

18.43
Definition Of Gunrunning

A person commits the offense of gunrunning when he transfers three or more firearms by [any combination of]:

[A] knowingly [(selling) (giving)] a firearm of a size which may be concealed upon the person to any person who is under 18 years of age [(, and) (.)]

[or]

[B] knowingly [(selling) (giving)] a firearm to any person who is under 21 years of age and who has been [(convicted of the offense of ____) (adjudged delinquent)] [(, and) (.)]

[or]

[C] knowingly [(selling) (giving)] a firearm to any person who is a narcotic addict [(, and) (.)]

[or]

[D] knowingly [(selling) (giving)] a firearm to any person who has been convicted of a felony [(, and) (.)]

[or]

[E] knowingly [(selling) (giving)] a firearm to any person who has been a patient in a mental hospital within the past 5 years [(, and) (.)]

[or]

[F] knowingly [(selling) (giving)] a firearm to any person who is mentally retarded [(, and) (.)]

[or]

[G] knowingly delivering a 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 [(, and) (.)]

[or]

[H] knowingly delivering a [(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 [(, and) (.)]

[or]

[I] while holding a license under the Federal Gun Control Act of 1968, as amended, as [(a) (an)] [(dealer) (importer) (manufacturer) (pawnbroker)], knowingly [(manufacturing) (selling to any unlicensed person) (delivering to any unlicensed person)] a handgun having a [(barrel) (slide) (frame) (receiver)] which is a die casting of zinc alloy or other nonhomogenous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit [(, and) (.)]

[or]

[J] knowingly [(selling) (giving)] a firearm to a person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

Committee Note

720 ILCS 5/24-3A (West, 1994), added by P.A. 88-680, effective January 1, 1995.

Give Instruction 18.44.

The bracketed phrase “or other long gun” in paragraph [H] should be used only when a question is raised as to the precise nature of the weapon involved and then only in conjunction with the word “rifle” or “shotgun.”

If paragraph [I] is given, give Instruction 18.35G, defining the word “firearm,” and Instruction 18.35I, defining the word “handgun.”

The offense of gunrunning requires a violation of Section 24-3 (unlawful sale of firearms). Sections 24-3(g) and (j) exempt certain persons and transactions from criminal liability. The defendant bears the burden of proving the exemption by a preponderance of the evidence. See Section 24-2(h); see also *People v. Smith*, 71 Ill.2d 95, 374 N.E.2d 472, 15 Ill.Dec. 864 (1978). When an exemption is raised by the defendant, give Instruction 18.01A, defining the applicable exemption, and Instruction 4.18, defining the phrase “preponderance of the evidence.”

Use applicable paragraphs and bracketed material.

The bracketed letters are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.