



Sen. Kwame Raoul

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1 AMENDMENT TO HOUSE BILL 1467

2 AMENDMENT NO. _____. Amend House Bill 1467 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 13.1 as follows:

6 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

7 Sec. 13.1. Preemption.

8 (a) Except as otherwise provided in the Firearm Concealed
9 Carry Act and subsections (b) and (c) of this Section, the
10 provisions of any ordinance enacted by any municipality which
11 requires registration or imposes greater restrictions or
12 limitations on the acquisition, possession and transfer of
13 firearms than are imposed by this Act, are not invalidated or
14 affected by this Act.

15 (b) Notwithstanding subsection (a) of this Section, the
16 regulation, licensing, possession, and registration of

1 handgun and ammunition for a handgun, and the transportation
2 of any firearm and ammunition by a holder of a valid Firearm
3 Owner's Identification Card issued by the Department of State
4 Police under this Act are exclusive powers and functions of
5 this State. Any ordinance or regulation, or portion of that
6 ordinance or regulation, enacted on or before the effective
7 date of this amendatory Act of the 98th General Assembly that
8 purports to impose regulations or restrictions on a holder of a
9 valid Firearm Owner's Identification Card issued by the
10 Department of State Police under this Act in a manner that is
11 inconsistent with this Act, on the effective date of this
12 amendatory Act of the 98th General Assembly, shall be invalid
13 in its application to a holder of a valid Firearm Owner's
14 Identification Card issued by the Department of State Police
15 under this Act.

16 (c) A municipality, including a home rule unit, may not
17 regulate the possession and ownership of assault weapons in a
18 manner less restrictive than the regulation by the State of the
19 possession and ownership of assault weapons under this Act.
20 This subsection (c) is a limitation under subsection (i) of
21 Section 6 of Article VII of the Illinois Constitution on the
22 concurrent exercise by home rule units of powers and functions
23 exercised by the State. A municipality, including a home rule
24 unit, may regulate the possession and ownership of assault
25 weapons in a manner more restrictive than the regulation by the
26 State under this Act. Notwithstanding subsection (a) of this

1 ~~Section, the regulation of the possession or ownership of~~
2 ~~assault weapons are exclusive powers and functions of this~~
3 ~~State. Any ordinance or regulation, or portion of that~~
4 ~~ordinance or regulation, that purports to regulate the~~
5 ~~possession or ownership of assault weapons in a manner that is~~
6 ~~inconsistent with this Act, shall be invalid unless the~~
7 ~~ordinance or regulation is enacted on, before, or within 10~~
8 ~~days after the effective date of this amendatory Act of the~~
9 ~~98th General Assembly. Any ordinance or regulation described in~~
10 ~~this subsection (c) enacted more than 10 days after the~~
11 ~~effective date of this amendatory Act of the 98th General~~
12 ~~Assembly is invalid. An ordinance enacted on, before, or within~~
13 ~~10 days after the effective date of this amendatory Act of the~~
14 ~~98th General Assembly may be amended. The enactment or~~
15 ~~amendment of ordinances under this subsection (c) are subject~~
16 ~~to the submission requirements of Section 13.3. For the~~
17 purposes of this subsection, "assault weapons" means firearms
18 designated by either make or model or by a test or list of
19 cosmetic features that cumulatively would place the firearm
20 into a definition of "assault weapon" under the ordinance.

21 (d) For the purposes of this Section, "handgun" has the
22 meaning ascribed to it in Section 5 of the Firearm Concealed
23 Carry Act.

24 (e) Except as otherwise provided in subsection (c) of this
25 Section, this ~~This~~ Section is a denial and limitation of home
26 rule powers and functions under subsection (h) of Section 6 of

1 Article VII of the Illinois Constitution.

2 (Source: P.A. 98-63, eff. 7-9-13.)

3 Section 10. The Criminal Code of 2012 is amended by
4 changing Section 24-1 as follows:

5 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

6 Sec. 24-1. Unlawful use of weapons.

7 (a) A person commits the offense of unlawful use of weapons
8 when he knowingly:

9 (1) Sells, manufactures, purchases, possesses or
10 carries any bludgeon, black-jack, slung-shot, sand-club,
11 sand-bag, metal knuckles or other knuckle weapon
12 regardless of its composition, throwing star, or any knife,
13 commonly referred to as a switchblade knife, which has a
14 blade that opens automatically by hand pressure applied to
15 a button, spring or other device in the handle of the
16 knife, or a ballistic knife, which is a device that propels
17 a knifelike blade as a projectile by means of a coil
18 spring, elastic material or compressed gas; or

