or whenever a license is revoked or suspended as provided in this Act, the aggrieved party may appeal to the Director for a hearing upon the denial, revocation, suspension, or failure to act on the application, unless the denial was made by the Concealed Carry Licensing Review Board, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon the denial.

**(b)** All final administrative decisions of the Department or the Concealed Carry Licensing Review Board under this Act shall be subject to judicial review under the provisions of the Administrative Review Law. The term "administrative decision" is defined as in § 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

**430 ILCS 66/90 Preemption.** The regulation, licensing, possession, registration, and transportation of handguns and ammunition for handguns by licensees are exclusive powers and functions of the State. Any ordinance or regulation, or portion thereof, enacted on or before the effective date of this Act that purports to impose regulations or restrictions on licensees or handguns and ammunition for handguns in a manner inconsistent with this Act shall be invalid in its application to licensees under this Act on the effective date of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of § 6 of Article VII of the Illinois Constitution [Ill. Const., Art. VII, § 6].

## **Chapter 720 Criminal Offenses**

### **Title I. General Provisions**

#### **Article 2. General Definitions**

**720 ILCS 5/2-7.1 "Firearm" and "firearm ammunition."** "Firearm" and "firearm ammunition" have the meanings ascribed to them in § 1.1 of the Firearm Owners Identification Card Act [430 ILCS 65/1.1].

**720 ILCS 5/2-7.5 "Firearm."** Except as otherwise provided in a specific Section, "firearm" has the meaning ascribed to it in § 1.1 of the Firearm Owners Identification Card Act [430 ILCS 65/1.1].

### **Title III. Specific Offenses**

#### **Part D. Offenses Affecting Public Health, Safety and Decency**

##### **Article 24. Deadly Weapons**

#### **720 ILCS 5/24-1 Unlawful use of weapons**

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

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

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

**(ii)** are not immediately accessible; or

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

**(iv)** are carried or possessed in accordance with the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.] by a person who has been issued a currently valid license under the Firearm Concealed Carry Act or

**(5)** Sets a spring gun; or

**(6)** Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

**(7)** Sells, manufactures, purchases, possesses or carries:

**(i)** a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than 1 shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;

**(ii)** any rifle having 1 or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or

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

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

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

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

**(10)** Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (10) does not apply to or affect transportation of weapons that meet one of the following conditions:

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

**(ii)** are not immediately accessible; or

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

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

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

**(b)** Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in § 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146], or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted of a second or subsequent violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The possession of each weapon in violation of this Section constitutes a single and separate violation.

**(c)** Violations in specific places.

**(1)** A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

**(1.5)** A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony.

**(2)** A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site

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

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

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

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

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

#### **720 ILCS 5/24-1.1 Unlawful use or possession of weapons by felons or persons in the custody of the department of corrections facilities**

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under § 24-1 of this Act [720 ILCS 5/24-1] or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of State Police under § 10 of the Firearm Owners Identification Card Act [430 ILCS 65/10].

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

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

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

(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person shall be sentenced to no less than 2 years and no more than 10 years and any second or subsequent violation shall be a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act [430 ILCS 65/0.01 et seq.], stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act, the Cannabis Control Act [720 ILCS 570/100 et seq., 720 ILCS 550/1 et seq., and 720 ILCS 646/1 et seq.], or the Methamphetamine Control and Community Protection Act is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under § 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in § 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

#### **720 ILCS 5/24-1.2 Aggravated discharge of a firearm**

(a) A person commits aggravated discharge of a firearm when he or she knowingly or intentionally:

(1) Discharges a firearm at or into a building he or she knows or reasonably should know to be occupied and the firearm is discharged from a place or position outside that building;

(2) Discharges a firearm in the direction of another person or in the direction of a vehicle he or she knows or reasonably should know to be occupied by a person;

(3) Discharges a firearm in the direction of a person he or she knows to be a peace officer, a community policing volunteer, a correctional institution employee, or a fireman while the officer, volunteer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, volunteer, employee or fireman from performing his or her official duties, or in retaliation for the officer, volunteer, employee or fireman performing his or her official duties;

(4) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by a peace officer, a person summoned or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(5) Discharges a firearm in the direction of a person he or she knows to be emergency medical services personnel who is engaged in the execution of any of his or her official duties, or to prevent the emergency medical services personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel performing his or her official duties;

(6) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by emergency medical services personnel while the emergency medical services personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical services personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel performing his or her official duties;

(7) Discharges a firearm in the direction of a person he or she knows to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes;

(8) Discharges a firearm in the direction of a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties; or

(9) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

(b) A violation of subsection (a)(1) or subsection (a)(2) of this Section is a Class 1 felony. A violation of subsection (a)(1) or (a)(2) of this Section committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, regardless of the time of day or time of year that the offense was committed is a Class X felony. A violation of subsection (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), or (a)(9) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 10 years and not more than 45 years.

(c) For purposes of this Section:

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

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

#### **720 ILCS 5/24-1.2-5 Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm**

(a) A person commits aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm when he or she knowingly or intentionally:

(1) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm at or into a building he or she knows to be occupied and the machine gun or the firearm equipped with a device designed or used for silencing the report of a firearm is discharged from a place or position outside that building;

(2) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of another person or in the direction of a vehicle he or she knows to be occupied;

(3) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be a peace officer, a person summoned or directed by a peace officer, a correctional institution employee, or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(4) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by a peace officer, a person summoned or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(5) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be emergency medical services personnel while the emergency medical services personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical services personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel performing his or her official duties;

(6) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by emergency medical services personnel, while the emergency medical services personnel is engaged in the execution of any of his or her official duties, or to prevent the

emergency medical services personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel performing his or her official duties;

**(7)** Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties; or

**(8)** Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

**(b)** A violation of subsection (a)(1) or subsection (a)(2) of this Section is a Class X felony. A violation of subsection (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 12 years and no more than 50 years.

**(c)** For the purpose of this Section, "machine gun" has the meaning ascribed to it in clause (i) of paragraph (7) of subsection (a) of § 24-1 of this Code [720 ILCS 5/24-1].

**(d)** This Section does not apply to a peace officer while serving as a member of a tactical response team or special operations team. A peace officer may not personally own or apply for ownership of a device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. These devices shall be owned and maintained by lawfully recognized units of government whose duties include the investigation of criminal acts.

#### **720 ILCS 5/24-1.5 Reckless discharge of a firearm**

**(a)** A person commits reckless discharge of a firearm by discharging a firearm in a reckless manner which endangers the bodily safety of an individual.

**(b)** If the conduct described in subsection (a) is committed by a passenger of a moving motor vehicle with the knowledge and consent of the driver of the motor vehicle the driver is accountable for such conduct.

**(c)** Reckless discharge of a firearm is a Class 4 felony.

**(d)** This Section does not apply to a peace officer while in the performance of his or her official duties.

#### **720 ILCS 5/24-1.6 Aggravated unlawful use of a weapon**

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

**(1)** Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm; or

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

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

**(A)** the firearm, other than a pistol, revolver, or handgun, possessed was uncased, loaded and immediately accessible at the time of the offense; or

**(A-5)** the pistol, revolver, or handgun possessed was uncased, loaded, and immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.]; or

**(B)** the firearm, other than a pistol, revolver, or handgun, possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense; or

**(B-5)** the pistol, revolver, or handgun possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act; or

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

**(D)** the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.] for an act that if committed by an adult would be a felony; or

**(E)** the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act [720 ILCS 550/1 et seq.], in a misdemeanor violation of the Illinois Controlled Substances Act [720 ILCS 570/100 et seq.], or in a misdemeanor violation of the Methamphetamine Control and Community Protection Act [720 ILCS 646/1 et seq.]; or

**(G)** the person possessing the weapon had an order of protection issued against him or her within the previous 2 years; or

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

**(I)** the person possessing the weapon was under 21 years of age and in possession of a handgun, unless the person under 21 is engaged in lawful activities under the Wildlife Code [520 ILCS 5/1.1 et seq.] or described in subsection 24-

2(b)(1), (b)(3), or 24-2(f) [720 ILCS 5/24-2].

**(a-5)** "Handgun" as used in this Section has the meaning given to it in § 5 of the Firearm Concealed Carry Act [430 ILCS 66/5].

**(b)** "Stun gun or taser" as used in this Section has the same definition given to it in § 24-1 of this Code [720 ILCS 5/24-1].

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

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

**(ii)** are not immediately accessible; or

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

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

#### **720 ILCS 5/24-1.7 Armed habitual criminal**

**(a)** A person commits the offense of being an armed habitual criminal if he or she receives, sells, possesses, or transfers any firearm after having been convicted a total of 2 or more times of any combination of the following offenses:

**(1)** a forcible felony as defined in § 2-8 of this Code [720 ILCS 5/2-8];

**(2)** unlawful use of a weapon by a felon; aggravated unlawful use of a weapon; aggravated discharge of a firearm; vehicular hijacking; aggravated vehicular hijacking; aggravated battery of a child as described in § 12-4.3 or subdivision (b)(1) of § 12-3.05 [720 ILCS 5/12-4.3 (now repealed) or 720 ILCS 5/12-3.05]; intimidation; aggravated intimidation; gunrunning; home invasion; or aggravated battery with a firearm as described in § 12-4.2 [720 ILCS 5/12-4.2 (now repealed)] or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of § 12-3.05; or

**(3)** any violation of the Illinois Controlled Substances Act [720 ILCS 570/100 et seq.] or the Cannabis Control Act [720 ILCS 550/1 et seq.] that is punishable as a Class 3 felony or higher.

**(b)** Sentence. Being an armed habitual criminal is a Class X felony.

#### **720 ILCS 5/24-1.8 Unlawful possession of a firearm by a street gang member**

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

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

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

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

**(c)** For purposes of this Section:

"Street gang" or "gang" has the meaning ascribed to it in § 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act [740 ILCS 147/10].

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

#### **720 ILCS 5/24-2 Exemptions**

**(a)** Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and 24-1(a)(13) and § 24-1.6 [720 ILCS 5/24-1 and 720 ILCS 5/24-1.6] do not apply to or affect any of the following:

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

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

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

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

**(5)** Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by a private security contractor, private detective, or private alarm contractor agency licensed by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447/5-3 et seq.], while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of

training for a private security contractor, private detective, or private alarm contractor, or employee of a licensed private security contractor, private detective, or private alarm contractor agency and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the private security contractor, private detective, or private alarm contractor, or employee of the licensed private security contractor, private detective, or private alarm contractor agency at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

**(6)** Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force registered with the Department of Financial and Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

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

**(8)** Persons employed by a financial institution as a security guard for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, and who, as a security guard, is a member of a security force registered with the Department; provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation.

Conditions for renewal of firearm control cards issued under the provisions of this Section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

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

**(10)** Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act [20 ILCS 2910/0.01 et seq.].

**(11)** Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to § 7.06 of the State's Attorneys Appellate Prosecutor's Act [725 ILCS 210/7.06].

**(12)** Special investigators appointed by a State's Attorney under § 3-9005 of the Counties Code [55 ILCS 5/3-9005].

**(12.5)** Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed, if they have received weapons training according to requirements of the Peace Officer and Probation Officer Firearm Training Act [50 ILCS 710/0.01 et seq.].

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

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

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

**(a-5)** Subsections 24-1(a)(4) and 24-1(a)(10) do not apply to or affect any person carrying a concealed pistol, revolver, or handgun and the person has been issued a currently valid license under the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.] at the time of the commission of the offense.

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

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

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

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

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

**(5)** Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.

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

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

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

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

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

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

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

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

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

**(7)** A person possessing a rifle with a barrel or barrels less than 16 inches in length if:

**(A)** the person has been issued a Curios and Relics license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; or

**(B)** the person is an active member of a bona fide, nationally recognized military re-enacting group and the modification is required and necessary to accurately portray the weapon for historical re-enactment purposes; the re-enactor is in possession of a valid and current re-enacting group membership credential; and the overall length of the weapon as modified is not less than 26 inches.

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

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

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

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

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

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

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

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

**(g-5)** Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices,

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

**(g-6)** Subsections 24-1(a)(4) and 24-1(a)(10) and § 24-1.6 do not apply to or affect any parole agent or parole supervisor who meets the qualifications and conditions prescribed in § 3-14-1.5 of the Unified Code of Corrections [730 ILCS 5/3-14-1.5].

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

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

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

**(i)** Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article [720 ILCS 5/24-2], which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.

#### **720 ILCS 5/24-2.1 Unlawful use of firearm projectiles**

**(a)** A person commits the offense of unlawful use of firearm projectiles when he or she knowingly manufactures, sells, purchases, possesses, or carries any armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell.

For the purposes of this Section:

**"Armor piercing bullet"** means any handgun bullet or handgun ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25% of the total weight of the projectile, and excluding those handgun projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that the U.S. Secretary of the Treasury finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute "armor piercing ammunition" as that term is defined by federal law.

The definition contained herein shall not be construed to include shotgun shells.

**"Dragon's breath shotgun shell"** means any shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flame-thrower.

**"Bolo shell"** means any shell that can be fired in a firearm and expels as projectiles 2 or more metal balls connected by solid metal wire.

**"Flechette shell"** means any shell that can be fired in a firearm and expels 2 or more pieces of fin-stabilized solid metal wire or 2 or more solid dart-type projectiles.

**(b) Exemptions.** This Section does not apply to or affect any of the following:

(1) Peace officers.

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

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard while in the performance of their official duties.

(4) Federal officials required to carry firearms, while engaged in the performance of their official duties.

(5) United States Marshals, while engaged in the performance of their official duties.

(6) Persons licensed under federal law to manufacture, import, or sell firearms and firearm ammunition, and actually engaged in any such business, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such bullets or ammunition.

This exemption does not authorize the general private possession of any armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell, but only such possession and activities which are within the lawful scope of a licensed business described in this paragraph.

(7) Laboratories having a department of forensic ballistics or specializing in the development of ammunition or explosive ordnance [sic].

(8) Manufacture, transportation, or sale of armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells to persons specifically authorized under paragraphs (1) through (7) of this subsection to possess such bullets or shells.

(c) An information or indictment based upon a violation of this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption.

(d) Sentence. A person convicted of unlawful use of armor piercing bullets shall be guilty of a Class 3 felony.

