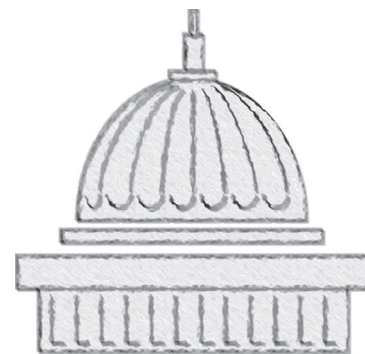


# F. NRA / ILA Firearms Laws for

## ILLINOIS

(As of November, 2009)



Compiled by:

*NRA-Institute for Legislative Action*  
11250 Waples Mill Road  
Fairfax, Virginia 22030  
(800) 392-8683  
[www.nraila.org](http://www.nraila.org)

### A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

#### QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	FOID Required <sup>1</sup>	FOID Required <sup>1</sup>
Registration of Firearms	NO <sup>2</sup>	NO <sup>2</sup>
Licensing of Owners	FOID Required <sup>1</sup>	FOID Required <sup>1</sup>
Permit to Carry	FOID Required <sup>1</sup>	No <sup>3</sup>

#### STATE CONSTITUTIONAL PROVISION

“Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.” Section 22, Article I of the Illinois Bill of Rights.<sup>4</sup>

#### PURCHASE

A buyer is required to show his Firearms Owner's Identification Card (FOID) when purchasing any firearms or ammunition. Any seller is required to withhold delivery of any handgun for 72 hours, and of any rifle or shotgun for 24 hours, after the buyer and seller reach an agreement to purchase a firearm. The waiting period does not apply to a buyer who is a dealer, law enforcement officer, or a nonresident at a gun show recognized by the Illinois Department of State Police. The seller must retain for 10 years a record of the transfer, including a description of the firearm (including serial number), the identity of the buyer, and the buyer's FOID number.

A federally licensed dealer must contact the Department of State Police for a background check, for which there is a \$2.00 fee. Any sales at gun shows, including dealers and private parties, must contact the state police for a background check.

Private parties selling firearms at gun shows must ensure the buyer has a FOID card and the buyer must undergo a background check. It is unlawful to sell or give any handgun to a person under 18, or any firearm to a person who is not eligible to obtain a FOID.

#### REQUIREMENTS FOR FOID

Application for a FOID is made to the Illinois State Police, FOID, P. O. Box 19233, Springfield, IL 62794-9233. Application forms can be obtained online at <http://www.isp.state.il.us> or by calling the Firearm Owners Identification Program at (217) 782-7980. An applicant is entitled to a FOID if he:

- Is over 21 years of age. If under 21, he must have the written consent of his parent or guardian. In such case, the guardian himself must not be ineligible for a FOID, and the applicant must never have been convicted of a misdemeanor or adjudged a delinquent.
- Has never been convicted of a felony.
- Is not a narcotics addict.
- Has not been a patient in a mental hospital in the preceding five years.
- Is not mentally retarded.
- Is not an alien who is unlawfully present in the United States.
- Is not subject to an existing order of protection prohibiting the possession of a firearm.

- 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.
- Has not been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998.
- Has not been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998.

An applicant for a FOID must consent to the Department using the applicant's digital driver's license or Illinois ID card photograph, if available, and signature on the FOID, and must furnish the Department with his driver's license or Illinois ID card number. The Department must approve or deny the FOID within 30 days, and is authorized to deny the FOID only if the applicant does not meet the listed qualifications. The FOID fee is \$10 and it is valid for five years from the date of issuance. The Department shall forward to each FOID holder, a notice of expiration and a renewal notice application, 60 days prior to expiration.

A FOID may be revoked and seized if the holder made a false statement on the application, is no longer eligible, or whose mental condition poses a clear and present danger to self, others, or community. A written notice must be given with the grounds for denial or revocation and seizure.

A person whose FOID has been revoked or seized or whose FOID application was denied or not acted upon within 30 days may appeal the decision to the Director of the Department of State Police, unless it was based upon certain violent, drug, or weapons offenses. In that case, the aggrieved person may petition the circuit court in the county of his residence. If the Director upholds the Department's decision, the applicant may appeal to the courts. Any judicial review generally will be limited to the question of whether the Department's decision was “arbitrary and capricious.”

#### POSSESSION

It is unlawful to possess any firearm or ammunition without a valid FOID.

It is unlawful to possess 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, if such weapon as modified has an overall length of less than 26 inches.

It is unlawful for any person under the age of 18 to possess a handgun, or concealable firearm.

It is unlawful for the following persons to possess a firearm or ammunition: 1) under 21 who has been adjudged delinquent or been convicted of a misdemeanor other than a traffic offense; 2) is a narcotic addict; 3) within the past 5 years has been a patient in a mental hospital; 4) is mentally retarded; 5) or a convicted felon.