19 (2) Carries or possesses with intent to use the same
20 unlawfully against another, a dagger, dirk, billy,
21 dangerous knife, razor, stiletto, broken bottle or other
22 piece of glass, stun gun or taser or any other dangerous or
23 deadly weapon or instrument of like character; or

24 (3) Carries on or about his person or in any vehicle, a

1 tear gas gun projector or bomb or any object containing
2 noxious liquid gas or substance, other than an object
3 containing a non-lethal noxious liquid gas or substance
4 designed solely for personal defense carried by a person 18
5 years of age or older; or

6 (4) Carries or possesses in any vehicle or concealed on
7 or about his person except when on his land or in his own
8 abode, legal dwelling, or fixed place of business, or on
9 the land or in the legal dwelling of another person as an
10 invitee with that person's permission, any pistol,
11 revolver, stun gun or taser or other firearm, except that
12 this subsection (a) (4) does not apply to or affect
13 transportation of weapons that meet one of the following
14 conditions:

15 (i) are broken down in a non-functioning state; or

16 (ii) are not immediately accessible; or

17 (iii) are unloaded and enclosed in a case, firearm
18 carrying box, shipping box, or other container by a
19 person who has been issued a currently valid Firearm
20 Owner's Identification Card; or

21 (iv) are carried or possessed in accordance with
22 the Firearm Concealed Carry Act by a person who has
23 been issued a currently valid license under the Firearm
24 Concealed Carry Act; or

25 (5) Sets a spring gun; or

26 (6) Possesses any device or attachment of any kind

1 designed, used or intended for use in silencing the report
2 of any firearm; or

3 (7) Sells, manufactures, purchases, possesses or
4 carries:

5 (i) a machine gun, which shall be defined for the
6 purposes of this subsection as any weapon, which
7 shoots, is designed to shoot, or can be readily
8 restored to shoot, automatically more than one shot
9 without manually reloading by a single function of the
10 trigger, including the frame or receiver of any such
11 weapon, or sells, manufactures, purchases, possesses,
12 or carries any combination of parts designed or
13 intended for use in converting any weapon into a
14 machine gun, or any combination or parts from which a
15 machine gun can be assembled if such parts are in the
16 possession or under the control of a person;

17 (ii) any rifle having one or more barrels less than
18 16 inches in length or a shotgun having one or more
19 barrels less than 18 inches in length or any weapon
20 made from a rifle or shotgun, whether by alteration,
21 modification, or otherwise, if such a weapon as
22 modified has an overall length of less than 26 inches;
23 or

24 (iii) any bomb, bomb-shell, grenade, bottle or
25 other container containing an explosive substance of
26 over one-quarter ounce for like purposes, such as, but

1 not limited to, black powder bombs and Molotov
2 cocktails or artillery projectiles; or

3 (8) Carries or possesses any firearm, stun gun or taser
4 or other deadly weapon in any place which is licensed to
5 sell intoxicating beverages, or at any public gathering
6 held pursuant to a license issued by any governmental body
7 or any public gathering at which an admission is charged,
8 excluding a place where a showing, demonstration or lecture
9 involving the exhibition of unloaded firearms is
10 conducted.

11 This subsection (a) (8) does not apply to any auction or
12 raffle of a firearm held pursuant to a license or permit
13 issued by a governmental body, nor does it apply to persons
14 engaged in firearm safety training courses; or

15 (9) Carries or possesses in a vehicle or on or about
16 his person any pistol, revolver, stun gun or taser or
17 firearm or ballistic knife, when he is hooded, robed or
18 masked in such manner as to conceal his identity; or

19 (10) Carries or possesses on or about his person, upon
20 any public street, alley, or other public lands within the
21 corporate limits of a city, village or incorporated town,
22 except when an invitee thereon or therein, for the purpose
23 of the display of such weapon or the lawful commerce in
24 weapons, or except when on his land or in his own abode,
25 legal dwelling, or fixed place of business, or on the land
26 or in the legal dwelling of another person as an invitee

1 with that person's permission, any pistol, revolver, stun
2 gun or taser or other firearm, except that this subsection
3 (a) (10) does not apply to or affect transportation of
4 weapons that meet one of the following conditions:

5 (i) are broken down in a non-functioning state; or

6 (ii) are not immediately accessible; or

7 (iii) are unloaded and enclosed in a case, firearm
8 carrying box, shipping box, or other container by a
9 person who has been issued a currently valid Firearm
10 Owner's Identification Card; or

11 (iv) are carried or possessed in accordance with
12 the Firearm Concealed Carry Act by a person who has
13 been issued a currently valid license under the Firearm
14 Concealed Carry Act.