#### **720 ILCS 5/24-2.2 Manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells**

(a) Except as provided in subsection (b) of this Section, it is unlawful for any person to knowingly manufacture, sell, offer to sell, or transfer any bullet or shell which is represented to be an armor piercing bullet, a dragon's breath shotgun shell, a bolo shell, or a flechette shell as defined in § 24-2.1 of this Code [720 ILCS 5/24-2.1].

(b) Exemptions. This Section does not apply to or affect any person authorized under § 24-2.1 to manufacture, sell, purchase, possess, or carry any armor piercing bullet or any dragon's breath shotgun shell, bolo shell, or flechette shell with respect to activities which are within the lawful scope of the exemption therein granted.

(c) An information or indictment based upon a violation of this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption and that the activities forming the basis of any criminal charge brought pursuant to this Section were within the lawful scope of such exemption.

(d) Sentence. A violation of this Section is a Class 4 felony.

#### **720 ILCS 5/24-3 Unlawful sale or delivery of firearms**

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

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

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

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

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

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

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

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

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

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, or a stun gun or taser, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun, or a stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm from a federally licensed firearms dealer to a nonresident of Illinois under which the firearm is mailed to a federally licensed firearms dealer outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under § 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or sale of any rifle, shotgun, or other long gun to a resident registered competitor or attendee or non-resident registered competitor or attendee by any dealer licensed as a federal firearms dealer under § 923 of the federal Gun Control Act of 1968 at competitive shooting events held at the World Shooting Complex sanctioned by a national governing body. For purposes of transfers or sales under subparagraph (5) of this paragraph (g), the Department of Natural Resources shall give notice to the Department of State Police at least 30 calendar days prior to any competitive shooting events at the World Shooting Complex sanctioned by a national governing body. The notification shall be made on a form prescribed by the Department of State Police. The sanctioning body shall provide a list of all registered competitors and attendees at least 24 hours before the events to the Department of State Police. Any changes to the list of registered competitors and attendees shall be forwarded to the Department of State Police as soon as practicable. The Department of State Police must destroy the list of registered competitors and attendees no later than 30 days after the date of the event. Nothing in this paragraph (g) relieves a federally licensed firearm dealer from the requirements of conducting a NICS background check through the Illinois Point of Contact under 18 U.S.C. 922(t). For purposes of this paragraph (g), "application" means when the buyer and seller

reach an agreement to purchase a firearm. For purposes of this paragraph (g), "national governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

**(h)** While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968 [18 U.S.C. § 921 et seq.], manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act [430 ILCS 65/0.01 et seq.]; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

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

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

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

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

**(k)** Sells or transfers ownership of a firearm to a person who does not display to the seller or transferor of the firearm either: **(1)** a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act; or **(2)** a currently valid license to carry a concealed firearm that has previously been issued in the transferee's name by the Department of State Police under the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.]. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under § 2 of the Firearm Owners Identification Card Act [430 ILCS 65/2]. For the purposes of this Section, a currently valid Firearm Owner's Identification Card means **(i)** a Firearm Owner's Identification Card that has not expired or **(ii)** an approval number issued in accordance with subsection (a-10) of subsection 3 or § 3.1 of the Firearm Owners Identification Card Act [430 ILCS 65/3 or 430 ILCS 65/3.1] shall be proof that the Firearm Owner's Identification Card was valid.

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

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

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

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

**(C)** Sentence.

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

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

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

**(4)** Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was

committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

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

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

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

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

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

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

(D) For purposes of this Section:

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

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

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

## **720 ILCS 5/24-3A Gunrunning**

(a) A person commits gunrunning when he or she transfers 3 or more firearms in violation of any of the paragraphs of § 24-3 of this Code [720 ILCS 5/24-3].

(b) Sentence. A person who commits gunrunning:

(1) is guilty of a Class 1 felony;

(2) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 8 years and not more than 40 years if the transfer is of not less than 11 firearms and not more than 20 firearms;

(3) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 10 years and not more than 50 years if the transfer is of more than 20 firearms.

A person who commits gunrunning by transferring firearms to a person who, at the time of the commission of the offense, is under 18 years of age is guilty of a Class X felony.

## **720 ILCS 5/24-3B Firearms trafficking.**

(a) A person commits firearms trafficking when he or she has not been issued a currently valid Firearm Owner's Identification Card and knowingly:

(1) brings, or causes to be brought, into this State, a firearm or firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm or firearm ammunition to any other person; or

(2) brings, or causes to be brought, into this State, a firearm and firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm and firearm ammunition to any other person.

(a-5) This Section does not apply to:

(1) a person exempt under § 2 of the Firearm Owners Identification Card Act from the requirement of having possession of a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police in order to acquire or possess a firearm or firearm ammunition;

(2) a common carrier under subsection (i) of § 24-2 of this Code; or

(3) a non-resident who may lawfully possess a firearm in his or her resident state.

(b) Sentence.

(1) Firearms trafficking is a Class 1 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 20 years.

(2) Firearms trafficking by a person who has been previously convicted of firearms trafficking, gunrunning, or a felony offense for the unlawful sale, delivery, or transfer of a firearm or firearm ammunition in this State or another jurisdiction is a Class X felony.

### **720 ILCS 5/24-3.1 Unlawful possession of firearms and firearm ammunition**

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

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

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

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

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

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

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

(5) He is a person with an intellectual disability and has any firearms or firearm ammunition in his possession; or

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

For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) Sentence. Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code [520 ILCS 5/1.1 et seq. or 515 ILCS 5/1-1 et seq.].

### **720 ILCS 5/24-3.2 Unlawful discharge of firearm projectiles**

(a) A person commits the offense of unlawful discharge of firearm projectiles when he or she knowingly or recklessly uses an armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell in violation of this Section.

For purposes of this Section:

"Armor piercing bullet" means any handgun bullet or handgun ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber whose jacket has a weight of more than 25% of the total weight of the projectile, and excluding those handgun projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that the U.S. Secretary of the Treasury finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute "armor piercing ammunition" as that term is defined by federal law.

"Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flame-thrower.

"Bolo shell" means any shell that can be fired in a firearm and expels as projectiles 2 or more metal balls connected by solid metal wire.

"Flechette shell" means any shell that can be fired in a firearm and expels 2 or more pieces of fin-stabilized solid metal wire or 2 or more solid dart-type projectiles.

**(b)** A person commits a Class X felony when he or she, knowing that a firearm, as defined in § 1.1 of the Firearm Owners Identification Card Act [430 ILCS 65/1.1], is loaded with an armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell, intentionally or recklessly discharges such firearm and such bullet or shell strikes any other person.

**(c)** Any person who possesses, concealed on or about his or her person, an armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell and a firearm suitable for the discharge thereof is guilty of a Class 2 felony.

**(d)** This Section does not apply to or affect any of the following:

- (1)** Peace officers;
- (2)** Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;
- (3)** Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard while in the performance of their official duties;
- (4)** Federal officials required to carry firearms, while engaged in the performance of their official duties;
- (5)** United States Marshals, while engaged in the performance of their official duties.

**720 ILCS 5/24-3.3 Unlawful sale or delivery of firearms on the premises of any school, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency.** Any person 18 years of age or older who sells, gives or delivers any firearm to any person under 18 years of age in any school, regardless of the time of day or the time of year or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any school, regardless of the time of day or the time of year or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college or university. This does not apply to peace officers or to students carrying or possessing firearms for use in school training courses, parades, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded and enclosed in a suitable case, box or transportation package.

**720 ILCS 5/24-3.4 Unlawful sale of firearms by liquor licensee**

**(a)** It shall be unlawful for any person who holds a license to sell at retail any alcoholic liquor issued by the Illinois Liquor Control Commission or local liquor control commissioner under the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.] or an agent or employee of the licensee to sell or deliver to any other person a firearm in or on the real property of the establishment where the licensee is licensed to sell alcoholic liquors unless the sale or delivery of the firearm is otherwise lawful under this Article and under the Firearm Owners Identification Card Act [430 ILCS 65/0.01 et seq.].

**(b)** Sentence. A violation of subsection (a) of this Section is a Class 4 felony.

**720 ILCS 5/24-3.5 Unlawful purchase of a firearm**

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

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

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

**(b)** A person commits the offense of unlawful purchase of a firearm who knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm.

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

**(d)** Exemption. It is not a violation of subsection (b) of this Section for a person to make a gift or loan of a firearm to a person who is not prohibited by federal or State law from possessing a firearm if the transfer of the firearm is made in accordance with § 3 of the Firearm Owners Identification Card Act [430 ILCS 65/3].

**(e)** Sentence.

- (1)** A person who commits the offense of unlawful purchase of a firearm:
  - (A)** is guilty of a Class 2 felony for purchasing or attempting to purchase one firearm;
  - (B)** is guilty of a Class 1 felony for purchasing or attempting to purchase not less than 2 firearms and not more than 5 firearms at the same time or within a one year period;
  - (C)** is guilty of a Class X felony for which the offender shall be sentenced to a term of imprisonment of not less than 9 years and not more than 40 years for purchasing or attempting to purchase not less than 6 firearms at the same time or within a 2 year period.

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

(f) A prosecution for unlawful purchase of a firearm may be commenced within 6 years after the commission of the offense.

#### **720 ILCS 5/24-3.6 Unlawful use of a firearm in the shape of a wireless telephone**

(a) For the purposes of this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.

(b) A person commits the offense of unlawful use of a firearm in the shape of a wireless telephone when he or she manufactures, sells, transfers, purchases, possesses, or carries a firearm shaped or designed to appear as a wireless telephone.

(c) This Section does not apply to or affect the sale to or possession of a firearm in the shape of a wireless telephone by a peace officer.

(d) Sentence. Unlawful use of a firearm in the shape of a wireless telephone is a Class 4 felony.

#### **720 ILCS 5/24-3.7 Use of a stolen firearm in the commission of an offense**

(a) A person commits the offense of use of a stolen firearm in the commission of an offense when he or she knowingly uses a stolen firearm in the commission of any offense and the person knows that the firearm was stolen.

(b) Sentence. Use of a stolen firearm in the commission of an offense is a Class 2 felony.

#### **720 ILCS 5/24-3.8 Possession of a stolen firearm**

(a) A person commits possession of a stolen firearm when he or she, not being entitled to the possession of a firearm, possesses the firearm, knowing it to have been stolen or converted. The trier of fact may infer that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

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

#### **720 ILCS 5/24-3.9 Aggravated possession of a stolen firearm**

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

(1) Not being entitled to the possession of not less than 2 and not more than 5 firearms, possesses those firearms at the same time or within a 1-year period, knowing the firearms to have been stolen or converted.

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

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

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

(5) Not being entitled to the possession of more than 30 firearms, possesses those firearms at the same time or within a 5-year period, knowing the firearms to have been stolen or converted.

(b) The trier of fact may infer that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

#### **720 ILCS 5/24-4 Register of sales by dealer**

(a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

(b) Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, description and number of the weapon, and the purpose for which it is purchased and obtained.

(c) Such seller on demand of a peace officer shall produce for inspection the register and allow such peace officer to inspect such register and all stock on hand.

(d) Sentence. Violation of this Section is a Class B misdemeanor.

#### **720 ILCS 5/24-4.1 Report of lost or stolen firearms**

(a) If a person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a firearm thereafter loses the firearm, or if the firearm is stolen from the person, the person must report the loss or theft to the local law enforcement agency within 72 hours after obtaining knowledge of the loss or theft.

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

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

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

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

- (3) the person's designee makes a report if the person is unable to make the report.
- (d) Sentence. A person who violates this Section is guilty of a petty offense for a first violation. A second or subsequent violation of this Section is a Class A misdemeanor.

**720 ILCS 5/24-5 Defacing identification marks of firearms**

- (a) Any person who shall knowingly or intentionally change, alter, remove or obliterate the name of the importer's or manufacturer's serial number of any firearm commits a Class 2 felony.
- (b) A person who possesses any firearm upon which any such importer's or manufacturer's serial number has been changed, altered, removed or obliterated commits a Class 3 felony.
- (c) Nothing in this Section shall prevent a person from making repairs, replacement of parts, or other changes to a firearm if those repairs, replacement of parts, or changes cause the removal of the name of the maker, model, or other marks of identification other than the serial number on the firearm's frame or receiver.
- (d) A prosecution for a violation of this Section may be commenced within 6 years after the commission of the offense.

**720 ILCS 5/24-6 Confiscation and disposition of weapons**

- (a) Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized shall be confiscated by the trial court.
- (b) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. After the disposition of a criminal case or in any criminal case where a final judgment in the case was not entered due to the death of the defendant, and when a confiscated weapon is no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for the weapon, the court may transfer the weapon to the sheriff of the county who may proceed to destroy it, or may in its discretion order the weapon preserved as property of the governmental body whose police agency seized the weapon, or may in its discretion order the weapon to be transferred to the Department of State Police for use by the crime laboratory system, for training purposes, or for any other application as deemed appropriate by the Department. If, after the disposition of a criminal case, a need still exists for the use of the confiscated weapon for evidentiary purposes, the court may transfer the weapon to the custody of the State Department of Corrections for preservation. The court may not order the transfer of the weapon to any private individual or private organization other than to return a stolen weapon to its rightful owner.

The provisions of this Section shall not apply to violations of the Fish and Aquatic Life Code or the Wildlife Code [515 ILCS 5/1-1 et seq. or 520 ILCS 5/1.1 et seq.]. Confiscation of weapons for Fish and Aquatic Life Code and Wildlife Code [515 ILCS 5/1-1 et seq. and 520 ILCS 5/1.1 et seq.] violations shall be only as provided in those Codes.

- (c) Any mental hospital that admits a person as an inpatient pursuant to any of the provisions of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-100 et seq.] shall confiscate any firearms in the possession of that person at the time of admission, or at any time the firearms are discovered in the person's possession during the course of hospitalization. The hospital shall, as soon as possible following confiscation, transfer custody of the firearms to the appropriate law enforcement agency. The hospital shall give written notice to the person from whom the firearm was confiscated of the identity and address of the law enforcement agency to which it has given the firearm. The law enforcement agency shall maintain possession of any firearm it obtains pursuant to this subsection for a minimum of 90 days. Thereafter, the firearm may be disposed of pursuant to the provisions of subsection (b) of this Section.

