**Publication #1**

**REFERENCE GUIDE TO FIREARMS LAWS**

**Reference to Illinois Firearm Laws**

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**REFERENCE TO FEDERAL FIREARMS LAWS**

# Key Federal Acts Regulating Firearms

## The National Firearms Act

The National Firearms Act (“NFA”) was enacted in 1934 as part of the Internal Revenue Code. It was the first federal regulation of the manufacture and transfer of firearms. An exercise of the taxing power, the NFA levied a federal tax on the manufacture, sale and transfer of certain classes of firearms. The NFA has been amended and revised by subsequent federal firearms acts (see other Acts described on this page). Currently the National Firearms Act imposes an excise tax and registration requirements on narrow categories of firearms, including machine guns, short-barreled shotguns or rifles, and silencers.[1](https://lawcenter.giffords.org/gun-laws/federal-law/other-laws/key-federal-acts-regulating-firearms/#footnote_0_35030) The NFA also includes, in a category defined as “any other weapon,” certain smooth-bore handguns.[2](https://lawcenter.giffords.org/gun-laws/federal-law/other-laws/key-federal-acts-regulating-firearms/#footnote_1_35030) The vast majority of handguns are excluded. The current provisions of the NFA are codified at 26 U.S.C. § 5801 et seq.

## The Federal Firearms Act

The Federal Firearms Act of 1938 (“FFA”) imposed a federal license requirement on gun manufacturers, importers, and those persons in the business of selling firearms. The term federal firearms licensee (“FFL”) is commonly used today to refer to the members of the gun industry on whom this license requirement is imposed. In addition to the licensing component of the FFA, the Act required licensees to maintain customer records and made illegal the transfer of firearms to certain classes of persons, such as convicted felons. These classes of persons are commonly referred to as “prohibited purchasers.” The circumstances resulting in the prohibition (such as a felony conviction) are often referred to as “disabilities.” The FFA was repealed by the Gun Control Act of 1968. However, many of its provisions were reenacted as part of the subsequent act.

## The Gun Control Act

The Gun Control Act of 1968 (“GCA”) revised the NFA and the FFA, reenacting and expanding upon provisions of the prior acts, and repealing the FFA. The GCA also enacted prohibitions on the importation of firearms “with no sporting purpose.” However, neither the GCA nor any other federal law regulates the domestic manufacture or sale of firearms which would not pass the federal criteria for determining whether a firearm has “a sporting purpose.” Among the other major provisions of the GCA were the establishment of minimum ages for firearms purchasers, the requirement that all firearms (domestic and imported) be affixed with a serial number, and the expansion of the categories of prohibited persons. The GCA is codified at 18 U.S.C. § 921 et seq., and the provisions of the FFA as reenacted by the GCA are also found in these sections.

## The Firearms Owners’ Protection Act

The Firearms Owners’ Protection Act of 1986 (“FOPA”), also known as the McClure-Volkmer Act, significantly amended the GCA and effectively liberalized many of the restrictions on sellers of firearms. Among other things, the FOPA enacted provisions that legalized sales by licensed dealers away from the location shown on the dealer license if at a “gun show” within the same state; limited the number of inspections of dealers’ premises which could be conducted by the Bureau of Alcohol, Tobacco and Firearms (“ATF”) without a search warrant; prevented the federal government from maintaining a central database of firearms dealer records; and loosened the requirement for what constitutes “engaging in the business” of firearms sales for purposes of a federal license.

The FOPA also repealed several key public safety provisions originally enacted by the GCA, eliminating the requirements that dealers keep sales records of ammunition transfers (except armor-piercing ammunition transfers) and that sellers of ammunition be licensed, and lifting the ban on interstate transfers of ammunition to unlicensed purchasers.

