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Common Questions & Answers Illinois Gun Statutes



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Unless specifically exempted by statute, any Illinois resident who acquires or possesses firearms or firearm ammunition within the state must have in their possession a currently valid Firearm Owner's Identification (FOID) card issued in his or her name.

Commonly Asked Questions on Transporting Firearms

Answers provided to the following questions are meant only to give general guidance regarding transporting firearms and ammunition. The answers do not and are not meant to replace statutory language.

How can I legally transport a firearm on my person or in my vehicle?

Three statutory codes regulate the possession, transfer, and transportation of firearms — the Criminal Code, the Wildlife Code, and the Firearm Owner's Identification Act.

Under Unlawful Use of Weapons (UUW) in the **Criminal Code**, persons who have been issued a valid FOID card may transport a firearm anywhere in their vehicle or on their person as long as the firearm is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container. Firearms that are not immediately accessible or are broken down in a non-functioning state may also be carried or transported under the Criminal Code. The **Wildlife Code**, however, is more restrictive. It requires that all firearms transported in or on any vehicle be unloaded and in a case.

Because of this, it is recommended that, in order to be in compliance with all statutes, all firearms be transported:

1. Unloaded and,
2. Enclosed in a case, and
3. By persons who have a valid FOID card.

Unless specifically exempted from UUW, a person commits a Class 4 Felony if he or she violates the UUW law in the Criminal Code (i.e., unlawfully carries on their person or illegally transports a firearm in a vehicle) **AND** one or more of the following aggravating factors apply:

- (1) The firearm possessed was uncased, loaded, and immediately accessible at the time of the offense;
- (2) The firearm possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense;
- (3) Does not have a valid FOID card;
- (4) Was previously adjudicated of a felony as a juvenile;
- (5) Was engaged in a misdemeanor violation of the Cannabis Control Act or the Controlled Substances Act;
- (6) Is a member of a street gang;
- (7) Has had an order of protection against them in the last two years;
- (8) Was engaged in the commission or attempted commission of a misdemeanor involving the use of violence against another person or the property of another; or
- (9) Is under 21 years of age and in possession of a handgun, unless the person is engaged in hunting activities under the Wildlife Code.

What constitutes a legal "case"?

The Criminal Code refers to a "case, firearm carrying box, or other container; however, the Wildlife Code is more specific, defining case as ***"a container specifically designed for the purpose of housing a gun or bow and arrow device which completely encloses such gun or bow and arrow device by being zipped, snapped, buckled, tied, or otherwise fastened with no portion of the gun or bow and arrow device exposed."***

How do the differences in these two laws affect me for the purposes of the Unlawful Use of Weapons law?

It is recommended that persons transport their firearms only unloaded and in a case in order to be fully compliant with all statutes. A firearm transported in a container other than a case while engaged in activities covered by the Wildlife Code could subject an individual to a charge of Class B Misdemeanor under the Wildlife Code but would not be considered Unlawful Use of Weapons if the container were a "firearm carrying box, shipping box, or other container" as provided in the Criminal Code.

If I fail to zip up the case entirely, will I be guilty of a felony?

No, as long as the firearm is unloaded, and none of the aggravating factors of the Unlawful Use of Weapons (UUW) law are present. The way to avoid this situation is to make sure firearm cases are completely zipped or otherwise completely fastened shut.

What is immediately accessible?

The test is if a reasonable person would conclude that the firearm is located within relatively quick reach. It is a Class 4 Felony to have an uncased, loaded firearm immediately accessible. It is recommended that firearms be unloaded and enclosed in a case and possessed by an individual with a valid FOID card when being transported.

What is broken down in a non-functioning state?

The firearm is disassembled, making it inoperable, e.g., slide or barrel removed.

Does a firearm have to be broken down to be legal?

No. However, it is recommended that to transport a firearm it be unloaded and encased, and possessed by the holder of a valid FOID card.

How can I legally transport my firearm in my Sports Utility Vehicle (SUV), pickup truck, van, station wagon, or even a motorcycle?

The surest way is to have the firearm unloaded and enclosed in a case and to make sure your FOID card is valid.

How do I transport a firearm through an Illinois community with an ordinance that prohibits firearms or handguns?