**720 ILCS 5/24-7 Weapons offenses; community service.** In addition to any other sentence that may be imposed, a court shall order any person convicted of a violation of this Article to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Article, the supervision shall be conditioned upon the performance of the community service. This Section does not apply when the court imposes a sentence of incarceration.

**720 ILCS 5/24-8 Firearm tracing**

- (a) Upon recovering a firearm from the possession of anyone who is not permitted by federal or State law to possess a firearm, a local law enforcement agency shall use the best available information, including a firearms trace when necessary, to determine how and from whom the person gained possession of the firearm. Upon recovering a firearm that was used in the commission of any offense classified as a felony or upon recovering a firearm that appears to have been lost, mislaid, stolen, or otherwise unclaimed, a local law enforcement agency shall use the best available information, including a firearms trace when necessary, to determine prior ownership of the firearm.

**720 ILCS 5/24-9 Firearms; child protection**

- (a) Except as provided in subsection (c), it is unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a minor under the age of 14 years who does not have a Firearm Owners Identification Card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, and the minor causes death or great bodily harm with the firearm, unless the firearm is:

- (1) secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable; or
- (2) placed in a securely locked box or container; or

(3) placed in some other location that a reasonable person would believe to be secure from a minor under the age of 14 years.

(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than \$1,000. A second or subsequent violation of this Section is a Class A misdemeanor.

(c) Subsection (a) does not apply:

(1) if the minor under 14 years of age gains access to a firearm and uses it in a lawful act of self-defense or defense of another; or

(2) to any firearm obtained by a minor under the age of 14 because of an unlawful entry of the premises by the minor or another person.

(d) For the purposes of this Section, "firearm" has the meaning ascribed to it in § 1.1 of the Firearm Owners Identification Card Act [430 ILCS 65/1.1].

#### **720 ILCS 5/24-9.5 Handgun safety devices**

(a) It is unlawful for a person licensed as a federal firearms dealer under § 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923) to offer for sale, sell, or transfer a handgun to a person not licensed under that Act, unless he or she sells or includes with the handgun a device or mechanism, other than the firearm safety, designed to render the handgun temporarily inoperable or inaccessible. This includes but is not limited to:

(1) An external device that is:

(i) attached to the handgun with a key or combination lock; and

(ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(2) An integrated mechanical safety, disabling, or locking device that is:

(i) built into the handgun; and

(ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than \$1,000. A second or subsequent violation of this Section is a Class A misdemeanor.

(c) For the purposes of this Section, "handgun" has the meaning ascribed to it in clause (h)(2) of subsection (A) of § 24-3 of this Code [720 ILCS 5/24-3].

(d) This Section does not apply to:

(1) the purchase, sale, or transportation of a handgun to or by a federally licensed firearms dealer or manufacturer that provides or services a handgun for:

(i) personnel of any unit of the federal government;

(ii) members of the armed forces of the United States or the National Guard;

(iii) law enforcement personnel of the State or any local law enforcement agency in the State while acting within the scope of their official duties; and

(iv) an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition;

(2) a firearm modified to be permanently inoperative;

(3) the sale or transfer of a handgun by a federally licensed firearms dealer or manufacturer described in item (1) of this subsection (d);

(4) the sale or transfer of a handgun by a federally licensed firearms dealer or manufacturer to a lawful customer outside the State; or

(5) an antique firearm.

**720 ILCS 5/24-10 Municipal ordinance regulating firearms; affirmative defense to a violation.** It is an affirmative defense to a violation of a municipal ordinance that prohibits, regulates, or restricts the private ownership of firearms if the individual who is charged with the violation used the firearm in an act of self-defense or defense of another as defined in §§ 7-1 and 7-2 of this Code [720 ILCS 5/7-1 and 720 ILCS 5/7-2] when on his or her land or in his or her abode or fixed place of business.

### **Aurora Code of Ordinances (Codified through Ordinance No. O16-004, passed February 9, 2016.)**

#### **Chapter 29 - Offenses, Miscellaneous**

#### **Article III. Offenses Against or Endangering the Person**

##### **§ Sec. 29-43 Unlawful use of weapons.**

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

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or

(5) Sets a spring gun; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries a machine gun, which shall be defined for the purposes of this subsection as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than 1 shot without manually reloading by a single function of the trigger, including the frame or receiver of any such

weapon; or sells, manufactures, purchases, possesses or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person, or any rifle having 1 or more barrels less than 16 inches in length or a shotgun having 1 or more barrels less than 18 inches in length, or a rifle or shotgun which does not have a fixed stock capable of being fired from the shoulder, or any weapon made from a rifle or shotgun, whether by alteration, modification or otherwise, if such a weapon as modified has an overall length of less than 26 inches, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over 1/4 ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

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

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

**(10)** Carries or possesses on or about his person, upon any public street, alley or other public lands within the corporate limits of the city, except when the invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm...; or

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

**(12)** Carries or possesses on or about his person any ... tear gas gun projector bomb or any object containing noxious liquid gas, pistol or revolver or other firearm, bomb, grenade, bottle or other container containing an explosive substance of over one-quarter ounce, or cartridge while in the building or on the grounds of any elementary or secondary school, community college, college or university or while on the grounds of any public parks, playground forest preserve or residential property owned, operated or managed by a public housing agency or while on any public way within 1,000 feet of the real property comprising any school or public park or residential property owned, operated, or managed by a public housing agency. This subsection shall not apply to law enforcement officers or security officers of such school, college, university, park, forest preserve or public housing agency, nor to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded and enclosed in a suitable case, box or transportation package.

**(b)** A person violating subsection (a) of this section shall be guilty of a Misdemeanor III.

**(c)** The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in paragraph (a)(7) is a prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

**(1)** If such weapon, instrument or substance is found upon the person of 1 of the occupants therein; or

**(2)** If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

**(d)** Upon conviction of a violation of this section, any weapon seized shall be confiscated by the trial court. Any weapon so confiscated shall be transferred to the police department for disposition.

#### **§ Sec. 29-44 Exemptions.**

**(a)** Section 29-43, paragraphs (a)(3), (a)(4) and (a)(10) do not apply to or affect any of the following:

**(1)** Peace officers or any person summoned by any peace officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

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

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

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

**(5)** Persons licensed as private security contractors, private detectives, private alarm contractors or employed by an agency certified by the department of professional regulation if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 225 ILCS 7/1 et seq., while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within 1 hour from departure from home or place of employment, as the case may be. Persons exempted under this paragraph shall be required to have completed a course

of study in firearms handling and training approved and supervised by the department of professional regulation as prescribed by § 35-40 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 225 ILCS 7/35-40 et seq., prior to becoming eligible for this exemption. The department of professional regulation provides suitable documentation demonstrating the successful completion of the prescribed firearms training in the form of a firearm authorization card. Such firearm authorization card shall be carried at all times when such persons are in possession of a weapon and further, persons exempted under this paragraph shall be in possession of only the weapon(s) specifically authorized and specified on the firearm authorization card.

**(6)** Any person regularly employed in a commercial or industrial operation for the production of persons employed and private property related to such commercial or industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer of such security guards, and who as such security guards are members of a security force of 5 persons or more registered with the department of registration and education, provided that such security guard has successfully completed a course of study, approved by and supervised by the department of registration and education, consisting of not less than 40 hours of training which shall include theory of law enforcement, liability for acts and the handling of weapons. The department of registration and education shall provide suitable documentation to demonstrate the successful completion of such course. Such documentation shall be carried by the security guard at all times when he is in possession of a concealable weapon.

**(7)** Agents and investigators of the state legislative investigating commission authorized by the commission to carry the weapons specified in § 29-43, paragraphs (a)(3) and (a)(4), while on duty in the course of any investigation for the commission.

**(8)** Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the department of registration and education, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. The department of registration and education shall provide suitable documentation to demonstrate the successful completion of such course, and such documentation shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this paragraph, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

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

**(10)** Persons who have been classified as peace officers pursuant to "an act relating to fire protection, amending certain acts herein named," 20 ILCS 2910/1 enacted by the 82nd General Assembly of the State of Illinois.

**(11)** Investigators of the office of the state's attorneys appellate prosecutor authorized by the board of governors of the office of the state's attorneys appellate prosecutor to carry weapons pursuant to § 7.06 of the State's Attorneys Appellate Service Commission Act 725 ILCS 210/7.06.

**(12)** Manufacture, transportation or sale of weapons to persons authorized under paragraphs (1) through (11) of this subsection to possess those weapons.

**(b)** Section 29-43, paragraphs (a)(4) and (a)(10) do not apply to or affect any of the following:

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

**(2)** Duly authorized military or civil organizations while parading, with the special permission of the governor.

**(3)** Licensed hunters, trappers or fishermen while engaged in hunting, trapping or fishing.

**(4)** Transportation of weapons broken down in a nonfunctioning state or not immediately accessible.

**(c)** Section 29-43, paragraph (a)(7) does not apply to or affect any of the following:

**(1)** Peace officers while in the performance of their official duties.

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

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

**(4)** Manufacture, transportation or sale of machine guns to persons authorized under paragraphs (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a nonfunctioning state or not immediately accessible.

**(5)** Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device but only such possession and activities which are within the lawful scope of a licensed manufacturing business described in this paragraph. During transportation, such weapons shall be broken down in a nonfunctioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract. The exemption granted under this subsection shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract. During transportation, any such weapon shall be broken down in a nonfunctioning state, or not immediately accessible.

(e) Section 29-43, paragraph (a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

(f) Section 29-43, paragraphs (a)(4) and (a)(10) do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) Section 29-43, paragraph (a)(11) does not apply to:

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

(2) Bona fide collectors of antique or surplus military ordinance.

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

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by paragraph (g)(1) of this section, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(h) A charge based upon a violation of any subsection need not negate any exemptions contained in this section. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this section shall prohibit, apply to or affect the transportation, carrying or possession of any pistol or revolver, stun gun, taser or other firearm consigned to a common carrier operating under license of the state or the federal government, where such transportation, carrying or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this section shall prohibit, apply to or affect the transportation, carrying or possession of any pistol, revolver, stun gun, taser or other firearm, not the subject of and regulated by subsection 29-43, paragraph (a)(7), which is unloaded and enclosed in a case, firearm carrying box, shipping box or other container, by the possessor of a valid firearm owners identification card.

#### **§ Sec. 29-46 Possession of ammunition and firearms by underage persons.**

(a) No underage person shall acquire, possess or transport any firearm or firearm ammunition within the city, except for the purpose of firearm instruction and any other lawful purpose while in the custody and immediate control of their parent, legal guardian or other person in loco parentis to the underage person so long as said parent, legal guardian or other person in loco parentis to the underage person has a currently valid State of Illinois Firearm Owner's Identification Card.

(b) This section shall not apply to:

(1) Any underage person who was honorably discharged from the United States military and can otherwise own a firearm under state and federal law; or

(2) The acquisition, possession or transportation of a shotgun or rifle by a person eighteen (18) years old or older who has a valid State of Illinois Firearm Owner's Identification Card and has successfully completed a hunter safety education course certified by the State of Illinois.

(c) No person shall sell, loan or furnish to any underage person any firearm or firearm ammunition within the city, except as provided for in subsection (a) above.

(d) A person violating subsection (a) or (c) of this section shall be guilty of a Misdemeanor III.

(e) Upon conviction of a violation of this section, any weapons seized shall be confiscated by the trial court. Any weapon so confiscated shall be transferred to the police department for disposition.

(f) For the purpose of this section:

(1) **Firearm, rifle and shotgun** have the meanings ascribed to them in § 29-49 of this Code.

(2) **Firearm ammunition** means any bullet, self-contained cartridge, shotgun shell, or projectile, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however, any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(3) **Underage person** means a person under the age of 21.

#### **§ Sec. 29-49 Transfer or possession of assault ammunition or assault weapons.**

(a) No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity ammunition feeding device.

**(b)** This section shall not apply to:

**(1)** Any law enforcement officer of this or any other municipality or state of the United States, members of the armed forces of the United States, or the organized militia of this or any other state to the extent that any such person is otherwise authorized to possess an assault weapon or large capacity ammunition feeding device and is acting within the scope of his or her duties;

**(2)** Persons licensed as private security contractors, private detectives, private alarm contractors or employed by an agency certified by the department of professional regulation if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (225 ILCS 447/1) et seq.) while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one (1) hour from departure from home or place of employment, as the case may be. Persons exempted under this paragraph shall be required to have completed a course of study in firearms handling and training approved and supervised by the department of professional regulation as prescribed by § 35-40 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (225 ILCS 447/35-40) prior to becoming eligible for this exemption. The department of professional regulation provides suitable documentation demonstrating the successful completion of the prescribed firearms training in the form of a firearm authorization card. Such firearm authorization card shall be carried at all times when such persons are in possession of a weapon, and further, persons exempted under this paragraph shall be in possession of only the weapon(s) specifically authorized and specified on the firearm authorization card.

**(3)** The transportation of assault weapons or large capacity ammunition feeding devices to persons exempt from this section, as set forth above, by federally licensed manufacturers and dealers, if the weapons or devices are broken down in a nonfunctioning state and not immediately accessible during transportation; or

**(4)** The government of the United States or the government of any municipality, county, or state.

**(5)** Any person who, while in their home and in an act of self-defense, uses either an assault weapon owned by a person mentioned in paragraph (1) above or such a weapon for which a certificate of ownership has been issued but for which they are not the certificate holder.

**(6)** Any assault weapon or large capacity ammunition feeding device possessed, sold or transferred in violation of subsection (a) above is hereby declared to be contraband and shall be seized and appropriately disposed of by the police department.