It is unlawful for any person to possess any firearm with intent to use it unlawfully against another. It is unlawful to possess any firearm in any place licensed to sell intoxicating beverages, or “at any public gathering held pursuant to a license issued by any governmental body,” or at any public gathering (except a gun show) at which an admission is charged. An exception is provided for the owner, manager or an authorized employee of the specified establishments.

An unemancipated minor is not required to have a FOID in order to

possess a firearm or ammunition while under the immediate control of a parent, guardian or other person in loco parentis who has a valid FOID. A person with a FOID card can loan a gun to a non-FOID card owner as long as the gun was used at a range and under the supervision of the owner.

It is unlawful to possess firearms or ammunition on the grounds or building of a school. Exempt are students in firearm 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.

NOTE: In Chicago it is unlawful to keep any firearm unless it has been registered with the Chicago Police at Daley Center. All firearms brought into the city must be registered. The registration certificate (valid for 1 year) must be carried simultaneously with the firearm, and exhibited upon demand of any police officer. Handguns may not be registered after 1982. So-called assault firearms may not be registered.

## CARRYING

It is unlawful to carry or possess any firearm in any vehicle or concealed on or about the person, except on one's land or in one's abode or fixed place of business. It is unlawful to carry or possess any firearm on or about one's 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 firearms or the lawful commerce in firearms; or when on one's land or in one's abode or fixed place of business.

Exceptions are persons using their firearms on established target ranges; licensed hunters, trappers, or fishermen while engaged in their licensed activity; transportation of firearms that are broken down in a non-functioning state or are not immediately accessible (e.g., in the trunk of a car); and transportation, carrying, or possession of a firearm which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid FOID. Under the Wildlife Code, it is unlawful to have or carry any firearm in or on any vehicle or conveyance unless unloaded and enclosed in a case.

## NON-RESIDENTS

A non-resident is permitted to possess a firearm without a FOID if it is unloaded and enclosed in a case, or if the nonresident is:

- Hunting and has a non-resident hunting license, while in an area where hunting is permitted.
- On a target range recognized by the Department of State Police.
- At a gun show recognized by the Department of State Police.
- Currently licensed or registered to possess a firearm in his state of residence.

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. A non-resident who qualifies to possess a firearm under one of the above-listed exceptions may also purchase ammunition.

## ANTIQUES AND REPLICAS

An antique firearm which "the Department of State Police finds by reason of the date of manufacture, value, design, and other characteristics is primarily a collectors item and is not likely to be used as a weapon" is exempt from the above regulations on purchase.

## MACHINE GUNS

It is unlawful to sell, manufacture, purchase, possess or carry any weapon from which more than one shot may be discharged by a single function of the

trigger, including the frame or receiver of any such weapon.

It is unlawful to sell, manufacture, purchase, possess or carry 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.

There is an exception to the above prohibition, providing for the manufacture, transportation, and sale of machine guns to law enforcement and military personnel for official purposes, provided such weapons are "broken down in a non-functioning state or not immediately accessible."

This prohibition does not apply to persons licensed to manufacture machine guns or ammunition under federal law and who are actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are in the lawful scope of such business, such as the manufacture, transportation or testing of such weapons or ammunition.

## MISCELLANEOUS

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 FOID 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.

It is unlawful for a dealer to sell any handgun "having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800 degrees F."

It is unlawful to alter or obliterate any serial number, maker's name or other identifying mark on any firearm. Possession of a firearm with an altered or obliterated mark raises a legal presumption that the possessor committed the offense.

Any stolen weapon, if confiscated by police when no longer needed for evidentiary purposes, must be returned to the person entitled to possession, if known.

It is unlawful to carry or possess any firearm when a person is hooded or masked.

It is unlawful to possess, manufacture or use any metal piercing, dragon's breath shotgun shell, bolo shell, flechette shell, or explosive bullet.

It is unlawful to possess a silencer.

It is unlawful to possess or store any firearm on land supported in whole or in part with state or federal funds administered through state agencies or in any building on such land without prior written permission from the chief security officer for such land or building. The chief security officer "must grant any reasonable request for permission."

SOURCES:: 430 Ill. Comp. Stat. § 65/1.1 et seq., 520 Ill. Comp. Stat. § 5/2.33(n); 720 Ill. Comp. Stat. § 5/24-1 et seq., and 720 Ill. Comp. Stat. § 5/21-6.

1. Subject to municipal control. Handguns have been banned in some municipalities.
2. Chicago requires registration of all firearms.
3. Carrying a concealed weapon is prohibited entirely. A FOID is required to transport a handgun. See "CARRYING."
4. The Sixth Illinois Constitutional Conventions Committee on Bill of Rights in their official commentary interpreted this provision in 1970 as a guarantee that "a citizen has the right to possess and make reasonable use of arms that law abiding citizens commonly employ for purposes of recreation or protection of person and property." Any use of the police power, the Committee said, that "attempted to ban all possession or use of such arms, or laws that subjected possession or use of such arms to regulations or taxes so onerous that all possession or use was effectively banned, would be invalid."

**CAUTION:** Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

This may be reproduced. It may not be reproduced for commercial purposes.