Illinois' Unlawful Use of Weapons law does not preempt local ordinances from banning firearms. Persons carrying or transporting firearms through such communities could be subject to local firearm ordinances. Federal law does attempt to provide limited protection in these circumstances, but when transporting firearms in unfamiliar communities, it is a good idea to check with authorities on local law.

If a nonresident is coming to Illinois to hunt and would like to bring their firearm, how do they legally transport it?

Nonresidents must comply with the gun case law as described above. Additionally, the firearm must not be immediately accessible or must be broken down in a non-functioning state.

What if I leave a firearm in my vehicle (regardless of location) and a family member, without a valid FOID card, is driving the vehicle without me and is stopped by police and the firearm is found?

The law states a person must “knowingly” violate the law. The assumption in the question is that the family member was unaware of a firearm’s presence. However, at a traffic stop, you should expect the officer to handle the situation at face value, take enforcement action accordingly, and let the court settle the matter. Depending on the situation, the charge could be a Class 4 Felony. Don’t put a family member in that position.

Another reason firearms should not be left laying around — it is illegal under Illinois law for any person to store or leave a firearm in a location accessible to a minor under the age of 14.

How can I legally transport ammunition?

Illinois law requires that residents possessing ammunition must have a valid FOID card. To transport an unloaded, uncased firearm with ammunition immediately accessible is a Class 4 Felony.

The location of ammunition being transported, including ammunition being transported in loaded magazines, is not regulated as long as the firearm is unloaded and encased, and the resident possessing the firearm holds a valid FOID card.

Is it illegal to have ammunition in the case with the firearm?

No, if the firearm is unloaded and is properly enclosed in a case and the individual possessing the firearm and ammunition is in possession of a valid FOID card.

Can I transport a firearm in a gun rack in the back window of my truck?

Yes, if the firearm is unloaded and encased and you are a resident with a valid FOID card. One thing to consider — a gun displayed in a window could invite theft.

Can I keep a firearm in my hotel room when I travel?

Yes, assuming no local ordinance applies. The critical question is how the firearm was carried into the room and transported in a vehicle. Those actions must be done lawfully.

I have a friend/relative who has a “conceal and carry” permit issued in the state in which they reside. Is the permit recognized in Illinois?

No. Nonresidents are subject to Illinois law, restrictions, and penalties, and should be familiar with them if the nonresident plans to bring a firearm into the state.

What constitutes “unloaded” for a muzzleloading firearm?

(17 Ill. Admin. Code, Ch. I, Sec 660.30 - 5) provides a definition for an unloaded muzzleloading firearm as follows:

Removal of percussion cap or removal of prime powder from frizzen pan with frizzen pan open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

According to the Bureau of Alcohol, Tobacco and Firearms, the following Illinois jurisdictions restrict the possession of firearms: Chicago, Chicago Ridge, East St. Louis, Evanston, Franklin Park, Glen Ellyn, Highland Park, Morton Grove, Niles, Peoria, and Streamwood.

While this list is believed to be correct, it is not necessarily all-inclusive. There might be other jurisdictions that have adopted firearm ordinances. It is recommended that travelers check with jurisdictions prior to transporting firearms.

Illinois Gun Statutes

ARTICLE 24. DEADLY WEAPONS

(720 ILCS 5/24-1)

Sec. 24-1. Unlawful Use of Weapons.

- (a) A person commits the offense of unlawful use of weapons when he knowingly:
- (1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; or
 - (2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or
 - (3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older; or
 - (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, 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
- (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 one 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 one 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 or fixed place of business, 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 on 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, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

A "stun gun or taser", as used in this paragraph (a) means

 - (i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or
 - (ii) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or
- (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; or

- (12) (Blank).
- (b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or subsection 24-1(a)(11) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) 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, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, 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)(9), or 24-1(a)(10) commits a Class 3 felony.
- (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 and managed by a public housing agency, 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 and managed by a public housing agency, 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, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, and managed by a public housing agency commits a Class 2 felony.
- (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, and managed by a public housing agency, 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, and managed by a public housing agency, 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, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, and managed by a public housing agency commits a Class 3 felony.
- (2) A person who violates subsection 24-1(a)(1) or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated and managed by a public housing agency, 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 and managed by a public housing agency, 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, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, and managed by a public housing agency 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.
- (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.
- (e) Exemptions. Crossbows, Common or Compound bows and Underwater Spearguns are exempted from the definition of ballistic knife as defined in paragraph (1) of subsection (a) of this Section.