**(7)** Any person found in violation of this section shall be guilty of a Misdemeanor IV.

**(8)** Any person who, prior to the effective date of this section, was legally in possession of an assault weapon or large capacity ammunition feeding device prohibited by this section, shall have 90 days from the effective date of this section to do any of the following without being subject to prosecution hereunder:

**a.** Remove the assault weapon or large capacity ammunition feeding device from within the limits of the city;

**b.** Modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon;

**c.** Surrender the assault weapon or large capacity ammunition feeding device to the police chief or his designee for appropriate disposal; or

**d.** Obtain a certificate of ownership from the Aurora Police Department in accordance with subsection (g) below.

**(f)** This section shall not apply to:

**(1)** An antique firearm as defined below;

**(2)** Any semiautomatic rifle with a fixed stock that cannot accept a detachable magazine or clip that holds more than 8 rounds of ammunition;

**(3)** Any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine;

**(4)** Any firearm that can only be operated manually by bolt, pump, lever or slide action.

**(5)** Any magazine, belt, drum, feed strip or similar device originally manufactured to accept more than 15 rounds of ammunition but which has been fitted with a permanent block so as to hold no more than 15 rounds of ammunition.

**(g) (1)** Persons who, prior to the effective date of this section, lawfully possess assault weapons as defined herein may, within 90 days of the effective date of this section, apply to the Aurora Police Department for a certificate of ownership for said assault weapons.

**a.** No certificate of ownership shall, however, be granted for the following weapons: Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell and Poly Tech) Beretta AR-70 Franchi SPAS-12 and LAW-12 MAC-11 carbine type Street Sweeper and Striker 12 revolving cylinder shotguns USAS-12 Uzi carbine and mini-carbine Any assault weapon with a folding or telescoping stock which is not designed to be fired from the shoulder Any pistol which meets the definition of an assault weapon except as set forth in paragraph b. below

**b.** A certificate of ownership may be granted for any pistol originally manufactured to accept, in the pistol grip, a magazine designed to contain 16-17 rounds of ammunition but which does not extend below the pistol grip and does not otherwise meet the definition of an assault weapon.

**(2)** The Aurora Police Department shall issue a certificate of ownership for each applicable weapon owned by the applicant if the applicant has a currently valid State of Illinois Firearm Owners Identification card. Said certificate shall not be transferable, except upon the death of the certificate holder and then only to his heir or legatee.

**(3)** The Aurora Police Department shall not issue a certificate of ownership, and shall revoke any existing certificate of ownership, if the applicant or certificate holder is prohibited, under state or federal law, from possessing the assault weapon for which the certificate of ownership has been applied or issued.

**(4)** All assault weapons for which a certificate of ownership has been issued shall be kept unloaded and stored in a locked environment when being transported or kept within the City of Aurora.

**(5)** The City of Aurora shall not enact any ordinance imposing greater regulations upon assault weapons for which a certificate of ownership has been issued.

**(h)** For the purpose of this section:

**(1)** Antique firearm means:

**a.** Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898; and

**b.** Any replica of any firearm described in subparagraph (a) if the replica:

**1.** Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

**2.** Uses rimfire or conventional centerfire fixed ammunition which is not readily available in the ordinary channels of commercial trade.

**(2)** Assault weapon means:

**a.** Any of the firearms (or types, replicas, or duplicates in any caliber of the firearms regardless of manufacturer) known as: A.A. Arms AP-9 Algimec Agmi Armalite AR-180 Australian Automatic Arms SAP Pistol Australian Automatic Arms SAR Auto-Ordnance Thompson type Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell, and Poly Tech) Barrett Light-Fifty model 82A1 Beretta AR-70 (SC-70) Beretta BM-59 Bushmaster Auto Rifle and Auto Pistol Calico models M-900, M-950 and 100-P Chartered Industries of Singapore SR-88 Claridge High Tech Colt AR-15 and Sporter Daewoo K-1, K-2, Max-1 and Max-2 Encom MK-IV, MP-9 and MP-45 Fabrique Nationale FN/FAL, FN/LAR or FN/FNC FAMAS MAS 223 Feather AT-9 and Mini-AT Federal XC-900 and XC-450 Franchi SPAS-12 and LAW-12 Gail AR and ARM Heckler & Koch HK-91, HK-93, HK-94, PSG-1, SP-89 Holmes Mp-83 Intratec TEC-9, TEC-DC-9, TEC-22 and Scorpion Iver Johnson Enforce Model 3000 Iver Johnson PM30 Paratrooper M14S type MAC 10, M-10, MAC-11 and MAC-11 Carbine type Ruger Mini-14/5F (folding stock only) and Mini-14/5RF Scarab Skorpion SIG 57 AMT, SIG 550SP, SIG 551SP, SIG PE-57 types and 500 series Spectre Auto Carbine and Auto Pistol Springfield Armory BM59, SAR-48 and G-3 Sterling MK-6 and MK-7 and SAR types Steyr AUG Street Sweeper and Striker 12 revolving cylinder shotguns SWD M-10, M-11, M-11/9, M-12 Valmet M63, M71S, M76 or M78 USAS-12 UZI Carbine, Mini-Carbine and Pistol Weaver Arms Nighthawk Wilkinson "Linda" Pistol

**b.** Any semiautomatic rifle that has a fixed magazine that can hold more than 8 rounds or an ability to accept a detachable magazine and has at least 2 of the following:

**1.** A folding or telescoping stock;

**2.** A pistol grip that protrudes beneath the action of the weapon and which is separate and apart from the stock;

**3.** A bayonet mount;

**4.** A flash suppressor;

**5.** A barrel with a threaded muzzle;

**6.** A grenade launcher.

**c.** Any semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of the following:

**1.** An ammunition magazine that attaches to the pistol outside of the pistol grip;

**2.** A barrel having a threaded muzzle;

**3.** A shroud that is attached to, or partially or completely encircles, the barrel and which permits the shooter to hold the firearm with the nontrigger hand without being burned;

**4.** A manufactured weight of 50 ounces or more when the pistol is unloaded;

**5.** A semiautomatic version of an automatic firearm

**d.** Any semiautomatic shotgun that has either a fixed magazine with a capacity in excess of 5 rounds or an ability to accept a detachable magazine and, in addition, has at least 1 of the following:

**1.** A folding or telescoping stock;

**2.** A pistol grip that protrudes beneath the action of the firearm and which is separate and apart from the stock;

**(3)** Firearm means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

**a.** Any pneumatic gun, spring gun, paint ball gun or BB gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

**b.** Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

**c.** Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

**(4)** Large capacity ammunition feeding device means:

**a.** Any magazine, belt, drum, feed strip or similar device that has a capacity of, or can be readily restored or converted to accept, more than 15 rounds of ammunition; or

**b.** Any combination of parts from which a device described in the above clause can be assembled;

The term does not include an attached tubular device designed to accept and capable of operating with only .22 caliber rimfire ammunition.

(5) Pistol means any firearm designed to be fired by the use of a single hand, as well as any combination of parts from which a pistol can be assembled.

(6) Rifle means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(7) Semiautomatic means a firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(8) Shotgun means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth or rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.

**§ Sec. 29-50 Unlawful storage of ammunition and firearms.**

(a) No person shall keep firearm ammunition or a loaded firearm within any premises or vehicle under his or her custody or control which he or she knows, or reasonably should know, a minor is likely to be able to gain access to without permission of the minor's parent or legal guardian, unless the firearm ammunition is in a locked container, the loaded firearm is equipped with a locking device, or said firearm is in a locked container.

(b) For the purposes of this section:

(1) Minor means a person under the age of 18 years;

(2) Firearm has the meaning ascribed to it in § 29-49 of this Code;

(3) Loaded firearm means a firearm in which there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder or a bullet or shot, in or attached in any manner to the firearm, including, but not limited to, in the firing chamber, magazine or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed loaded when it is capped or pinned and has a powder charge and ball or shot in the barrel or cylinder;

(4) Locking device means a device attached to a firearm other than the safety that temporarily prevents the firearm from functioning.

(c) A person violating this section shall be guilty of a misdemeanor II.

**Supplement no. 89 Municipal Code of Chicago May, 2016 Codified through (Coun. J. 3-16-2016, p. 20788.)**

**Title 4 Businesses, Occupations and Consumer Protection**

**Chapter 4-144 Weapons**

**Article I. Weapons Dealers**

**§ Sec. 4-144-005 Weapons dealer license.**

(a) A weapons dealer license shall be required for the following business activities:

(1) A stun gun dealer;

(2) An air rifles and toy weapons dealer;

(3) A firearms dealer;

(4) A professional theatrical armorer; or

(5) A professional firearms curator.

(b) A separate license shall be required for each separate business location.

**Article VI. Professional Firearm Curators (4-144-400 et seq.)**

**4-144-400 Definitions.** For purposes of this article, the following definitions apply:

(a) "Collector" and "Curio or relic firearm" have the meanings ascribed to those terms in 27 CFR 478.11 or as listed on the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Firearms Curios or Relics List, AFT Publication 5300.11, as amended.

(b) "FOID" has the same meaning ascribed to that term in § 8-20-010.

(c) "Professional firearm curator" means a person who:

(1) (i) is a public museum that is eligible to receive funds for capital development under subsection 1-25(7) of the Department of Natural Resources Act, 20 ILCS 801/1-25; or

(ii) is a bona fide Illinois nonprofit corporation that is a museum operating for the purpose of acquiring, conserving, preserving, studying, interpreting, or enhancing historical material for educational or scientific purposes and has continuously for a period of not less than 5 years prior to the date of application exhibited specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial or scientific import to the public for its instruction and enjoyment; and

(2) has been issued a federal firearms collector's license; and

(3) has a location in the city at which curio or relic firearms are exhibited to the public for its instruction and enjoyment.

(d) "Superintendent" means the Superintendent of police.

**4-144-410 License required.** It shall be unlawful for any person to engage in the business of a professional firearm curator without securing a weapons dealer license to do so.

Notwithstanding any provision of the code to the contrary, a professional firearm curator may possess curio or relic firearms when such curio or relic firearms are part of the professional firearm curator's collection which is exhibited to the public for its instruction and enjoyment.

The license required under this article shall be in addition to any other license required by law.

The license granted under this article does not authorize the licensee to engage in the business of selling or otherwise transferring firearms.

**4-144-420 Application – Additional information required.** In addition to the requirements set forth in § 4-4-050, an application for, or renewal of, a weapons dealer license to engage in the business of a professional firearm curator shall be accompanied by the following information:

- (a) the length of time the applicant has been in business;
- (b) the location and description of the proposed licensed premises;
- (c) the name and address of the owner of the premises. If the premises are leased, the name, address and telephone number of the owner of the premises;
- (d) a copy of the applicant's federal firearm collector's license;
- (e) a list of all employees and managers authorized to control, handle, store or otherwise possess the curio or relic firearms at the licensed premises and a copy of each person's FOID card;
- (f) any other information that the commissioner or the superintendent may require to implement this article.

**4-144-430 License issuance and renewal.** A license or a renewal of a license issued under this article shall be denied or revoked for any of the following reasons:

- (a) The applicant's license under this article, or any other license for the sale, manufacture, use or possession of firearms, has been revoked for cause.
- (b) A license issued under this article for the location described in the application has been revoked for any cause within one year of the date of the application.
- (c) The applicant makes any false, misleading or fraudulent statement or misrepresents any fact in the license application, or uses any scheme or subterfuge for the purpose of evading any provision of this article.
- (d) The applicant or licensee at the time of application for or renewal of any license issued pursuant to this chapter would not be eligible for such license upon a first application.
- (e) The applicant or licensee at the time of application or renewal of any license under this Article does not have a safety plan that has been approved by the superintendent.

**4-144-440 Department duties.**

- (a) The commissioner shall forward any application for a weapons dealer license to engage in the business of a professional firearm curator to the police and fire departments.
- (b) The commissioner shall have the authority to promulgate rules and regulations necessary to implement this article.
- (c) The superintendent shall have the authority to promulgate rules and regulations necessary to implement this article relating to the safety plan, the safe storage and handling of the curio or relic firearms or any other non-firearm dangerous or deadly weapon, and any other restriction which the superintendent deems necessary for public safety.

**4-144-450 Legal duties.**

(a) Every licensee shall obtain and keep current at all times throughout the duration of the license period, liability insurance for the operation of the premises described in such application or license in the aggregate amount of \$1,000,000, issued by an insurer authorized to insure in Illinois. The insurance policy required by this section shall be for a term of at least 12 months, and shall be co-extensive with the first 12 months of the applicable license period. Thereafter, the licensee shall continue to maintain such insurance policy in full force and effect for the duration of the 2-year license period. The licensee shall keep proof of the required insurance at the licensed premises at all times and, upon demand, shall produce such proof for inspection by an authorized City official. Each policy of insurance required under this section shall include a provision requiring 30 days' advance notice to the commissioner prior to termination or lapse of the policy. Failure to comply with this section shall be grounds for the suspension or revocation of the license for a single offense in accordance with § 4-4-280 of this Code.

(b) (1) At the same time an applicant submits an application for a license, the applicant shall submit a safety plan to the superintendent in a form and manner prescribed by the superintendent. After review of the proposed safety plan, the superintendent, in consultation with the executive director of emergency management and communications, the fire commissioner, and any other appropriate department, shall either approve or deny the safety plan within 30 days of its submission. During the 30-day review period, the superintendent may consult with the applicant to recommend amendments to the proposed plan. If the superintendent denies a safety plan, he shall state, in writing, the basis for such denial. The superintendent shall notify the commissioner of such approval or denial.

(2) Every safety plan shall include a floor plan of the proposed site and provisions that address: (i) the installation and maintenance of adequate exterior lighting; (ii) the installation and maintenance of interior and exterior surveillance cameras installed at the licensed location; (iii) the installation of an alarm system; (iv) protocols for the safe display and storage of ammunition and firearms; and (v) the employment of adequately trained personnel, all in accordance with rules prescribed by the superintendent. Recordings from the surveillance cameras required by this subsection shall be maintained for not less than 30 days and shall be made available upon request to members of the police department.

The licensee shall obtain all necessary permits, including a public way use permit if applicable; provided that notwithstanding any other provision of the code to the contrary, no fee for a public way use permit will be imposed when the permit is for any surveillance camera installed pursuant to this subsection solely because the camera or its wiring is in any portion of the public way.

(3) Any proposed change to the approved safety plan shall be submitted to the superintendent, in a form and manner prescribed by the superintendent, prior to the implementation of such change. The superintendent shall approve or deny the proposed change within 30 days and notify the commissioner of such approval or denial.

(4) The licensee shall keep a copy of the approved safety plan at the licensed premises and make it available upon request for inspection by members of the department or the police department.

