

(720 ILCS 5/7-1) (from Ch. 38, par. 7-1)

Sec. 7-1. **USE OF FORCE IN DEFENSE OF PERSON**

(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only **if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm** to himself or another, or the commission of a forcible felony. "Forcible felony" means *treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual.*

Sec. 7-4. **USE OF FORCE BY AGGRESSOR**

The justification described in the preceding Sections of this Article is not available to a person who:

(a) Is attempting to commit, committing, or escaping after the commission of, a forcible felony; or

(b) Initially provokes the use of force against himself, with the intent to use such force as an excuse to inflict bodily harm upon the assailant; or

(c) Otherwise initially provokes the use of force against himself, unless:

(1) Such force is so great that he reasonably believes that he is in imminent danger of death or great bodily harm, and that he has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or great bodily harm to the assailant; or

(2) In good faith, he withdraws from physical contact with the assailant and indicates clearly to the assailant that he desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/7-2) (from Ch. 38, par. 7-2)

## **Sec. 7-2. USE OF FORCE IN DEFENSE OF DWELLING**

38, par. 2-6) Sec. 2-6. "Dwelling". (a) Except as otherwise provided in subsection (b) of this Section, "dwelling" means a building or portion thereof, a tent, a vehicle, or other enclosed space which is used or intended for use as a human habitation, home or residence.

(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's unlawful entry into or attack upon a dwelling. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if:

(1) The entry is made or attempted in a violent, riotous, or tumultuous manner, and he reasonably believes that such force is necessary to prevent an assault upon, or offer of personal violence to, him or another then in the dwelling, or

(2) He reasonably believes that such force is necessary to prevent the commission of a felony in the dwelling.

(720 ILCS 5/7-3) (from Ch. 38, par. 7-3)

## **Sec. 7-3. USE OF FORCE IN DEFENSE OF OTHER PROPERTY**

(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's trespass on or other tortious or criminal interference with either real property (other than a dwelling) or personal property, lawfully in his possession or in the possession of another who is a member of his immediate family or household or of a person whose property he has a legal duty to protect. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent the commission of a forcible felony.

(720 ILCS 5/24-1) (from Ch. 38, par. 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 or other knuckle weapon regardless of its composition, 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, 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 by a person who has been issued a currently valid license under the Firearm Concealed Carry Act;

(430 ILCS 65/0.01) (from Ch. 38, par. 83-0.1)

Sec. 0.01. Short title. This Act may be cited as the **FIREARM OWNERS IDENTIFICATION CARD (FOID) ACT.**

(Source: P.A. 86-1324.)

(430 ILCS 65/1) (from Ch. 38, par. 83-1)

Sec. 1. 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 Section 24-3.1 of the Criminal Code of 2012, from acquiring or possessing firearms and firearm ammunition and who are prohibited by this Act from acquiring stun guns and tasers.

"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.

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

Sec. 2. **Firearm Owner's Identification Card required;**

(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.

## **A Citizen`s Guide to Federal Firearms Laws**

A summary of federal restrictions on the purchase, sale, possession, and transportation of firearms and ammunition.

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 state or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation.

Under federal law supported by the National Rifle Association, the use of a firearm in a violent or drug-trafficking crime is punishable by a mandatory prison sentence of up to 20 years. A second conviction, if the firearm is a machine gun or is equipped with a silencer, brings life imprisonment without release. Violating firearms laws should lead to very real punishment for violent criminals, but the laws first must be enforced.

### **Ineligible Persons**

The following classes of people are ineligible to possess, receive, ship, or transport firearms or ammunition:

Those convicted of crimes punishable by imprisonment for over one year, except state misdemeanors punishable by two years or less.

Fugitives from justice.

Unlawful users of certain depressant, narcotic, or stimulant drugs.

Those adjudicated as mental defectives or incompetents or those committed to any mental institution.

Illegal aliens.

Citizens who have renounced their citizenship.

Those persons dishonorably discharged from the Armed Forces.

Persons less than 18 years of age for the purchase of a shotgun or rifle.

Persons less than 21 years of age for the purchase of a firearm that is other than a shotgun or rifle.

Persons subject to a court order that restrains such persons from harassing, stalking, or threatening an intimate partner.

Persons convicted in any court of a misdemeanor crime of domestic violence.

Persons under indictment for a crime punishable by imprisonment for more than one year are ineligible to receive, transport, or ship any firearm or ammunition. Under limited conditions, relief from disability may be obtained from the U.S. Secretary of the Treasury, or through a pardon, expungement, restoration of rights, or setting aside of a conviction.

### **Acquiring Firearms**

The following restrictions apply to firearms acquired through purchase, trade, receipt of gifts, or by other means.