(720 ILCS 5/24-1.1)

Sec. 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 Section 24-1 of this Act 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 Section 10 of the Firearm Owners Identification Card Act.
- (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 Section 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. 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 Section 24-1 of this Code regardless of the intent with which he possesses it, and a Class X felony if he possesses any firearm, firearm ammunition or explosive.

(720 ILCS 5/24-1.2)

Sec. 24-1.2. Aggravated discharge of a firearm.

- (a) A person commits aggravated discharge of a firearm when he knowingly or intentionally:
 - (1) Discharges a firearm at or into a building he knows 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 knows to be occupied;
 - (3) Discharges a firearm in the direction of a person he 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 official duties, or to prevent the officer, employee or fireman from performing his official duties, or in retaliation for the officer, employee or fireman performing his official duties;
 - (4) Discharges a firearm in the direction of a vehicle he 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 official duties, or to prevent the officer, employee or fireman from performing his official duties, or in retaliation for the officer, employee or fireman performing his official duties;
 - (5) Discharges a firearm in the direction of a person he knows to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties; or
 - (6) Discharges a firearm in the direction of a vehicle he knows to be occupied by an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipi-

pality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his 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) (3), (a) (4), (a) (5), or (a) (6) 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.

(720 ILCS 5/24-1.5)

Sec. 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. (Source: P.A. 88-217.)

(720 ILCS 5/24-1.6 new)

Sec. 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 vehicles or concealed on or about his or her person except when on his or her land or in his or her abode or fixed place of business 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 adobe or fixed place of business, any pistol, revolver, stun gun or taser or other firearm; and
 - (3) One of the following factors is present:
 - (A) the firearm possessed was uncased, loaded and immediately accessible at the time of the offense; or
 - (B) the firearm possessed was uncased, unloaded and the ammunition for the weapon was immediately accessible at the time of the offense; 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 for an act this 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 or in a misdemeanor violation of the Illinois controlled Substances Act; or
 - (F) the person possessing the weapon is a member of a street gang or is engaged in street gang related activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act; or
 - (G) the person possessing the weapon had a 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 as defined in Section 24-3, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2 (b) (1), (b) (3), or 24-2 (f).
- (b) "Stun Gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.
- (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 nor 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.
- (d) Sentence. Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense if a Class 2 felony. Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony.

(720 ILCS 5/24-2)

Sec. 24-2. Exemptions.

- (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and section 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 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, and Private Security Act of 1983, 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 hour from departure from home or place of employment, as the case may be. Persons exempted under this subdivision (a)(5) 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 Section 28 of the Private Detective, Private Alarm, and Private Security Act of 1983, prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.
 - (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 of at least 5 persons registered with the Department of Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of 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 authorization card by the Department of Professional Regulation. Conditions for the renewal of firearm authorization 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 and Private Security Act of 1983. Such firearm authorization card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

- (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 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 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 authorization card by the Department of Professional Regulation. Conditions for renewal of firearm authorization 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 and Private Security Act of 1983. Such firearm authorization card 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 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.
 - (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 Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.
 - (12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.
 - (13) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (12) of this subsection to possess those weapons.
- (b) Subsections 24-1(a)(4) and 24-1(a)(10) and section 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) Licensed hunters, trappers or fishermen 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.
- (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 posses-

sion 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. During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.
- (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) 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.
- (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, 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) (from Ch. 38, par. 24-2.1)

Sec. 24-2.1. Unlawful Use of Metal Piercing Bullets.

- (a) A person commits the offense of unlawful use of metal piercing bullets when he knowingly manufactures, sells, purchases, possesses, or carries any metal piercing bullet. For the purposes of this Section, "metal piercing bullet" means polytetrafluoroethylene-coated bullets; jacketed bullets with other than lead or lead alloy cores; and ammunition of which the bullet itself is wholly composed of a metal or metal alloy other than lead. The definition contained herein shall not be construed to include shotgun shells.
- (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 metal or armor piercing bullet, 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.
 - (8) Manufacture, transportation or sale of metal or armor piercing bullets to persons specifically authorized under paragraphs (1) through (7) of this subsection to possess such bullets.
- (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 metal piercing bullets shall be guilty of a Class 3 felony.