(5) No license may be issued or renewed unless the superintendent approves the applicant's or licensee's safety plan.

(6) Every licensee shall comply with the safety plan, as approved by the superintendent.

(7) The failure to adequately implement, maintain, or adhere to the provisions of the approved safety plan under this section shall be grounds for suspension or revocation of the license and shall be grounds for the city to recover its costs resulting from such failure under Chapter 1-20.

(c) The licensed premises shall be open at all reasonable times for inspection by the departments of buildings, police, business affairs and consumer protection, and fire.

(d) All employees and managers authorized by the licensee to control, handle, store or otherwise possess any curio or relic firearm shall have a valid FOID card. No other employee, manager or person shall be permitted to control, handle, store or otherwise possess any curio or relic firearm.

(e) An employee or manager with a valid FOID card shall be present at the licensed premises at all times that the licensed premises is open to the public.

**4-144-460 Operating without a license.** In addition to any other applicable fine or penalty, any person who engages in the business of a professional firearm curator without first having obtained the required license shall be subject to a fine of not less than \$3,000 nor more than \$5,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

**4-144-470 Penalty.** Unless another penalty or fine is specifically provided, any person who violates any provision of this Article, or any rule or regulation promulgated thereunder, shall be subject to a fine of not less than \$1,500 nor more than \$3,000 for each offense, or incarceration for a period not to exceed 6 months, or both. Each day that such violation exists shall constitute a separate and distinct offense.

## Article VII. Firearms Dealers

**4-144-700 Definitions.** For purposes of this Article, the following definitions apply:

“Antique firearm,” “Assault Weapon,” “FOID,” “Peace Officer,” and “Superintendent” have the same meaning ascribed to those terms in § 8-20-010.

“Authorized Employee” means a licensee's employee who:

(1) is 21 years old or older;

(2) has a valid FOID card;

(3) is located at the licensed premises; and

(4) is authorized by the licensee to control, handle, sell, store or otherwise possess firearms or ammunition.

“Collector” and “Curio or relic firearm” have the meaning ascribed to those terms in 27 CFR 478.11 or as listed on the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives' Firearms Curios or Relics List, ATF Publication 5300.11, as amended.

“Firearm” has the meaning ascribed to that term in § 8-20-010; provided that for purposes of this Article, a “firearm” does not include an antique firearm,

“Handgun” means a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such firearm can be assembled.

“Licensee” means a person issued a weapon dealer-firearms dealer license pursuant to this Article.

“Responsible person” means any person listed as a responsible person on the licensee's or applicant's federal firearm license.

“Store Manager” means a person who:

(1) is 21 years old or older;

(2) has a valid FOID card; and

(3) is designated by the licensee for the responsibility of the on-site overall day-to-day operations of a firearms dealer licensed premises.

“Straw purchaser” means a person who acquires a firearm for another person who: (i) is prohibited by law from possessing a firearm, or (ii) does not want his name associated with the transaction.

**4-144-710 Firearms dealer – License required.**

(a) It shall be unlawful for any person to engage in the business of: (1) selling or otherwise transferring, at retail, any ammunition or any new or previously owned firearm; or (2) repairing firearms or making or fitting special barrels, stocks or trigger mechanisms to firearms, without securing a weapons dealer-firearms dealer license to do so.

**(b)** The license required under this Article shall be in addition to any other license required by this code or other applicable law; provided that:

**(1)** no secondhand dealer license shall be required for a licensee to purchase from, sell to, or otherwise transfer a previously owned firearm to a customer at the licensed premises;

**(3)** no certificate of fitness or license issued pursuant to chapter 15-4 shall be required for the storage of ammunition at the licensed premises in compliance with this Article and § 15-4-985.

**(c)** A license or renewal of a license issued under this Article shall expire 2 years after the date of issuance; provided that if after the effective date of this section, the licensee has an existing license issued under this Title 4 for the licensed premises, the commissioner is authorized to align the expiration date of the license issued under this Article to the expiration of any existing business license issued under this Title 4, and to prorate the fee for such license.

#### **4-144-720 License - Application.**

**(a)** An application for a license pursuant to this Article shall be made in conformity with the provisions of this Article and the general requirements of Chapter 4-4 relating to applications for licenses. No original or renewal license shall be issued to any applicant or licensee unless all persons required to be disclosed as applicants meet the eligibility requirements.

**(b)** The application shall be in writing, signed by the applicant if an individual. If the applicant is a partnership or corporation, the application shall be signed by an officer or partner. If the applicant is a limited liability company managed by members, the application shall be signed by a manager. If the applicant is a limited liability company managed by its members, the application shall be signed by a member. The application shall be verified by oath or affidavit, and shall include the following statements and information:

**(1)** in the case of an individual: the name, date of birth, residence address, current telephone number and social security number of the applicant; in the case of a partnership, limited partnership, corporation, limited liability company or other legal entity: the date and state of its organization or incorporation; the objects for which it was organized or incorporated; and the name, residence address, date of birth and social security numbers of any applicant;

**(2)** the location and description of the premises which is to be operated under such license;

**(3)** the name, address and phone number of the owner of the premises, including the name and address of the beneficiary if title to the premises is held by a person as trustee and if known to the applicant. If the premises is leased, a copy of the lease, which must include a statement of the building owner indicating that the owner agrees to the use of the building for the operation of a firearms dealer;

**(4)** the name, date of birth, residence address and current telephone number of every store manager at the licensed premises;

**(5)** a copy of the applicant's and manager's FOID cards; provided that if the applicant is not a natural person no FOID card shall be required for the applicant or controlling persons;

**(6)** a copy of the applicant's federal firearm license;

**(7)** the name, date of birth, residence address and current telephone number of all responsible persons;

**(8)** a statement that the applicant is qualified to receive a license because the applicant, responsible person, store manager and all authorized employees meet all the requirements of: **(i)** any applicable provision of this Article; **(ii)** another applicable provision of this code; or **(iii)** any other applicable local, state or federal law;

**(9)** a statement that the applicant, responsible person, store manager or any authorized employee has not been convicted, or found liable in an administrative adjudication, of a felony, a misdemeanor involving a firearm, or any other law concerning the manufacture, possession, use or sale of firearms;

**(10)** a statement as to whether any previous license which authorized the sale of firearms issued by any jurisdiction to the applicant, responsible person, store manager or any authorized employee was revoked, the date of the revocation and the reasons for the revocation; and

**(11)** any other information that the commissioner or the superintendent may require to implement this Article.

**(c)** The commissioner shall forward the application to the departments of fire and police. Before a license shall be issued, the departments of buildings, fire and police shall inspect the premises for which the license is sought to determine whether the proposed licensed premises is in compliance with the provisions of this code and the rules and regulations promulgated thereunder relating to buildings, public safety and fire prevention.

**(d)** The applicant, store manager and all responsible persons shall submit to fingerprinting by the department.

#### **4-144-730 License qualifications.**

**(a)** No license shall be issued under this Article if the applicant, responsible person, store manager, or any authorized employee:

**(1)** is under 21 years of age;

**(2)** has ever been convicted of a felony;

**(3)** has ever been convicted of a misdemeanor involving a firearm, or any other violation of law concerning the manufacture, use, possession or sale of firearms.

**(b)** In addition to the qualifications set forth in subsection (a), if the applicant is selling or otherwise transferring firearms, no license shall be issued if:

**(1)** the applicant has not been issued a valid federal firearm license for the proposed licensed premises; and

(2) the applicant, store manager and all authorized employees do not possess valid FOID cards; provided that if the applicant is not a natural person, no FOID card shall be required of the applicant or controlling persons.

**4-144-740 License issuance – Restrictions.** In addition to any other reason for revocation or denial of a license provided in this code, a license issued under this Article shall be denied or revoked for any of the following reasons:

(a) The applicant's license under this Article, or any other license for the sale, manufacture, use or possession of firearms or ammunition, has been revoked for cause.

(b) A license issued under this chapter for the location described in the application has been revoked for cause within three years of the date of the application.

(c) An applicant or licensee makes any false, misleading or fraudulent statement or misrepresents any material fact in the license application or renewal of any license, or uses any scheme or subterfuge for the purpose of evading any provision of this Article.

(d) An applicant or licensee at the time of application or renewal of a license would not be eligible for such license upon a first application.

(e) An applicant or licensee has been issued one of the following licenses for the same premises;

(1) secondhand dealer;

(2) pawnbroker;

(3) sale of alcoholic liquor;

(4) medical cannabis dispensing organization; or

(5) cultivation center.

(f) A responsible person or store manager was a responsible person or store manager for a person whose license for the sale, manufacture, use or possession of firearms or ammunition was revoked for cause within the previous three years.

(g) An applicant or licensee at the time of application or renewal of a license does not have a safety plan approved by the superintendent.

**4-144-750 Location restriction.** No license shall be issued for a location that is within 500 feet from any pre-existing primary or secondary school or any park owned or leased by any unit of local, state or federal government, measured from property line to property line.

**4-144-760 License issuance and conditional approval.**

(a) The commissioner shall approve or deny the application, or issue a conditional approval, no later than 45 days after payment of the license fee.

(b) Upon review of the application, if the commissioner determines that an applicant meets the requirements for the issuance of a license except that the applicant has not been issued a federal firearm license, the commissioner may conditionally approve such application to permit the applicant to apply for a federal firearm license. The conditional approval shall be for a period of no longer than 120 days. The conditional approval does not authorize the applicant to engage in any business requiring a license under this Article. If the applicant fails to obtain a federal firearm license during the 120-day period, the application shall be denied.

**4-144-770 Responsible sales of firearms training.**

(a) Within 30 days after issuance of a license under this Article, the licensee shall contact the superintendent, in a manner and form prescribed by the superintendent, to schedule an initial training session on the best practices for the responsible sale of firearms to be conducted by the police department. The current store manager and all current authorized employees shall complete the training program no later than 60 days after issuance of the license. Annually thereafter, the licensee shall contact the superintendent to schedule an initial training session for any store manager or authorized employee subsequently employed after the last initial training session conducted for that licensee.

(b) After completion of the initial training program by a store manager or authorized employee, such store manager or authorized employee shall complete a refresher training program once every 3 years.

**4-144-780 Department duties.**

(a) The commissioner has the authority to promulgate rules and regulations to implement those aspects of this Article which fall under the commissioner's jurisdiction.

(b) (1) The superintendent shall develop training programs, consistent with § 4-144-770, on the responsible sale of firearms for store managers and authorized employees. At a minimum, the training programs shall instruct store managers and authorized employees on best practices for the detection and deterrence of illegal purchases of firearms.

(2) The superintendent has the authority to promulgate rules and regulations to implement those aspects of this Article, which fall under the superintendent's jurisdiction, including, but not limited to, the conducting of a physical inventory, training programs for licensees, the safety plan, and the safe storage and handling of firearms and ammunition.

**4-144-790 Legal duties.** A licensee shall:

(a) obtain and keep current at all times throughout the duration of the license period, liability insurance for the operation of the premises described in such application or license in the aggregate amount of \$1,000,000, issued by an insurer authorized to insure in Illinois. The insurance policy required by this section shall be for a term of at least 12 months, and shall be co-extensive with the first 12 months of the applicable license period. Thereafter, the licensee shall continue to maintain such insurance policy in full force and effect for the duration of the 2-year license period. The licensee shall

keep proof of the required insurance at the licensed premises at all times and, upon demand, shall produce such proof for inspection by an authorized city official. Each policy of insurance required under this section shall include a provision requiring 10 days advance notice to the commissioner prior to termination or lapse of the policy.

**(b)** allow inspection of the licensed premises at all reasonable times by the department and the departments of buildings, police, and fire.

**(c)** except as provided in § 4-144-795(a), permit only the store manager or authorized employees who meet the qualification requirements of § 4-144-730 to handle, sell, or possess firearms or ammunition.

**(d)** initiate a state and FBI fingerprint-based record search of every authorized employee to verify the person's criminal background. If a licensee acquires any subsequent or independent knowledge that a store manager or authorized employee does not meet the qualifications, the licensee shall take immediate steps to ensure that such store manager or authorized employee does not have access to firearms.

**(e)** conduct, no less than once per quarter, a physical inventory audit, which shall include, at a minimum, a listing of each firearm:

- (1)** acquired or held by the licensee during the quarter;
- (2)** sold or otherwise transferred during the quarter; and
- (3)** stolen or lost during the quarter.

Each listing shall include the make, model and serial number of each firearm.

**(f)** store firearms separately from ammunition. Storage of firearms and ammunition shall comply with the approved safety plan, § 15-4-985, and any other applicable rule or regulation.

**(g)** not display firearms or ammunition in any window.

**(h)** post in a conspicuous place at each entrance to the licensed premises a sign that clearly states: THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED.

**(i)** record every sale or transfer of a firearm or ammunition by video surveillance in such a manner as to clearly capture the facial features of the purchaser or transferee. The video surveillance recording must produce retrievable and identifiable images and video recordings in compliance with the approved safety plan and any rule promulgated by the superintendent.

**(j)** notify, in writing, the superintendent and commissioner within 5 business days of receiving a notice of violation of any firearm licensing law issued by the federal government and the disposition of such violation, if known at the time.

**(k)** have on-site at all times the licensed premises is open for business, a store manager or authorized employee who has completed the mandatory responsible firearm sales training program in compliance with § 4-144-770.

**4-144-795 Additional legal duties for the responsible sale of firearms and ammunition.** No licensee, store manager or authorized employee shall:

**(a)** permit a customer to handle:

**(1)** a firearm if the customer does not have a valid FOID card:

**(2)** more than one firearm at a time. Prior to permitting a customer to handle a second firearm, the first firearm shall be returned to a locked display case or other secure storage location:

**(3)** a firearm unless the firearm is unloaded and secured with a trigger lock or plastic tie; and

**(4)** a firearm unless the store manager or authorized employee is present and attending to the customer.

**(b)** sell or transfer any firearm to a person he knows to be intoxicated.

**(c)** possess any black powder at the licensed premises.

**(d)** deliver a firearm, incidental to a sale or transfer, to a purchaser until 24 hours after the application for such purchase or transfer has been made. provided that if the application is for a handgun, the delivery of such handgun shall be withheld for 72 hours after such application has been made.

