

Current Gun Laws in Illinois

OVERVIEW

Illinois has strong gun laws relative to many other states; however, weak laws in neighboring states lead to a large flow of illegally trafficked guns into Illinois, many of which are involved in acts of gun violence across the state.

✓ Illinois provides many protections to its residents through the following laws and policies:

- Universal background checks
- Gun owner licensing
- Domestic violence prohibitor laws Purchase waiting periods
- Open carry regulations
- Minimum age requirements
- Extreme risk protection orders Community violence intervention funding
- Mandated lost and stolen firearm reporting
- Child access prevention
- Safe storage requirements
- Ghost gun restrictions
- Assault weapon restrictions
- Large capacity magazine ban
- Regulating gun dealers
- Firearm industry accountability law

⚠ But Illinois is missing some critical regulations to ensure the law effectively protects residents from violence:

- Central searchable law enforcement repository of firearm sales records
- Firearm access restrictions for people convicted of most violent misdemeanors
- Bulk firearm purchase restrictions
- Stronger local authority to regulate firearms

GUN OWNERSHIP REQUIREMENTS IN ILLINOIS

In Illinois, a person must have a valid license —a Firearm Owner’s Identification (FOID) Card—issued by the Illinois Department of State Police (ISP) in order to acquire or possess a firearm or ammunition. The FOID card licensing process is designed to identify people who, for various public safety reasons, are not eligible to acquire or possess firearms or ammunition.

To receive a FOID card, an individual must meet the following criteria, which are a combination of Federal and state legal requirements:

- Cannot have been convicted of a felony in any jurisdiction or certain domestic violence crimes, or be subject to certain court orders related to domestic violence or serious mental health issues
- Must be 21 years of age or older; if under 21, cannot have a misdemeanor conviction and must have written consent from a parent or guardian who is not prohibited from owning or possessing a firearm. Any person under the age of 18 is prohibited from possessing a handgun in Illinois
- Cannot have been convicted within the past five years of battery, assault, aggravated assault, violation of a protection order in which a firearm was used or possessed

- Cannot have been a patient of a mental health facility within the past five years
- Cannot be addicted to narcotics; unlawfully present in the United States; involuntarily admitted to a mental health facility; or a person whose mental condition is found to pose a clear and present danger to self, others, or the community as evidenced by serious threats of violence or threatening physical or verbal behavior
- Cannot be subject to a Firearms Restraining Order (FRO); for more information on FROs you can view our fact sheet

Further, the Illinois State Police has the right to revoke or temporarily suspend a FOID card if the holder becomes ineligible to possess guns. A person who receives a revocation notice must:

- Surrender their FOID card to their local law enforcement agency
- Complete a Firearm Disposition Record form, which must list the make, model, and serial number of each firearm owned by the person, the location where each firearm will be held during the prohibited term, and if any firearms will be transferred to another person
- If a person is convicted of a felony and receives probation, they must surrender their FOID card and all firearms at a time and place designated by a judge

BACKGROUND CHECKS

- Illinois requires background checks for all firearm sales
- Federal law generally prohibits possessions of firearms and ammunition by people who have been found by a court, board, commission, or other lawful authority to be a danger to themselves or others, or to “lack the mental capacity to contract or manage [their] own affairs,” due to a mental condition or illness

ILLEGALLY TRAFFICKED GUNS

- Trafficking and straw purchasing are illegal in Illinois; additionally, “firearms trafficking” is criminalized under state law, defined as a person who does not have a valid FOID card, yet brings a firearm or ammunition into Illinois with the intent to sell, deliver, or transfer the firearm

REGULATING GUN SALES

- The Combating Illegal Gun Trafficking Act was passed in January 2019, which provides for comprehensive licensure and regulation of firearm dealers in Illinois
- All sellers are required to conduct background checks at gun shows in Illinois. Any person who is not a licensed seller must first request a background check on the potential buyer from ISP
- Non-Illinois residents cannot purchase handguns at gun shows, but they can buy rifles, shotguns, and ammunition for long guns if they are residents of Iowa, Missouri, Indiana, Wisconsin, or Kentucky
- Illinois requires a 72-hour waiting period before a seller can deliver a firearm to the buyer
- Sellers of firearms are required to retain sales records for a minimum of 10 years

CONCEALED CARRY

A permit is required to carry concealed firearms in Illinois, which is valid for five years. First time applicants must undergo at least 16 hours of firearms training approved by ISP and must meet other criteria to be eligible for a permit, including:

- Be at least 21 years old
- Have a valid FOID card
- Have not been convicted or found guilty in Illinois or any other state of a misdemeanor involving use or threat of violence within five years preceding the date of the license application or have two or more violations related to driving while under the influence

- Is not the subject of a pending arrest warrant, prosecution, or proceeding for an offense that could lead to disqualification to own or possess a firearm
- Have not been convicted of a felony
- Have not been in residential or court-ordered treatment for substance misuse within the last five years
- Have not failed a drug test in the previous year
- To renew a concealed carry license, an applicant must undergo a new background check and provide proof of completing at least three hours of firearms training approved by ISP
- Open carry is generally prohibited in Illinois
- Guns are generally prohibited in public or private elementary and secondary schools
- Guns are generally prohibited in vehicles, in public parks, courthouses, or on the public way

ASSAULT WEAPONS AND LARGE-CAPACITY MAGAZINES

- Illinois became the 9th state to pass comprehensive legislation banning the sale and possession of assault weapons
- Illinois requires residents to possess a valid FOID card to purchase or possess ammunition
- Illinois prohibits the sale, manufacture, possession, or carrying of a machine gun

CHILD AND CONSUMER SAFETY

- In Illinois, it is illegal for a person to store or leave their firearm unlocked and accessible to children under the age of 14
- Federally licensed firearms dealers, manufacturers, importers, and pawnbrokers are prohibited from selling or delivering unsafely designed handguns
- Illinois does not have a smart gun law, which would require firearms to be personalized for access

OWNER RESPONSIBILITIES

- Firearm owners are not required to register their firearms
- Gun owners are required to notify law enforcement if a firearm is lost or stolen
- Illinois requires firearm owners to obtain a Firearm Owner's Identification (FOID) card in order to acquire or possess firearms or ammunition
- Gun owners are required to register assault weapons legally obtained before January 1, 2023

OUR SOURCE

This summary of gun laws in Illinois has been excerpted from information gathered by our partner, the [Giffords Law Center](#). For more detailed information about each of the categories below, please visit their [website](#).