## The Brady Act

The Brady Handgun Violence Prevention Act of 1993 (“Brady Act”) effected amendments to the GCA, originally imposing a five-day waiting period for law enforcement to review the background of a prospective handgun purchaser before a licensed dealer was entitled to complete the sale of a handgun to that person. The purpose of the check is to allow law enforcement to confirm that the prospective buyer is not a prohibited purchaser before the sale is consummated. The five-day waiting period has now been replaced with an instant check system, which can be extended to three days when the results of the check are not clear. Persons who have a federal firearms license or a state-issued permit to possess or acquire a firearm (such as a state-issued concealed carry permit that is valid for not more than five years) are not subject to the waiting period requirement. As more states enact “shall issue” concealed carry permit laws, this category of persons exempt from the Brady Act increases. In 1998, the Act became applicable to shotguns and rifles. The Brady Act is codified at 18 U.S.C. § 921 et seq.

## The Federal Assault Weapons Ban

The Federal Assault Weapons Ban, or Public Safety and Recreational Firearms Use Protection Act (Title XI, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994) (“AWB”) was a subtitle of the Violent Crime Control and Law Enforcement Act of 1994, enacted on September 13, 1994. Formerly codified at 18 U.S.C. § 921 et seq., the AWB prohibited: 1) the manufacture, transfer and possession of semi-automatic assault weapons; and 2) the transfer and possession of large capacity ammunition feeding devices (i.e., devices capable of holding more than 10 rounds of ammunition). The law banned 19 types, models and series of assault weapons by name (and copies or duplicates of those weapons), and any semi-automatic firearm with at least two specified military features coupled with the ability to accept a detachable magazine (this last criterion did not apply to shotguns). The law only banned the transfer and possession of assault weapons and large capacity feeding devices manufactured after the date of the ban’s enactment. The AWB contained a sunset provision declaring that it would expire ten years from enactment. Congress allowed the ban to expire on September 13, 2004.

## The Protection of Lawful Commerce in Arms Act and Child Safety Lock Act

The Protection of Lawful Commerce in Arms Act and Child Safety Lock Act of 2005 (“PLCAA” and “CSLA”) provided the gun industry with immunity from most tort liability. The PLCAA prohibited a “qualified civil liability action” from being brought in any state or federal court and required immediate dismissal of any such action upon the date the PLCAA was enacted (October 26, 2005). A “qualified civil liability action” is a civil or administrative action or proceeding brought against a manufacturer or seller of firearms or ammunition, or a trade association that has two or more members who are manufacturers or sellers of firearms or ammunition for relief, if the action resulted from the criminal or unlawful misuse of a qualified product by the person or a third party, with certain exceptions. “Unlawful misuse” is defined as conduct that violates a statute, ordinance or regulation. Actions excluded from the definition of “qualified civil liability action” include those:

* Against a transferor convicted of knowingly transferring a firearm with the knowledge that it will be used to commit a crime of violence (so long as the action is brought by the person harmed by the transfer);
* Against a transferor for negligence per se or negligent entrustment (the latter is defined in the Act to mean supplying a firearm or ammunition to a person the seller knows or reasonably should know is likely to, and does, use the firearm or ammunition in a manner involving unreasonable risk of physical injury);
* Against a manufacturer or seller who knowingly violated a state or federal law applicable to the sale or marketing of firearms or ammunition if the violation of law was the proximate cause of the harm for which relief is sought;
* For breach of contract or warranty in connection with the purchase of the firearm or ammunition;
* For death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense, such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage; or
* Commenced by the Attorney General to enforce certain federal firearms laws.

The PLCAA is codified at 15 U.S.C. §§ 7901 — 7903.

The CSLA, adopted as part of the PLCAA, made it unlawful for any licensed importer, manufacturer or dealer to sell or transfer any handgun unless the transferee is provided with a secure gun storage or safety device (defined under 18 U.S.C. § 921(a)(34)). The CSLA also immunized any person who possesses or controls a handgun and who uses a secure gun storage or safety device with the handgun, from a “qualified civil liability action.” The CSLA defines “qualified civil liability action” as a civil action for damages resulting from the criminal or unlawful misuse of a handgun by a third party if: 1) the handgun was accessed by another person who did not have the authorization of the lawful possessor; and 2) at the time the handgun was accessed it had been made inoperable by the use of a secure gun storage or safety device.