**(e)** sell or otherwise transfer:

**(1)** any ammunition or long gun to a person under the age of 18; or

**(2)** any handgun to a person under the age of 21.

**(f)** sell or otherwise transfer to any person a firearm unless:

**(1)** a background check is conducted to ensure that the person is not prohibited under state or federal law from possessing such firearm:

**(2)** the person has a valid FOID card; and

**(3)** the person has presented a valid government-issued photo identification card.

**(g)** sell or otherwise transfer a handgun, unless the handgun bears the manufacturer's name, manufacturer's mark or model, and manufacturer's serial number assigned to that handgun.

**(h)** sell or otherwise transfer a handgun if the licensee, store manager, or authorized employee knows that the person purchased a handgun within the previous 30 days; provided that this subsection shall not apply to a purchase of a handgun by:

**(1)** peace officers;

**(2)** a collector issued a federal firearm collector's license who is purchasing an antique, curio or relic firearm;

**(3)** a person whose handgun was stolen or lost and the person reported the theft or loss to the appropriate local law enforcement official; or

**(4)** a person returning a handgun purchased within the previous thirty days because the handgun is defective or damaged and the person is seeking a replacement handgun.

- (l) sell, possess, or otherwise transfer any assault weapon.
- (j) sell or otherwise transfer a firearm to any person who the licensee, store manager or authorized employee knows or reasonably should have known:
  - (1) is not qualified, either under state or federal law, to possess a firearm; or
  - (2) is a straw purchaser.
- (k) sell or otherwise transfer any ammunition unless:
  - (1) the person has a valid FOID card, unless otherwise exempt by state or federal law; and
  - (2) the person has presented a valid government-issued photo identification card.
- (l) permit any alcoholic liquor to be consumed at the licensed premises.

**4-144-800 Sale of certain ammunition prohibited.** It shall be unlawful for any licensee, store manager or authorized employee to possess, sell, offer for sale, expose for sale, barter or give away to any person within the city, any metal piercing bullet or 50 BMG ammunition. For purposes of this section "metal piercing bullet" means any bullet that is manufactured with other than a lead or lead alloy core, or ammunition of which the bullet itself is wholly composed of, or machined from, a metal or metal alloy other than lead, or any other bullet that is manufactured to defeat or penetrate bullet-resistant properties of soft body armor or any other type of bullet-resistant clothing which meets the minimum requirements of the current National Institute for Justice Standards for "Ballistic Resistance of Police Body Armor." A "metal piercing bullet" shall not include shot shells containing pellets of less than .22 inches in diameter or frangible ammunition composed of powdered metal designed to completely disintegrate upon impact with an object.

#### **4-144-810 Safety plan.**

(a) At the same time an applicant submits an application for a license, the applicant must submit a safety plan to the superintendent in a form and manner prescribed by the superintendent. After review of the proposed safety plan, the superintendent, in consultation with the executive director of emergency management and communications, the fire commissioner, and any other appropriate department, shall either approve or deny the safety plan within 30 days of its submission. During the 30-day review period, the superintendent may consult with the applicant to recommend amendments to the proposed plan. If the superintendent denies a safety plan, he shall state, in writing, the basis for such denial. The superintendent shall notify the commissioner of such approval or denial.

(b) Every safety plan shall include a floor plan of the proposed site and provisions that address: (i) the installation and maintenance of adequate exterior lighting; (ii) the installation and maintenance of interior and exterior surveillance cameras installed at the licensed location; (iii) the installation of an alarm system; (iv) protocols for the safe display and storage of ammunition and firearms; (v) the employment of adequately trained personnel; (vi) procedures for inventory audits; and (vii) procedures for the detection and deterrence of straw purchasing; all in accordance with rules prescribed by the superintendent. Recordings from the surveillance cameras required by clause (ii) shall be maintained for not less than 30 days and shall be made available upon request to members of the police department.

The licensee shall obtain all necessary permits, including a public way use permit if applicable; provided that notwithstanding any other provision of the code to the contrary, no fee for a public way use permit will be imposed when the permit is for any surveillance camera installed pursuant to this subsection solely because the camera or its wiring is in any portion of the public way.

(c) Any proposed change to the approved safety plan shall be submitted to the superintendent, in a form and manner prescribed by the superintendent, prior to the implementation of such change. The superintendent shall approve or deny the proposed change within 30 days.

(d) The licensee shall keep a copy of the approved safety plan at the licensed premises and make it available upon request for inspection by members of the department or the police department.

(e) No license may be issued or renewed unless the superintendent approves the applicant's or licensee's safety plan.

(f) Every licensee shall comply with the safety plan, as approved by the superintendent.

(g) The failure to adequately implement, maintain, or adhere to the provisions of the approved safety plan under this section shall be grounds for suspension or revocation of the license and shall be grounds for the city to recover its costs resulting from such failure under Chapter 1-20.

#### **4-144-820 Records.**

(a) In addition to any other applicable state and federal law requiring records and record retention, the licensee shall maintain the following records:

(1) for the purchase of a firearm, a copy of the purchaser's FOID card and photo identification for a period of not less than 10 years from the date of purchase of the firearm;

(2) for the purchase of ammunition, a copy of the purchaser's FOID card, if required to have one, and photo identification, as provided in rules and regulations promulgated by the superintendent;

(3) a copy of the fingerprints and FOID card of every authorized employee for a period of not less than 5 years after an authorized employee is no longer designated as an authorized employee;

(4) a copy of a police report for every firearm reported lost or stolen by the licensee for a period of not less than 20 years after the report was made;

(5) a copy of the quarterly inventory required pursuant to § 4-144-790(e) for a period of not less than 10 years after the completion of the inventory; and

(6) a recovered firearm log. For purposes of this subsection a “recovered firearm log” is a record of all requests received from the Bureau of Alcohol, Tobacco, Firearms and Explosives for a Firearms Transaction Record form.

(b) Unless otherwise preempted by state or federal law, such records shall at all times during the licensee's business hours be open to inspection by any member of the police department or the department.

**4-144-830 Operating without a license.** Any person who engages in the business of selling or otherwise transferring any firearm or ammunition without first having obtained the required license shall be subject to a fine of not less than \$3,000 nor more than \$5,000, or incarceration for a period not to exceed 6 months, or both. Each day that a violation continues shall constitute a separate and distinct offense.

**4-144-840 Penalty.**

(a) Any person who violates § 4-144-795(e); 4-144-795(f); 4-144-795(g); 4-144-795(h); 4-144-795(i); 4-144-795(j); or 4-144-800 shall be fined not less than \$3,000 nor more than \$5,000, or incarcerated for a period not to exceed 6 months, or both. Any person who violates § 4-144-820 shall be fined not less than \$1,500 nor more than \$5,000 or incarcerated for a period not to exceed 6 months, or both. For all other violations, unless another fine or penalty is specifically provided, any person who violates any provision of this Article, or any rule or regulation promulgated thereunder, shall be subject to a fine of not less than \$1,500 nor more than \$3,000 for each offense, or incarceration for a period not to exceed 6 months, or both. Each day that such violation exists shall constitute a separate and distinct offense.

(b) Every act or omission constituting a violation of this Article by any officer, director, manager, employee or agent of the licensee shall be deemed to be the act or omission of such licensee and such licensee shall be liable for all penalties and sanctions provided by this Article in the same manner as if such act or omission had been done or omitted by the licensee personally.

**Chapter 8-20. Weapons**  
**Article 1. Definitions**

**8-20-010 Definitions.** For purposes of this chapter the following terms shall apply:

“**The Act**” means the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1 et seq., as amended.

“**Ammunition**” means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding however:

(1) any ammunition used exclusively for line-throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or

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

“**Antique firearm**” has the same meaning ascribed to that term in 18 U.S.C. § 921(a)(16).

“**Assault weapon**” means any of the following, regardless of the caliber of ammunition accepted:

(a) (1) A semiautomatic rifle that has the ability to accept a detachable magazine and has one or more of the following:

(A) a folding, telescoping or detachable stock;

(B) a handgun grip;

(C) a forward grip;

(D) a threaded barrel;

(E) a grenade, flare or rocket launcher; or

(F) a barrel shroud.

(2) A semiautomatic rifle that has a fixed magazine with the capacity to accept more than 10 rounds, except for an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(3) A semiautomatic version of an automatic rifle.

(4) Any part, combination of parts, component, device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semiautomatic rifle but not convert the semiautomatic rifle into a machine gun.

(5) A semiautomatic shotgun that has one or more of the following:

(A) a folding, telescoping or detachable stock;

(B) a handgun grip;

(C) a fixed magazine with the capacity to accept more than 5 rounds;

(D) a forward grip; or

(E) a grenade, flare or rocket launcher.

(6) A semiautomatic handgun that has the ability to accept a detachable magazine and has one or more of the following:

(A) the capacity to accept a detachable magazine at some location outside of the handgun grip;

(B) a threaded barrel;

(C) a barrel shroud; or

(D) a second handgun grip.

(7) A semiautomatic version of an automatic handgun.

(8) A semiautomatic handgun with a fixed magazine that has the capacity to accept more than 15 rounds.

(9) A machine gun.

(10) All of the following rifles, including any copies or duplicates thereof with the capability of any such weapon:

(A) All AK types, including the following:

- (i) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90. NHM91, Rock River Arms LAR-47, SA85, SA93, Vector Arms AK-47, VEPR, WASR-10, and WUM
- (ii) IZHMAASH Saiga AK
- (iii) MAADI AK47 and ARM
- (iv) Norinco 56S, 56S2, 84S, and 86S
- (v) Poly Technologies AK47 and AKS.
- (B) All AR types, including the following:
  - (i) AR-10
  - (ii) AR-15
  - (iii) Armalite M15 22LR Carbine
  - (iv) Armalite M15-T
  - (v) Barrett REC7
  - (vi) Beretta AR-70
  - (vii) Bushmaster ACR
  - (viii) Bushmaster Carbon 15
  - (ix) Bushmaster MOE series
  - (x) Bushmaster XM15
  - (xi) Colt Match Target Rifles
  - (xii) DoubleStar AR rifles
  - (xiii) DPMS Tactical Rifles
  - (xiv) Heckler & Koch MR556
  - (xv) Olympic Arms
  - (xvi) Remington R-15 rifles
  - (xvii) Rock River Arms LAR-15
  - (xviii) Sig Sauer SIG516 rifles
  - (xix) Smith & Wesson M&P15 rifles
  - (xx) Stag Arms AR rifles
  - (xxi) Sturm, Ruger & Co. SR556 rifles.
- (C) Barrett M107A1.
- (D) Barrett M82A1.
- (E) Beretta CX4 Storm.
- (F) Calico Liberty Series.
- (G) CETME Sporter.
- (H) Daewoo K-1, K-2, Max 1, Max 2, AR 100. and AR 110PC.
- (I) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.
- (J) Feather Industries AT-9.
- (K) Galil Model AR and Model ARM.
- (L) Hi-Point Carbine.
- (M) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
- (N) Kel-Tec Sub-2000, SU-16, and RFB.
- (O) SIG AMT, SIG PE-57, Sig Sauer SG 550, and Sig Sauer SG 551.
- (P) Springfield Armory SAR-48.
- (Q) Steyr AUG.
- (R) Sturm, Ruger Mini-14 Tactical Rifle M-14/20CF.
- (S) All Thompson rifles, including the following:
  - (i) Thompson M1SB
  - (ii) Thompson T1100D
  - (iii) Thompson T150D
  - (iv) Thompson T1B
  - (v) Thompson T1B100D
  - (vi) Thompson T1B50D
  - (vii) Thompson T1BSB
  - (viii) Thompson T1-C
  - (ix) Thompson T1D
  - (x) Thompson T1SB
  - (xi) Thompson T5
  - (xii) Thompson T5100D
  - (xiii) Thompson TM1
  - (xiv) Thompson TM1C.
- (T) UMAREX UZI Rifle.
- (U) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine.
- (V) Valmet M62S, M71S, and M78.

- (W) Vector Arms UZI Type.
- (X) Weaver Arms Nighthawk.
- (Y) Wilkinson Arms Linda Carbine.
- (11) All of the following handguns, including any copies or duplicates thereof with the capability of any such weapon:
  - (A) All AK-47 types, including the following:
    - (i) Centurion 39 AK handgun
    - (ii) Draco AK-47 handgun
    - (iii) HCR AK-47 handgun
    - (iv) IO, Inc. Hellpup AK-47 handgun
    - (v) Krinkov handgun
    - (vi) Mini Draco AK-47 handgun
    - (vii) Yugo Krebs Krink handgun.
  - (B) All AR-15 types, including the following:
    - (i) American Spirit AR-15 handgun
    - (ii) Bushmaster Carbon 15 handgun
    - (iii) DoubleStar Corporation AR handgun
    - (iv) DPMS AR-15 handgun
    - (v) Olympic Arms AR-15 handgun
    - (vi) Rock River Arms LAR 15 handgun.
  - (C) Calico Liberty handguns.
  - (D) PSA SA58 PKP FAL handgun.
  - (E) Encom MP-9 and MP-45.
  - (F) Heckler & Koch model SP-89 handgun.
  - (G) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-DC9.
  - (H) Kel-Tec PLR 16 handgun.
  - (I) The following MAC types:
    - (i) MAC-10
    - (ii) MAC-11
    - (iii) Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol, and MPA Mini Tactical Pistol
    - (iv) Military Armament Corp. Ingram M-11
    - (v) Velocity Arms VMAC.
  - (J) Sig Sauer P556 handgun.
  - (K) Sites Spectre.
  - (L) All Thompson types, including the following:
    - (i) Thompson TA510D
    - (ii) Thompson TA5.
  - (M) All UZI types, including Micro-UZI.
- (12) All of the following shotguns, including any copies or duplicates thereof with the capability of any such weapon:
  - (A) Franchi LAW-12 and SPAS 12.
  - (B) All IZHMASH Saiga 12 types, including the following:
    - (i) IZHMASH Saiga 12
    - (ii) IZHMASH Saiga 12S
    - (iii) IZHMASH Saiga 12S EXP-01
    - (iv) IZHMASH Saiga 12K
    - (v) IZHMASH Saiga 12K-030
    - (vi) IZHMASH Saiga 12K-040 Taktika.
  - (C) Streetsweeper.
  - (D) Striker 12.
- (13) All belt-fed semiautomatic firearms, including TNW M2HB.
- (14) Any combination of parts from which a firearm described in subparagraphs (1) through (13) can be assembled.
- (15) The frame or receiver of a rifle or shotgun described in subparagraph (1), (2), (5), (9), (10), (12), (13), or (18).
- (16) A sawed-off shotgun.
- (17) A short-barrel rifle.
- (18) A .50 caliber rifle.
- (b) An "assault weapon" shall not include any firearm that:
  - (1) is manually operated by bolt, pump, lever, or slide action;
  - (2) has been rendered permanently inoperable. "Permanently inoperable" means a firearm which is incapable of discharging a projectile by means of an explosive and incapable of being restored to a firing condition; or
  - (3) is an antique firearm.
- (c) For purposes of this definition of "assault weapon" the following terms apply:
  - (1) "**barrel shroud**" means a shroud that is attached to, or partially or completely encircles, the barrel of a firearm so that the shroud protects the user of the firearm from heat generated by the barrel. The term does not include (i) a slide

that partially or completely encloses the barrel; or (ii) an extension of the stock along the bottom of the barrel which does not completely or substantially encircle the barrel.