(720 ILCS 5/24-2.2)

Sec. 24-2.2. Manufacture, sale or transfer of bullets represented to be metal piercing bullets.

- (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 which is represented to be metal or armor piercing; to be polytetrafluoroethylene coated; to be jacketed and have a core other than lead or lead alloy; or to be wholly composed of a metal or metal alloy other than lead.
- (b) Exemptions. This Section does not apply to or affect any person authorized under Section 24-2.1 to manufacture, sell, purchase, possess, or carry any metal piercing bullet 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. Manufacture, sale, or transfer of bullets represented to be metal piercing bullets is a Class 4 felony.

(720 ILCS 5/24-3)

Sec. 24-3. Unlawful Sale of Firearms.

A person commits the offense of unlawful sale of firearms when he knowingly:

- (a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or
- (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; or
- (c) Sells or gives any firearm to any narcotic addict; or
- (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; or
- (e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or
- (f) Sells or gives any firearms to any person who is mentally retarded; or

- (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, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph shall not apply to:
 - (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or
 - (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or
 - (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; or
 - (4) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States; or
- (h) While holding any license under the Federal "Gun Control Act of 1968", as amended, as a dealer, importer, manufacturer or pawnbroker; 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 "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 3, 1967, as amended;
 - (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 a firearm can be assembled; or
- (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) Paragraph (h) of this Section shall not include firearms sold within 6 months after enactment of this amendatory Act of 1973, nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of this amendatory Act of 1973 be subject to confiscation or seizure under the provisions of this amendatory Act of 1973. Nothing in this amendatory Act of 1973 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 this amendatory Act of 1973.
- (k) Sentence. Any person convicted of unlawful sale of firearms in violation of paragraphs (b) through (h) commits a Class 4 felony. Any person convicted of unlawful sale of firearms in violation of paragraph (a) or (i) commits a Class 3 felony. Any person convicted of unlawful sale of firearms in violation of paragraph (a) or (i) in any school, regardless of the time of day or the time of year, in residential property owned, operated, and managed by a public housing agency, 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, and managed by a public housing agency, 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, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, and managed by a public housing agency commits a Class 2 felony. (Source: P.A. 88-680, eff. 1-1-95.)

(720 ILCS 5/24-3.1)

Sec. 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 hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or
 - (5) He is mentally retarded 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; or
- (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.

(720 ILCS 5/24-3.2)

Sec. 24-3.2. Unlawful Discharge of Metal Piercing Bullets.

- (a) A person commits the offense of unlawful discharge of metal piercing bullets when he knowingly or recklessly uses a metal piercing bullet in violation of this Section. For purposes of this Section, "metal piercing bullet" means polytetrafluoroethylene-coated bullets; jacketed bullets with other than lead or lead alloy cores; and ammunition of which the bullet itself is wholly composed of a metal or metal alloy other than lead. The definition contained herein shall not be construed to include shotgun shells.
- (b) A person commits a Class X felony when he or she, knowing that a firearm, as defined in Section 1.1 of "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 3, 1967, as amended", is loaded with a metal piercing bullet, intentionally or recklessly discharges such firearm and such bullet strikes any other person.
- (c) Any person who possesses, concealed on or about his person, a metal piercing bullet 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)

Sec. 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 and 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 and managed by a public housing agency or on the real property comprising any school, regardless of the time of day or the time of year or residential property owned, operated and managed by a public housing agency 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)

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

(720 ILCS 5/24-3A)

Sec. 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 Section 24-3 of this Code.
- (b) Sentence. A person who commits gunrunning is guilty of a Class 1 felony.

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

Sec. 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 5/24-5)

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

- (a) Any person who shall knowingly or intentionally change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a Class 2 felony.
- (b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

(720 ILCS 5/24-6)

Sec. 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. Confiscation of weapons for Fish and Aquatic Life Code and Wildlife Code 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 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.

Wildlife Code 520 ILCS 5/2.33 (n)

It is unlawful for any person, except persons permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable.

***For more information regarding the FOID program, contact the FOID Office at:
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