The CSLA is codified at 18 U.S.C. § 922(z).

## National Instant Criminal Background Check System Improvement Amendments Act

The National Instant Criminal Background Check System (“NICS”) Improvement Amendments Act of 2007 (“NICS Act”) provided financial incentives for states to provide to NICS (the database used to perform a background check when a firearm is purchased from a federally licensed dealer) information relevant to whether a person is prohibited from possessing firearms, including the names and other relevant identifying information of persons adjudicated as a mental defective or those committed to mental institutions.[3](https://lawcenter.giffords.org/gun-laws/federal-law/other-laws/key-federal-acts-regulating-firearms/#footnote_2_35030) The NICS Act also changed the standard for persons deemed to be “adjudicated as a mental defective” or “committed to a mental institution” by a federal agency or department. The Act authorized the Attorney General to make grants to states for use in establishing and upgrading the states’ ability to report information, including mental health information, to NICS. In order to be eligible for the grants authorized by the NICS Act, a state must implement a “relief from disabilities” program that meets the Act’s requirements.

**FEDERAL FIREARMS OFFENSES**

**I. POSSESSION OF A FIREARM OR AMMUNITION BY A PROHIBITED PERSON:**

18 USC § 922(g) & (n). Punishable by up to 10 years imprisonment. May receive minimum sentence of 15 years without parole if offender has three or more prior convictions for a felony crime of violence (e.g. burglary, robbery, assault, possession of offensive weapons) and/or drug trafficking felony.

Elements

1. Possession or receipt of a firearm or ammunition;
2. By a subject who falls within one of the following categories:

a. Felon - (Additionally, persons awaiting trial on felony charges are prohibited from receiving firearms.);

b. Drug user or addict - (Often shown where paraphernalia seized, subject tests positive for drugs and/or subject claims drugs were possessed for personal use.);

c. Alien - (Includes illegal aliens and aliens lawfully admitted under non-immigrant visas, i.e., those aliens not admitted for permanent residence. This provision does not prohibit aliens who lawfully possess a so-called “green card” from possessing guns or ammunition.);

d. Is subject to a domestic restraining order - (The order must prohibit contact with an intimate partner, or child of the subject, and must have been issued only after a hearing of which the subject was notified and at which the subject had an opportunity to participate. The order must also find the subject poses a threat to the physical safety of the intimate partner or child or must prohibit the use, threatened use or attempted use of physical force.);

e. Has a prior conviction for domestic assault - (Includes a prior conviction for any assault or threatened use of a deadly weapon against a present or former spouse or partner or child or guardian of any such person. The subject must have been entitled to a jury trial and been represented by counsel in the prior proceeding or be shown to have waived those rights.);

f. Fugitive from justice - (Fled any state to avoid being prosecuted or to avoid testifying in any criminal proceeding.); or

g. Dishonorably discharged from the military; AND

3. The firearm or ammunition was transported across a state line at any time.

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**II. KNOWINGLY SELL, GIVE OR OTHERWISE DISPOSE OF ANY FIREARM OR AMMUNITION TO ANY PERSON WHO FALLS WITHIN ONE OF THE ABOVE CATEGORIES:**

18 USC § 922(d). Punishable by up to 10 years imprisonment.

**III. USE, CARRY OR POSSESS A FIREARM IN RELATION TO OR IN FURTHERANCE OF A DRUG FELONY OR A FEDERAL CRIME OF VIOLENCE:**

18 USC § 924(c). Punishment ranges from at least 5 years up to life imprisonment, without parole, or death if death results from use of firearm. Sentence must be served consecutive to any other sentence. Mandatory minimum sentence increases depending upon: the type of firearm involved (sawed-off gun, silencer, etc.); whether more than one offense was committed; and whether gun was simply possessed or was brandished or discharged.