#### **From Dealers**

Provided that federal law and the laws of both the dealer's and purchaser's states and localities are complied with:

An individual 21 years of age or older may acquire a handgun from a dealer federally licensed to sell firearms in the individual's state of residence

An individual 18 years of age or older may purchase a rifle or shotgun from a federally licensed dealer in any state

It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a firearm unless the federal firearms licensee receives notice of approval from a prescribed source approving the transfer.

Sale of a firearm by a federally licensed dealer must be documented by a federal form 4473, which identifies and includes other information about the purchaser, and records the make, model, and serial number of the firearm. Sales to an individual of multiple handguns within a five-day period require dealer notification to the Federal Bureau of Alcohol, Tobacco and Firearms. Violations of dealer record keeping requirements are punishable by a penalty of up to \$1000 and one year's imprisonment.

#### **Sales Between Individuals**



An individual who does not possess a federal firearms license may not sell a firearm to a resident of another state without first transferring the firearm to a dealer in the purchaser's state. Firearms received by bequest or intestate succession are exempt from those sections of the law which forbid the transfer, sale, delivery or transportation of firearms into a state other than the transferor's state of residence.

### **Temporary use of Another's Firearm**

Provided that all other laws are complied with, an individual may temporarily borrow or rent a firearm for lawful sporting purposes throughout the United States.

### **Antiques**

Antique firearms and replicas are exempted from the aforementioned restrictions. Antique firearms are defined as: any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898, and any replica of a firearm as designed above if the replica is not designed or redesigned for using rim-fire or conventional centerfire ammunition, or uses fixed ammunition, which is no longer manufactured in the United States and which is not readily available in the ordinary channels or commercial trade, any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. (Note: Antiques exemptions vary considerably under state laws.)

### **Shipping Firearms**

Firearms may not be mailed or shipped interstate from one non-FFL to another non-FFL. Personally owned rifles and shotguns may be mailed or shipped to an FFL in any state for any lawful purpose, including sale, repair, or customizing. An FFL may ship a firearm or replacement firearm of the same kind and type to a person from whom it was received. Under U.S. Postal regulations, handguns may be sent via the Postal Service only from one FFL to another FFL, or between authorized government officials.

A person may ship a rifle or shotgun to himself, in care of a person who lives in another state, for purposes of hunting.

Firearms or ammunition delivered to a common carrier for shipment must be accompanied by a written notice to the carrier of the contents of the shipment.

### **Transporting Firearms During Travel**

A provision of federal law serves as a defense to state or local laws which would prohibit the passage of persons with firearms in interstate travel.

Notwithstanding any state or local law, a person shall be entitled to transport a firearm from any place where he may lawfully possess and transport such firearm to any other place where he may lawfully possess and transport such firearm if the firearm is unloaded and in the trunk. In vehicles without a trunk, the unloaded firearm shall be in a locked container other than the glove compartment or console.

Federal law prohibits the carrying of any firearm, concealed or unconcealed, on or about the person or in carry-on baggage while aboard an aircraft. The Transportation Security Administration(TSA) has established certain requirements for transporting firearms and ammunition. Firearms must be carried in a locked hard sided case. Ammunition must be declared and can be transported in checked baggage or in the same container as the firearm as long the firearm is unloaded.

Any passenger who owns or legally possesses a firearm being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce must deliver the unloaded firearm into custody of the pilot, captain, conductor, or operator of such common or contract carrier for the duration of the trip.

### **Ammunition**

As with firearms, shipments of ammunition must be accompanied by a written notice of the shipment's contents. It is unlawful for any licensed importer, dealer, manufacturer or collector to transfer shotgun or rifle ammunition to anyone under the age of 18, or any handgun ammunition to anyone under the age of 21.

It is illegal to manufacture or sell armor-piercing handgun ammunition.

### **Dealers**

Persons who engage in the business of buying or selling firearms must be licensed by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives of the U.S. Department of Justice. A special class of "licensed collectors" provides for the purchase and sale of firearms designated by the BATFE as "curios and relics." Class III dealers may sell fully-automatic firearms manufactured prior to May 19, 1986, and other federally registered firearms and devices restricted under Title II of the Gun Control Act, to individuals who obtain approval from the U.S. Secretary of the Treasury after payment of a tax and clearance following a criminal background check.

Violations of restrictions on Title II firearms and devices are punishable by a penalty of up to \$10,000 and 10 years imprisonment.



In addition to federal gun laws imposed by the National Firearms Act (1934), Gun Control Act (1968), Firearms Owner`s Protection Act (1986), Brady Handgun Violence Prevention Act (1993), the 1994 Omnibus Crime Control Act and other laws, most states and some local jurisdictions have imposed their own firearms restrictions.