15 A "stun gun or taser", as used in this paragraph (a)
16 means (i) any device which is powered by electrical
17 charging units, such as, batteries, and which fires one or
18 several barbs attached to a length of wire and which, upon
19 hitting a human, can send out a current capable of
20 disrupting the person's nervous system in such a manner as
21 to render him incapable of normal functioning or (ii) any
22 device which is powered by electrical charging units, such
23 as batteries, and which, upon contact with a human or
24 clothing worn by a human, can send out current capable of
25 disrupting the person's nervous system in such a manner as
26 to render him incapable of normal functioning; or

1 (11) Sells, manufactures or purchases any explosive
2 bullet. For purposes of this paragraph (a) "explosive
3 bullet" means the projectile portion of an ammunition
4 cartridge which contains or carries an explosive charge
5 which will explode upon contact with the flesh of a human
6 or an animal. "Cartridge" means a tubular metal case having
7 a projectile affixed at the front thereof and a cap or
8 primer at the rear end thereof, with the propellant
9 contained in such tube between the projectile and the cap;
10 or

11 (12) (Blank); or

12 (13) Carries or possesses on or about his or her person
13 while in a building occupied by a unit of government, a
14 billy club, other weapon of like character, or other
15 instrument of like character intended for use as a weapon.
16 For the purposes of this Section, "billy club" means a
17 short stick or club commonly carried by police officers
18 which is either telescopic or constructed of a solid piece
19 of wood or other man-made material; or

20 (14) 90 days after the effective date of this
21 amendatory Act of the 100th General Assembly, imports,
22 sells, manufactures, transfers, or possesses, in this
23 State, a bump-fire stock or trigger crank for a
24 semi-automatic firearm that does not convert the
25 semi-automatic firearm into a machine gun. For purposes of
26 this paragraph (14):

1 "Bump-fire stock" means a butt stock designed to be
2 attached to a semi-automatic firearm and designed,
3 made, or altered, and intended to increase the rate of
4 fire achievable with the firearm to that of a fully
5 automatic firearm by using the energy from the recoil
6 of the firearm to generate reciprocating action that
7 facilitates repeated activation of the trigger.

8 "Trigger crank" means any device that can be
9 externally fitted to the trigger guard or stock of a
10 firearm that actuates the firearm using a crank.

11 (b) Sentence. A person convicted of a violation of
12 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
13 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
14 Class A misdemeanor. A person convicted of a violation of
15 subsection 24-1(a)(8), ~~or~~ 24-1(a)(9), or 24-1(a)(14) commits a
16 Class 4 felony; a person convicted of a violation of subsection
17 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a Class 3 felony.
18 A person convicted of a violation of subsection 24-1(a)(7)(i)
19 commits a Class 2 felony and shall be sentenced to a term of
20 imprisonment of not less than 3 years and not more than 7
21 years, unless the weapon is possessed in the passenger
22 compartment of a motor vehicle as defined in Section 1-146 of
23 the Illinois Vehicle Code, or on the person, while the weapon
24 is loaded, in which case it shall be a Class X felony. A person
25 convicted of a second or subsequent violation of subsection
26 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a

1 Class 3 felony. The possession of each weapon in violation of
2 this Section constitutes a single and separate violation.

3 (c) Violations in specific places.

4 (1) A person who violates subsection 24-1(a)(6) or
5 24-1(a)(7) in any school, regardless of the time of day or
6 the time of year, in residential property owned, operated
7 or managed by a public housing agency or leased by a public
8 housing agency as part of a scattered site or mixed-income
9 development, in a public park, in a courthouse, on the real
10 property comprising any school, regardless of the time of
11 day or the time of year, on residential property owned,
12 operated or managed by a public housing agency or leased by
13 a public housing agency as part of a scattered site or
14 mixed-income development, on the real property comprising
15 any public park, on the real property comprising any
16 courthouse, in any conveyance owned, leased or contracted
17 by a school to transport students to or from school or a
18 school related activity, in any conveyance owned, leased,
19 or contracted by a public transportation agency, or on any
20 public way within 1,000 feet of the real property
21 comprising any school, public park, courthouse, public
22 transportation facility, or residential property owned,
23 operated, or managed by a public housing agency or leased
24 by a public housing agency as part of a scattered site or
25 mixed-income development commits a Class 2 felony and shall
26 be sentenced to a term of imprisonment of not less than 3

1 years and not more than 7 years.