**IV. STOLEN FIREARM, AMMUNITION OR EXPLOSIVE:**

18 USC §§842(h); 922(i), (j) & (u). Punishable by up to 10 years imprisonment.

A. May not receive, possess, conceal, store, pledge or accept as security for a loan, barter, sell or ship or transport across a state line any stolen firearm, ammunition or explosive.

B. May not steal or unlawfully take or carry away a firearm from the person or premises of a firearms licensee.

**V. FIREARM IN A SCHOOL ZONE:**

18 USC § 922(q)(2)(A). Punishable by up to 5 years imprisonment.

A. Except as authorized, may not possess or discharge a firearm in a school zone.

**VI. KNOWINGLY POSSESS OR MANUFACTURE:**

18 USC § 922(k), (o) & (v); 26 USC § 5861. Punishable by up to 5 or 10 years imprisonment, depending upon specific violation.

1. Any machine gun, fully automatic firearm or any part designed or intended exclusively for use in such weapon;
2. Any firearm silencer, including any device, or part thereof, designed to silence, muffle or diminish the report of a firearm;
3. Sawed-off shotgun with a barrel length of less than 18" or overall length less than 26";
4. Sawed-off rifle with a barrel length of less than 16" or overall length less than 26";
5. Destructive device;
6. Semi-automatic assault weapon manufactured after October 1, 1993; OR
7. Any firearm which lacks a serial number or contains an altered or obliterated serial number.

**VII. SELL, DELIVER OR TRANSFER TO A JUVENILE:**

1. 18 USC § 922(x)(1). Punishable by up to 1-year imprisonment unless transferor had reason to believe juvenile would commit crime of violence with gun or ammunition, then up to 10 years imprisonment.

2. 18 USC § 922(b). A firearms licensee faces up to 5 years imprisonment.

A. May not sell, deliver or transfer a handgun or handgun-only ammunition to a person who is under age 18;

B. A person under age 18 may not possess a handgun or handgun-only ammunition; (Certain exceptions apply to A & B, such as where juvenile possesses written permission of a parent.);

C. A firearms licensee may not sell any gun or ammunition to anyone under the age of 18 and may not sell a handgun or handgun ammunition to a person under the age of 21.

**FORFEITURE OF FIREARMS, AMMUNITION & EXPLOSIVES:**

18 U.S.C. §924(d) authorizes the seizure and forfeiture of firearms, ammunition and explosives involved in criminal offenses. However, strict time limitations are imposed. Consult the ATF or U.S. Attorney’s Office as soon as possible for guidance on forfeiture issues.

**TRACING OF FIREARMS:**

Firearms information for every firearm, even if only identified during a field interview or traffic stop, should be sent to ATF for tracing and possible connection to other criminal activity.

DEFINITION OF “FIREARM”:

Any weapon (including a starter gun) which will expel a projectile by means of an explosive or is designed or may be readily converted to do so. This includes the frame or receiver of any such weapon, any firearm muffler or silencer or any destructive device. A “destructive device” includes any explosive, incendiary or poison gas --- (i)bomb; (ii) grenade or (iii) similar device, or any combination of parts designed or intended to be converted into a destructive device, or from which a destructive device may be readily assembled. Does not include black powder or antique type firearms. 18 USC §921(3).

# Illinois Gun Laws

## Gun Laws Overview

|  | **RIFLES & SHOTGUNS** | **HANDGUNS** |
| --- | --- | --- |
| **Permit to Purchase** | FOID Required | FOID Required |
| **Registration of Firearms** | No | No |
| **Licensing of Owners** | FOID Required | FOID Required |
| **Permit to Carry** | No | FOID Required |
|  | | |

|  | **STATE STATUS** |
| --- | --- |
| **Castle Doctrine** | No Law |
| **No-Net Loss** | Enacted |
| **Right to Carry Confidentiality** | No Provisions |
| **Right to Carry in Restaurants** | Partial Ban |
| **Right To Carry Laws** | Shall Issue |
| **Right To Carry Reciprocity and Recognition** | None |
| **Right to Keep & Bear Arms State Constitutional Provisions** | With Provisions |
|  | |