(2) **“detachable magazine”** means an ammunition feeding device that can be removed from a firearm without disassembly of the firearm action.

(3) **“fixed magazine”** means an ammunition feeding device that is permanently fixed to the firearm in such a manner that it cannot be removed without disassembly of the firearm.

(4) **“folding, telescoping, or detachable stock”** means a stock that folds, telescopes, detaches or otherwise operates to reduce the length, size, or any other dimension, or otherwise to enhance the concealability, of a firearm.

(5) **“forward grip”** means a grip located forward of the trigger that functions as a handgun grip.

(6) **“rocket”** means any simple or complex tube-like device containing combustibles that on being ignited liberate gases whose action propels the device through the air and has a propellant charge of not more than 4 ounces.

(7) **“grenade, flare or rocket launcher”** means an attachment for use on a firearm that is designed to propel a grenade, flare, rocket, or other similar device.

(8) **“handgun grip”** means a grip, a thumbhole stock, or any other part, feature or characteristic that can function as a grip.

(9) **“threaded barrel”** means a feature or characteristic that is designed to allow for the attachment of a device such as a firearm silencer or a flash suppressor.

(10) **“belt-fed semiautomatic firearm”** means any repeating firearm that:

(i) utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round;

(ii) requires a separate pull of the trigger to fire each cartridge; and

(iii) has the capacity to accept a belt ammunition feeding device.

(11) **“.50 caliber rifle”** means a centerfire rifle capable of firing a .50 caliber cartridge. The term does not include any antique firearm, any shotgun including a shotgun that has a rifle barrel, or any muzzle-loader which uses black powder for hunting or historical re-enactments.

(12) **“.50 caliber cartridge”** means a fixed cartridge in .50 BMG caliber, either by designation or actual measurement, that is capable of being fired from a centerfire rifle. “.50 caliber cartridge” does not include any memorabilia or display item that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as live ammunition or shotgun ammunition with a caliber measurement that is equal to or greater than .50 caliber.

**“Corrections officer”** means wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

**“Department”** means the department of police.

**“Duty-related firearm”** shall mean any firearm which is authorized by any law enforcement agency or employer to be utilized by their personnel in the performance of their official duties.

**“Firearm”** means any device, by whatever name known, which is designed or restored to expel a projectile or projectiles by the action of any explosive, expansion of gas or escape of gas. Provided, that such term shall not include:

(1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

(2) any device used exclusively for line-throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or

(3) any device used exclusively for firing explosives, rivets, stud cartridges, or any similar industrial ammunition.

**“Firearm case”** means any firearm case, carrying box, shipping box or other similar container that is designed for the safe transportation of the firearm.

**“FOID”** means the Firearm Owner's Identification Card issued pursuant to the Act.

**“High capacity magazine”** means a magazine, belt, drum, feed strip, or similar device, including any such device joined or coupled with another in any manner, that has an overall capacity of more than 15 rounds of ammunition. A “high capacity magazine” does not include an attached tubular device to accept, and capable of operating only with, .22 caliber rimfire ammunition.

**“Laser sight accessory”** means a laser sighting device which is either integrated into a firearm or capable of being attached to a firearm.

**“Licensed shooting range facility”** means a shooting range facility that is duly licensed pursuant to Chapter 4-151.

**“Licensee of a licensed shooting range facility” or “licensee”** means any person issued a shooting range facility license under Chapter 4-151.

**“Machine gun”** means any firearm which can fire multiple rounds of ammunition by a single function of the firing device or one press of the trigger.

**“Peace officer”** means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

**“Sawed-off shotgun”** means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

**“Short-barreled rifle”** means a rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

**“Superintendent”** means the superintendent of the department or his designated representative.

**“Safety mechanism”** means a design adaption or nondetachable accessory that lessens the likelihood of unanticipated use of the handgun.

**“Trigger lock”** means a device that when locked in place by means of a key, prevents a potential user from pulling the trigger of the firearm without first removing the trigger lock by use of the trigger lock's key.

**“Manager”, “Employee”, “Range Master”, “CCL”, “Shooting range patron” and “Shooting range facility”** have the meaning ascribed to those terms in § 4-151-010.

## **Article II. Possession of Firearms**

**050 Firearms – Protection of minors.(a)** It is unlawful for any person to keep or possess any firearm or ammunition in his home if the person knows or has reason to believe that a minor under the age of 18 years is likely to gain access to the firearm or ammunition, unless:

(1) the person is physically present in the home and the firearm is either being held by the person or is physically secured on the person's body;

(2) the firearm is secured by a trigger lock or other mechanism, other than the firearm safety mechanism, designed to render a firearm temporarily inoperable; or

(3) the firearm and ammunition are placed in a securely locked box or container.

**(b)** No person shall be punished for a violation of this section under the following circumstances:

(1) if the minor gains access to the firearm and uses it in a lawful act of self-defense or defense of another; or

(2) if the minor gains access to the firearm because of an unlawful entry of the premises by the minor or another person.

The provisions of this section shall not apply to peace officers.

### **8-20-060 Possession of a laser sight accessory, firearm silencer or muffler.**

**(a)** It is unlawful for any person to carry, possess, display for sale, sell or otherwise transfer any laser sight accessory, or a firearm silencer or muffler.

**(b)** The provisions of this section shall not apply to any members of the armed forces of the United States, or the organized militia of this or any other state, or peace officers, to the extent that any such person is otherwise authorized to acquire or possess a laser sight accessory, or firearm silencer or muffler, and is acting within the scope of his duties.

**(c)** Any laser sight accessory, or firearm silencer or muffler, carried, possessed, displayed or sold in violation of this section is hereby declared to be contraband and shall be seized by and forfeited to the city.

### **8-20-070 Unlawful firearm, laser sight accessory, or firearm silencer or muffler in a motor vehicle – Impoundment.**

**(a)** The owner of record of any motor vehicle that contains an assault weapon, a laser sight accessory, or a firearm silencer or muffler, shall be liable to the city for an administrative penalty of \$2,000 plus any towing and storage fees applicable under § 9-92-080. If the violation takes place within 500 feet of the boundary line of a public park or elementary or secondary school, the penalty shall be \$3,000 plus towing and storage fees. Any such vehicle shall be subject to seizure and impoundment pursuant to this section.

**(b)** Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under § 2-14-132 of this Code.

**(c)** The provisions of § 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

### **8-20-075 Possession of assault weapons.**

**(a)** It shall be unlawful for a person to import, sell, manufacture, transfer, or possess an assault weapon.

**(b)** This section shall not apply to corrections officers, members of the armed forces of the United States, or the organized militia of this or any other state, and peace officers, to the extent that any such person is otherwise authorized to acquire or possess assault weapons, and is acting within the scope of his duties, or to any person while engaged in the manufacturing, transportation or sale of assault weapons to people authorized to possess them under this section.

**(c)** Notwithstanding subsection (a):

(1) Any person who lawfully possesses a firearm that on the effective date of this section became prohibited as being an assault weapon has 60 days after the effective date of this section to legally dispose of, or remove from the city, the assault weapon.

(2) Any person who is a qualified retired law enforcement officer, as that term is defined in 18 U.S.C. § 926C, and who lawfully possessed a duty-related assault weapon at the time of separation from active duty in law enforcement, shall legally dispose of, or remove from the city, the assault weapon within 60 days of such separation.

**(d)** Any assault weapon carried, possessed, displayed, sold or otherwise transferred in violation of this section is hereby declared to be contraband and shall be seized by and forfeited to the city.

**8-20-085 High capacity magazines and certain tubular magazine extensions – Sale and possession prohibited – Exceptions.**

(a) It is unlawful for any person to carry, possess, sell, offer or display for sale, or otherwise transfer any high capacity magazine or tubular magazine extension for a shotgun. This section shall not apply to corrections officers, members of the armed forces of the United States, or the organized militia of this or any other state, and peace officers, to the extent that any such person is otherwise authorized to acquire or possess a high capacity magazine or tubular magazine extension for a shotgun, and is acting within the scope of his duties, or to any person while in the manufacturing, transportation or sale of high capacity magazines or tubular magazine extension for a shotgun to people authorized to possess them under this section.

(b) Any high capacity magazine or tubular magazine extension for a shotgun carried, possessed, displayed, sold or otherwise transferred in violation of this section is hereby declared to be contraband and shall be seized by and forfeited to the city.

**8-20-090 Limitation on purchase of handguns.**

(a) No person shall purchase more than one handgun within any 30-day period; provided that this section shall not apply to the purchase of a handgun by:

(1) a peace officer;

(2) a collector issued a federal firearm collector's license who is purchasing an antique, curio or relic firearm;

(3) a person whose handgun was stolen or lost and the person timely reported the theft or loss to the appropriate local law enforcement official; or

(4) a person returning a handgun purchased within the thirty-day period because the handgun is defective or damaged and the person is seeking a replacement handgun.

(b) No person shall sell or transfer any firearm to a person he knows to be intoxicated.

**8-20-100 Sale or transfer of firearms at gun shows prohibited.** No firearm shall be sold or otherwise transferred by any person at a gun show. For purposes of this subsection, "gun show" means a temporary exhibit or gathering where firearms or ammunition are sold, leased, or otherwise transferred.

**Article IV. Miscellaneous Provisions. (8-20-220 et seq.)**

**8-20-250 Seizure and forfeiture of firearms, ammunition, laser sight accessories and firearm silencers and mufflers – Authority and destruction.** The superintendent has the authority to seize any firearm, assault weapon, ammunition, laser sight accessories, or firearm silencer or muffler carried or possessed in violation of this chapter or any applicable state or federal law. Such items are hereby declared contraband and shall be seized by and forfeited to the city.

Whenever any firearm, ammunition, laser sight accessories, or firearm silencer or muffler is surrendered or forfeited pursuant to the terms of this chapter, or any applicable state or federal law, the superintendent shall ascertain whether such firearm, ammunition, assault weapon, laser sight accessories, or firearm silencer or muffler is needed as evidence in any matter. All such items which are not required for evidence shall be destroyed at the direction of the superintendent; provided that those firearms and ammunition that the superintendent shall deem to be of use to the department may be retained for the use of the department. A record of the date and method of destruction and an inventory of the firearm or ammunition so destroyed shall be maintained.

Nothing in this section shall be construed to regulate any firearm or ammunition to the extent that such regulation is preempted.

**8-20-260 Rules and regulations.** The superintendent has the authority to promulgate rules and regulations for the implementation of this chapter and to prescribe all forms and the information required. All rules and regulations promulgated by the superintendent pursuant to this chapter shall be posted on the department's web site.

**8-20-270 Acquisition or possession prohibited by law.** Nothing in this chapter shall make lawful the acquisition or possession of firearms or ammunition which is otherwise prohibited by law.

**8-20-280 Reporting of destruction, transfer, loss or theft of firearms.**

(a) Every person who possesses a firearm within the city shall, in a manner prescribed by the superintendent:

(1) notify the department of the destruction, loss or theft of the firearm within 48 hours of when the person knows, or should have known, of such destruction, loss or theft; or

(2) notify the department of the sale, transfer, inheritance or other disposition of the firearm within 48 hours of such disposition.

(b) Compliance with this section shall be in addition to any other reporting requirements required by any local, state or federal law or regulation pertaining to lost, stolen, sold or otherwise transferred firearms.

**8-20-290 Severability.** If any provision or term of this chapter, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this chapter which reasonably can be given effect without the invalid provision or term for the application thereof.

## Article V. Violation of Chapter Provisions (8-20-300 et seq.)

### 8-20-300 Violation – Penalty.

(a) Unless the enhanced penalty imposed by subsection 8-4-350(b)(2) or subsection 8-4-355(b)(2) of this Code applies, any person who violates § 8-20-060 shall be fined not less than \$1,000 nor more than \$5,000 and be incarcerated for a term not less than 20 days nor more than 90 days.

Unless the enhanced penalty imposed by subsection 8-4-350(b)(1) subsection 8-4-355(b)(1) of this Code applies, any person who violates § 8-20-075, or 8-20-085, or 8-20-100 shall be fined not less than \$1,000 nor more than \$5,000 and be incarcerated for a term of not less than 90 days nor more than 180 days.

Each day that such violation exists shall constitute a separate and distinct offense.

(b) Unless another fine or penalty is specifically provided, any person who violates any provision of this chapter, or any rule or regulation promulgated hereunder, shall for the first offense, be fined not less than \$1,000, nor more than \$5,000, or be incarcerated for not less than 20 days nor more than 90 days, or both. Any subsequent conviction for a violation of this chapter shall be punishable by a fine of not less than \$5,000 and not more than \$10,000, and by incarceration for a term of not less than 30 days, nor more than six months. Each day that such violation exists shall constitute a separate and distinct offense.

(d) Upon the determination that a person has violated any provision of this chapter or any rule or regulation promulgated hereunder, the superintendent may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings.

## Chapter 8-26 Gun Offender Registration Ordinance

**8-26-010 Definitions.** For purposes of this chapter, the following definitions apply:

“**Conviction**” or “**convicted**” has the same meaning ascribed to that term in § 5/2-5 of the Illinois Criminal Code.