2 (1.5) A person who violates subsection 24-1(a)(4),
3 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
4 time of day or the time of year, in residential property
5 owned, operated, or managed by a public housing agency or
6 leased by a public housing agency as part of a scattered
7 site or mixed-income development, in a public park, in a
8 courthouse, on the real property comprising any school,
9 regardless of the time of day or the time of year, on
10 residential property owned, operated, or managed by a
11 public housing agency or leased by a public housing agency
12 as part of a scattered site or mixed-income development, on
13 the real property comprising any public park, on the real
14 property comprising any courthouse, in any conveyance
15 owned, leased, or contracted by a school to transport
16 students to or from school or a school related activity, in
17 any conveyance owned, leased, or contracted by a public
18 transportation agency, or on any public way within 1,000
19 feet of the real property comprising any school, public
20 park, courthouse, public transportation facility, or
21 residential property owned, operated, or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development
24 commits a Class 3 felony.

25 (2) A person who violates subsection 24-1(a)(1),
26 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the

1 time of day or the time of year, in residential property
2 owned, operated or managed by a public housing agency or
3 leased by a public housing agency as part of a scattered
4 site or mixed-income development, in a public park, in a
5 courthouse, on the real property comprising any school,
6 regardless of the time of day or the time of year, on
7 residential property owned, operated or managed by a public
8 housing agency or leased by a public housing agency as part
9 of a scattered site or mixed-income development, on the
10 real property comprising any public park, on the real
11 property comprising any courthouse, in any conveyance
12 owned, leased or contracted by a school to transport
13 students to or from school or a school related activity, in
14 any conveyance owned, leased, or contracted by a public
15 transportation agency, or on any public way within 1,000
16 feet of the real property comprising any school, public
17 park, courthouse, public transportation facility, or
18 residential property owned, operated, or managed by a
19 public housing agency or leased by a public housing agency
20 as part of a scattered site or mixed-income development
21 commits a Class 4 felony. "Courthouse" means any building
22 that is used by the Circuit, Appellate, or Supreme Court of
23 this State for the conduct of official business.

24 (3) Paragraphs (1), (1.5), and (2) of this subsection
25 (c) shall not apply to law enforcement officers or security
26 officers of such school, college, or university or to

1 students carrying or possessing firearms for use in
2 training courses, parades, hunting, target shooting on
3 school ranges, or otherwise with the consent of school
4 authorities and which firearms are transported unloaded
5 enclosed in a suitable case, box, or transportation
6 package.

7 (4) For the purposes of this subsection (c), "school"
8 means any public or private elementary or secondary school,
9 community college, college, or university.

10 (5) For the purposes of this subsection (c), "public
11 transportation agency" means a public or private agency
12 that provides for the transportation or conveyance of
13 persons by means available to the general public, except
14 for transportation by automobiles not used for conveyance
15 of the general public as passengers; and "public
16 transportation facility" means a terminal or other place
17 where one may obtain public transportation.

18 (d) The presence in an automobile other than a public
19 omnibus of any weapon, instrument or substance referred to in
20 subsection (a)(7) is prima facie evidence that it is in the
21 possession of, and is being carried by, all persons occupying
22 such automobile at the time such weapon, instrument or
23 substance is found, except under the following circumstances:
24 (i) if such weapon, instrument or instrumentality is found upon
25 the person of one of the occupants therein; or (ii) if such
26 weapon, instrument or substance is found in an automobile

1 operated for hire by a duly licensed driver in the due, lawful
2 and proper pursuit of his trade, then such presumption shall
3 not apply to the driver.

4 (e) Exemptions.

5 (1) Crossbows, Common or Compound bows and Underwater
6 Spearguns are exempted from the definition of ballistic
7 knife as defined in paragraph (1) of subsection (a) of this
8 Section.

9 (2) The provision of paragraph (1) of subsection (a) of
10 this Section prohibiting the sale, manufacture, purchase,
11 possession, or carrying of any knife, commonly referred to
12 as a switchblade knife, which has a blade that opens
13 automatically by hand pressure applied to a button, spring
14 or other device in the handle of the knife, does not apply
15 to a person who possesses a currently valid Firearm Owner's
16 Identification Card previously issued in his or her name by
17 the Department of State Police or to a person or an entity
18 engaged in the business of selling or manufacturing
19 switchblade knives.

20 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."