## Laws on Purchase, Possession and Carrying of Firearms

|  |
| --- |
| **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 firearm for 72 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.  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.  430 ILCS 65/2  430 ILCS 65/3 |
| **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:  (i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;  (ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;  (iii) He or she is not addicted to narcotics;  (iv) He or she has not been a patient in a mental health facility within the past 5 years or, if he or she has been a patient in a mental health facility more than 5 years ago submit the certification required under subsection (u) of Section 8 of this Act;  (v) He or she is not intellectually disabled;  (vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;  (vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;  (viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;  (ix) He or she has not been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant knowingly and intelligently waives the right to have an offense described in this clause (ix) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of [18 U.S.C. 922(g)(9)](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000546&cite=18USCAS922&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)#co_pp_a01900007b3c1) is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying the issuance of a Firearm Owner's Identification Card under this Section;  (x) (Blank);  (xi) He or she is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a) (26) of the Immigration and Nationality Act ([8 U.S.C. 1101(a)(26)](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000546&cite=8USCAS1101&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)#co_pp_923e00009a834))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:  (1) admitted to the United States for lawful hunting or sporting purposes;  (2) an official representative of a foreign government who is:  (A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or  (B) en route to or from another country to which that alien is accredited;  (3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;  (4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or  (5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);  (xii) He or she is not a minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;  (xiii) He or she is not an adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony;  (xiv) He or she is a resident of the State of Illinois;  (xv) He or she has not been adjudicated as a mentally disabled person;  (xvi) He or she has not been involuntarily admitted into a mental health facility; and  (xvii) He or she is not developmentally disabled; and  (3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.  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.”  430 ILCS 65/4  430 ILCS 65/6 |
| **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.  720 ILCS 5/24-1 |
| **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, without a license.  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.  Concealed Carry License\*:   * Five-year concealed carry permits will be issued to Illinois residents at least 21 years of age with a valid FOID card 90 days after a qualified application is submitted. * Illinois will not recognize carry licenses or permits from other states at this time; however, non-resident Illinois Concealed Carry Licenses will be available with an increased fee of $300 if the interested applicant’s state’s concealed carry license laws are “substantially similar” to Illinois’.  Illinois State Police must first establish which elements of other state’s permits meet the “substantially similar” requirement.   To qualify for a license to conceal carry, an Illinois resident must:   * Pay a $150 fee; * Be subjected to fingerprinting for an additional fee in order to avoid delayed processing of one’s application; * Undergo 16 hours of training (which includes a “live fire” component).  Eight hours of prior training may be credited   if it is “approved by the Department [of State Police] and recognized under the laws of another state or if the applicant is an active, retired, or honorably discharged member of the Armed Forces.” * A list of approved instructors is available on the Illinois State Police website: [www.isp.state.il.us/firearms/ccw/](http://www.isp.state.il.us/firearms/ccw/) * A list of approved curricula by the Ilinois State Police: [www.isp.state.il.us/firearms/ccw/CCWApprovedCurriculum.pdf](http://www.isp.state.il.us/firearms/ccw/CCWApprovedCurriculum.pdf)   02An applicant will be disqualified if:   * Convicted or found guilty in Illinois or any other state of:   + 2 or more violations related to driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, within the last 5 years.   + A misdemeanor involving the use or threat of physical force or violence to any person within the last 5 years. * Applicant is the subject of a pending arrest warrant, prosecution, or proceeding for an offense or action that could lead to disqualification. * Applicant has been in a residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment within the last 5 years. * Any law enforcement agency may object to the issuance of a license to an otherwise qualified applicant on the basis of reasonable suspicion that the applicant presents a danger to self or others or is a threat to public safety.    