“**Gun offender**” or “**offender**” means any person convicted of a gun offense.

“**Gun offense**” means a criminal conviction of any of the following offenses:

### (1) Illinois Criminal Code:

Aggravated discharge of a firearm

720 ILCS 5/24-1.2(a)(1)

720 ILCS 5/24-1.2(a)(2)

720 ILCS 5/24-1.2(a)(3)

720 ILCS 5/24-1.2(a)(4)

720 ILCS 5/24-1.2(a)(5)

720 ILCS 5/24-1.2(a)(6)

720 ILCS 5/24-1.2(a)(7)

720 ILCS 5/24-1.2(a)(8)

720 ILCS 5/24-1.2(a)(9)

Aggravated discharge with machine gun or silencer

720 ILCS 5/24-1.2-5(a)(1)

720 ILCS 5/24-1.2-5(a)(2)

720 ILCS 5/24-1 2-5(a)(3)

720 ILCS 5/24-1 2-5(a)(4)

720 ILCS 5/24-1 2-5(a)(5)

720 ILCS 5/24-1 2-5(a)(6)

720 ILCS 5/24-1,2-5(a)(7)

720 ILCS 5/24-1,2-5(a)(8)

Reckless discharge of a firearm

720 ILCS 5/24-1.5(a)

720 ILCS 5/24-1.5(b)

Aggravated UUV

720 ILCS 5/24-1.6(a)(1)(3)(A) (firearms only)

720 ILCS 5/24-1.6(a)(1)(3) (A-5) (firearms only)

720 ILCS 5/24-1.6(a)(1)(3)(B) (firearms only)

720 ILCS 5/24-1.6(a)(1)(3) (B-5) (firearms only)

720 ILCS 5/24-1.6(a)(1)(3)(C) (firearms only)

720 ILCS 5/24 1.6(a)(1)(3)(D) (firearms only)

720 ILCS 5/24-1.6(a)(1)(3)(E) (firearms only)

720 ILCS 5/24-1.6(a)(1)(3)(G) (firearms only)

720 ILCS 5/24-1.6(a)(1)(3)(H) (firearms only)

720 ILCS 5/24-1.6(a)(1)(3)(I) (firearms only)

720 ILCS 5/24-1.6(a)(2)(3)(A) (firearms only)

720 ILCS 5/24-1.6(a)(2)(3) (A-5) (firearms only)  
720 ILCS 5/24-1.6(a)(2)(3)(B) (firearms only)  
720 ILCS 5/24-1.6(a)(2)(3) (B-5) (firearms only)  
720 ILCS 5/24-1.6(a)(2)(3)(C) (firearms only)  
720 ILCS 5/24-1.6(a)(2)(3)(D) (firearms only)  
720 ILCS 5/24-1.6(a)(2)(3)(E) (firearms only)  
720 ILCS 5/24-1.6(a)(2)(3)(G) (firearms only)  
720 ILCS 5/24-1.6(a)(2)(3)(H) (firearms only)  
720 ILCS 5/24-1.6(a)(2)(3)(I) (firearms only)

Armed habitual criminal

720 ILCS 5/24-1.7(a)(1)  
720 ILCS 5/24-1.7(a)(2)  
720 ILCS 5/24-1.7(a)(3)

Unlawful possession of a firearm by a street gang member

720 ILCS 5/24-1.8(a)(1)  
720 ILCS 5/24-1.8(a)(2)

Unlawful sale of firearms

720 ILCS 5/24-3(A)(a)  
720 ILCS 5/24-3(A)(b)  
720 ILCS 5/24-3(A)(c)  
720 ILCS 5/24-3(A)(d)  
720 ILCS 5/24-3(A)(e)  
720 ILCS 5/24-3(A)(f)  
720 ILCS 5/24-3(A)(g) (firearms only)  
720 ILCS 5/24-3(A)(h)  
720 ILCS 5/24-3(A)(l)  
720 ILCS 5/24-3(A)(j)  
720 ILCS 5/24-3(A)(k)

Gunrunning

720 ILCS 5/24-3A

Unlawful possession of firearms and firearm ammunition

720 ILCS 5/24-3.1(a)(1)  
720 ILCS 5/24-3.1(a)(2) (firearms only)  
720 ILCS 5/24-3.1(a)(3) (firearms only)  
720 ILCS 5/24-3.1(a)(4) (firearms only)  
720 ILCS 5/24-3.1(a)(5) (firearms only)

Unlawful sale or delivery of firearms – school/public housing

720 ILCS 5/24-3.3

Unlawful sale of firearms by liquor licensee

720 ILCS 5/24-3.4

Unlawful purchase of a firearm

720 ILCS 5/24-3.5(b)  
720 ILCS 5/24-3.5(c)

Unlawful use of a firearm in the shape of wireless telephone

720 ILCS 5/24-3.6(0)

Use of a stolen firearm in the commission of an offense

720 ILCS 5/24-3.7(a)

Possession of a stolen firearm

720 ILCS 5/24-3.8

Aggravated possession of a stolen firearm

720 ILCS 5/24-3.9

Defacing identification marks of firearms

720 ILCS 5/24-5(b)

**(2)** Municipal Code of Chicago:

8-20-075 unlawful possession of an assault weapon  
8-20-100(a) unlawful sale of firearms  
8-24-010 unlawful discharge of a firearm

**(3)** A violation of any federal, state, or local law that is substantially equivalent to any offense listed in (1) and (2) of this definition.

**(4)** A “gun offense” shall include the offense of “attempt” codified at 720 ILCS 5/8-4, with regard to any of the offenses listed in subsection (1).

“Department,” “firearm,” “CFP”, and “superintendent” have the meaning ascribed to those terms in § 8-20-010.

### **8-26-020 Duty to register.**

**(a) (1)** A gun offender who: **(i)** resides within the city; and **(ii)** on or after the effective date of this 2013 amendatory ordinance is convicted of, or discharged or released from a federal, state or local correctional center for incarceration for, a gun offense shall register with the superintendent within 5 days of either:

- (A)** release, if the gun offender receives a sentence of imprisonment; or
- (B)** the time sentence is imposed, if the sentence does not include imprisonment.

Any person registered as a gun offender before the effective date of this 2013 amendatory ordinance shall continue to comply with the registration requirements of this chapter until such time that the gun offender is no longer required to register.

**(2)** Notwithstanding subsection (a)(1), any gun offender who did not register in the time set forth in subsection (a)(1) because, following his discharge or release from a federal, state, or local correctional center, he was confined to a residential treatment center, hospital or other institution, shall register within 5 days of his discharge or release from such institution.

**(3)** A gun offender who did not reside in the city at the time when registration would otherwise be required pursuant to this chapter, and subsequent to that time becomes a resident of the city, shall register within 5 days of becoming a resident of the city.

**(4)** A gun offender who did not register within the time required by this subsection (a) because the offender did not receive notice of the duty to register shall register within 5 days of receipt of such notice.

**(b)** The form and manner of registration shall be as provided in rules and regulations.

**(c)** The registration shall include the following information:

- (1)** the gun offender's name, date of birth, and sex;
- (2)** the address where the gun offender resides, and any home or mobile phone number;
- (3)** any other legal name or alias used by the offender;
- (4)** copy of a driver's license or non-driver's photo identification card, or any other document to establish proof of address approved by the superintendent;
- (5)** a photograph of the gun offender;
- (6)** a description of the gun offense for which the offender was convicted;
- (7)** the name, address and phone number of the offender's place of work;
- (8)** the name and address of any educational institution which the offender attends; and
- (9)** any other information that the superintendent shall find reasonably necessary to effect the purpose of this chapter.

**(d)** The superintendent may photograph the gun offender and require the gun offender to provide such documentation as the superintendent considers acceptable to verify any information required pursuant to this chapter.

**(e)** The gun offender shall submit to fingerprinting in accordance with rules and regulations promulgated by the superintendent.

**(f)** This chapter shall not apply to any person who:

**(1)** can demonstrate that the person's conviction for a gun offense was: **(i)** reversed on appeal or otherwise set aside pursuant to law, including receiving a pardon; **(ii)** based on a law that was invalidated or held to be unconstitutional or otherwise invalid; or **(iii)** judicially determined to not be a basis for denial of a CFP; or

**(2)** was adjudicated a juvenile delinquent for an offense that, if committed by an adult, would constitute a conviction for a gun offense.

### **8-26-030 Initial and annual registration.**

**(a)** For the initial registration, a gun offender shall report in person at such office of the department that the superintendent may direct.

**(b)** After the initial registration, the gun offender shall report in person no later than one year after the date of the initial registration and thereafter no later than one year after the date of each annual registration, until such time that the gun offender is no longer required to register.

**8-26-035 False information.** It is a violation of this chapter for any gun offender to knowingly provide any false or misleading information pertaining to his registration information.

**8-26-040 Registration period.** A gun offender shall comply with the requirements of this chapter, including the registration requirement, for a period of 4 years after the date of his first registration.

**8-26-050 Duty to report change of information.** A gun offender shall report any change in information required by this chapter within five days of such change, in a manner and in a form prescribed by the superintendent.

**8-26-055 Notice.** Every gun offender subject to this chapter shall be given individual notice, in writing, of the gun offender's duty to register. The superintendent may cooperate with other agencies, including other public, private, criminal justice, or law enforcement agencies, to issue such notice.

### **8-26-060 Creation of gun offender registry.**

**(a)** The superintendent is authorized to collect and maintain gun offender information obtained pursuant to this chapter.

**(b)** The superintendent shall create and maintain a registry of gun offenders registered pursuant to the provisions of this chapter.

(c) The superintendent is authorized to make the gun offender registry available to any other city sister agencies or any regional or national government- established gun offender registry and may accept files from such registries.

**8-26-070 Cooperation with other agencies.** The superintendent is authorized to cooperate with the judiciary and state and other city sister agencies to facilitate the implementation of this chapter. Assistance and cooperation in the implementation of this chapter shall be provided by other city departments upon the request of the superintendent.

**8-26-080 Gun offender community notification.** The superintendent shall post the name and address of every registered gun offender on the department's publicly available web site, and shall make the name and address of every registered gun offender in the gun offender registry database searchable with a mapping system which identifies registered gun offenders within 1/8, 1/4 and 1/2 mile of an identified address. The information shall be updated as deemed necessary by the superintendent.

**8-26-090 Rules and regulations.** The superintendent has the authority to promulgate rules and regulations for the implementation of this chapter and to prescribe all forms and the information required.

**8-26-100 Violation – Penalty.** Any person who violates any provision of this chapter, or rule or regulation promulgated hereunder, shall, upon conviction, be fined not less than \$300 nor more than \$500 or be incarcerated for a term not to exceed six months, or both. Each day that such violation exists shall constitute a separate and distinct offense.

**Peoria Code of Ordinances (Codified through Ordinance No. 17380, adopted June 14, 2016.)**  
**Chapter 20 – Offenses and Miscellaneous Provision**  
**Article III. – Minors**

**§ Sec. 20-51 Selling, etc., weapons to prohibited.** No person shall sell, give, loan, hire, barter, furnish or offer to sell, give, loan, hire, barter or furnish, to any minor within the city, any gun, pistol, revolver, fowling piece or toy firearm, in which any explosive substance can be used; or any Bowie knife, dirk, dagger or other deadly weapon of a like character.

**Rockford Code of Ordinances (Codified through Ordinance No. 2016-72-O, enacted May 2, 2016.)**  
**Part I – General Ordinances**  
**Chapter 5 – Business Permits, Taxes and Licenses**  
**Article III. – Miscellaneous Business Regulations, Division 9. Weapons Dealers**

**§ Sec. 5-489 License required.** It shall be unlawful for any individual, firm, corporation, company or association to engage in the business of repairing or selling, or to repair, sell or give away to any person within the city, a new or used handgun without first having secured a license from the city. The term "engaged in the business" means devoting time, attention and labor to engaging in such activity as a regular course of trade or business with the principal objective of profit.

**§ Sec. 5-490 Record required; inspection.**

(a) It shall be the duty of every licensee hereunder to keep a permanent register of all weapons sold, repaired or given away by such licensee for a period of ten years from the date of transaction, the register to be in substantially the following form:

- (1) The date of the transaction;
- (2) The serial number of the weapon;
- (3) To whom sold or given;
- (4) The age and residence of the purchaser;
- (5) The kind and description of the weapon; and
- (6) The number of the purchaser's firearm owner's identification card.

(b) Entries in this register shall be made at the time of the sale, repair, or gift, and the register shall be kept open for inspection by any member of the police department at all reasonable times.

**§ Sec. 5-491 Report required.** Any licensee making any sale, repair or gift of any weapon referred to in § 5-489 shall report such sale or gift by mailing or delivering the report to the chief of police within seven calendar days thereafter, upon a form to be furnished by the city, the report to contain the following information:

- (1) The date of the transaction;
- (2) The serial number of the weapon;
- (3) To whom sold or given;
- (4) For whom repaired;
- (5) The age and residence of the purchaser;
- (6) The residence of the person requesting the weapon to be repaired;
- (7) The kind and description of the weapon; and
- (8) The number of the purchaser's firearm owner's identification card.

**Chapter 19 – Offenses, Miscellaneous**  
**Article II. Weapons**

**§ Sec. 19-51 Shooting.** It shall be unlawful for any person to shoot, throw, cast or project, by means of any snipy-shot, slingshot, air gun or other device, any ball, bullet or other missile or projectile in any place within the city where any person or property is apt to be struck, or in any way injured thereby.

**§ Sec. 19-52. - Furnishing bullets, pellets, arrows, etc., to minors.** It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile to any person under the age of 18 years and it shall be unlawful for any person under the age of 18 years to obtain any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile by purchase, sale or gift, or in any other manner.

**Chapter 23 - Secondhand and Salvage Dealers and Goods**  
**Article II. Auctions and Auctioneers**

**§ Sec. 23-26 Sale of weapons.** Whoever being licensed under the provisions of this article shall sell or offer for sale at retail any pistols, revolvers, derringers, bowie knives, dirks or other deadly weapons of similar character shall be required to obtain a license as required in chapter 5, article III, division 12 for dealers in weapons, and shall be governed by all the regulations and provisions of said division.