Such an objection sends the application for review by the Concealed Carry Licensing Board, which consists of a total of 7 judicial, law enforcement, and mental health professionals appointed by the Governor.  The Board generally will issue a decision in 30 days as to whether it has determined, by a preponderance of the evidence, if the applicant is eligible or ineligible for a license.   Preemption:   * Illinois has comprehensive preemption of handgun and handgun ammunition-related local ordinances for anyone with a valid FOID card, and preemption of “assault weapon” bans enacted after July 19th.  Regulation of laws relating to the concealed carrying of handguns is now reserved to the state. Please check with your local jurisdiction for any other prohibitions or regulations on firearms that were in place prior to July 19th that may affect you. * Illinois law now contains increased protection for those who are traveling with firearms, since the preemption of local firearms ordinances applies to all individuals with a valid FOID card who are transporting firearms in compliance with all state regulations. A personal vehicle is also a safe haven for transport of firearms by non-Illinois residents not otherwise prohibited from possession.   Storage:   * In addition to the safe harbor found in one's vehicle, licensees who wish to store their firearm in the trunk of their vehicle while visiting an otherwise prohibited location may exit their vehicle while in the parking lot in possession of the firearm for the purposes of storing it in the trunk. They may also store the firearm in the passenger compartment of their vehicle in some sort of container as long as either the vehicle or container is locked and the firearm remains out of plain view.   Prohibited Places:  Under the new law there is an extensive list of places where carrying firearms is prohibited, even with a concealed handgun license.  Three or more violations will result in a permanent revocation of license. The list of prohibited places includes, but is not limited to:   * Schools and child-care facilities * Colleges and Universities * Courthouses * Libraries * Government buildings * Public playgrounds * Public parks (trails excluded) * Bars (and any restaurant deriving more than half of its profits from alcohol) * Public transportation * Permitted public gatherings, such as festivals or parades * Museums * Stadiums * Zoos   \*Serious concerns remain about the implementation, cost and issuance of concealed carry licenses in Illinois.  NRA-ILA will continue to update you on developments related to concealed carry in Illinois and fight to ensure that licenses are issued in a timely manner to those law-abiding Illinoisans interested in their inherent right to self-defense. |
| **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.  430 ILCS 65/2 |
| **Range Protection**  The owner of a shooting range is immune from civil or criminal claims alleging noise, nuisance, trespass or any claim on the basis of sound emissions.  130/ 5. Firearm ranges; liability  § 5. Firearm ranges; liability.  (a) As used in this Section, “firearm range” means a rifle, pistol, silhouette, skeet, trap, black powder, or other similar range in this State used for discharging firearms in a sporting event, for practice or instruction in the use of a firearm, or for the testing of a firearm. “Firearm range” also includes licensed shooting preserves and public hunting areas operated or licensed by the Department of Natural Resources.  (b) An owner or operator of a firearm range in existence on January 1, 1994, is immune from any criminal liability arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range. An owner or operator of a firearm range is not subject to any action for public or private nuisance or trespass and no court in this State shall enjoin the use or operation of a firearm range on the basis of noise or sound emissions resulting from the normal use of the firearm range.  (c) An owner or operator of a firearm range placed in operation after January 1, 1994, is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range, if the firearm range conforms to any one of the following requirements:  (1) All areas from which a firearm may be properly discharged are at least 1,000 yards from any occupied permanent dwelling on adjacent property.  (2) All areas from which a firearm may be properly discharged are enclosed by a permanent building or structure that absorbs or contains sound energy escaping from the muzzle of firearms in use.  (3) If the firearm range is situated on land otherwise subject to land use zoning, the firearm range is in compliance with the requirements of the zoning authority.  (4) The firearm range is operated by a governmental entity or is licensed by the Department of Natural Resources.  (5) The firearm range met the requirements of clause (1) of this subsection (c) at the time the range began its operation and subsequently an occupied permanent dwelling on adjacent property was built within 1,000 yards from an area of the range from which a firearm may be properly discharged. |
| **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.  430 ILCS 65/1.1 |
| **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 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 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. |