



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 556

2 AMENDMENT NO. _____. Amend Senate Bill 556 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 24-1.6 as follows:

6 (720 ILCS 5/24-1.6)

7 Sec. 24-1.6. Aggravated unlawful use of a weapon.

8 (a) A person commits ~~the offense of~~ aggravated unlawful use
9 of a weapon when he or she knowingly:

- 10 (1) carries ~~Carries~~ on or about his or her person or in
- 11 any vehicle or concealed on or about his or her person
- 12 except when on his or her land or in his or her abode,
- 13 legal dwelling, or fixed place of business, or on the land
- 14 or in the legal dwelling of another person as an invitee
- 15 with that person's permission, any firearm other than a
- 16 semi-automatic assault weapon ~~pistol, revolver,~~ stun gun,

1 or taser ~~or other firearm~~; or

2 (2) carries ~~Carries~~ or possesses on or about his or her
3 person, upon any public street, alley, or other public
4 lands within the corporate limits of a city, village or
5 incorporated town, except when an invitee thereon or
6 therein, for the purpose of the display of the ~~such~~ weapon
7 or the lawful commerce in weapons, or except when on his or
8 her own land or in his or her own abode, legal dwelling, or
9 fixed place of business, or on the land or in the legal
10 dwelling of another person as an invitee with that person's
11 permission, any firearm other than a semi-automatic
12 assault weapon ~~pistol, revolver,~~ stun gun, or taser ~~or~~
13 ~~other firearm~~; and

14 (3) one ~~One~~ of the following factors is present:

15 (A) the firearm, other than a pistol, revolver, or
16 handgun, possessed was uncased, loaded, and
17 immediately accessible at the time of the offense; or

18 (A-5) the pistol, revolver, or handgun possessed
19 was uncased, loaded, and immediately accessible at the
20 time of the offense and the person possessing the
21 pistol, revolver, or handgun has not been issued a
22 currently valid license under the Firearm Concealed
23 Carry Act; or

24 (B) the firearm, other than a pistol, revolver, or
25 handgun, possessed was uncased, unloaded, and the
26 ammunition for the weapon was immediately accessible

1 at the time of the offense; or

2 (B-5) the pistol, revolver, or handgun possessed
3 was uncased, unloaded, and the ammunition for the
4 weapon was immediately accessible at the time of the
5 offense and the person possessing the pistol,
6 revolver, or handgun has not been issued a currently
7 valid license under the Firearm Concealed Carry Act; or

8 (C) the person possessing the firearm has not been
9 issued a currently valid Firearm Owner's
10 Identification Card; or

11 (D) the person possessing the weapon was
12 previously adjudicated a delinquent minor under the
13 Juvenile Court Act of 1987 for an act that if committed
14 by an adult would be a felony; or

15 (E) the person possessing the weapon was engaged in
16 a misdemeanor violation of the Cannabis Control Act, in
17 a misdemeanor violation of the Illinois Controlled
18 Substances Act, or in a misdemeanor violation of the
19 Methamphetamine Control and Community Protection Act;
20 or

21 (F) (blank); or

22 (G) the person possessing the weapon had an ~~a~~ order
23 of protection issued against him or her within the
24 previous 2 years; or

25 (H) the person possessing the weapon was engaged in
26 the commission or attempted commission of a

1 misdemeanor involving the use or threat of violence
2 against the person or property of another; or

3 (I) the person possessing the weapon was under 21
4 years of age and in possession of a handgun, unless the
5 person under 21 is engaged in lawful activities under
6 the Wildlife Code or described in subsection
7 24-2(b) (1), (b) (3), or 24-2(f).

8 (a-4) A person commits aggravated unlawful use of a weapon
9 when he or she knowingly:

10 (1) carries on or about his or her person or in any
11 vehicle or concealed on or about his or her person except
12 when on his or her land or in his or her abode, legal
13 dwelling, or fixed place of business, or on the land or in
14 the legal dwelling of another person as an invitee with
15 that person's permission, any semi-automatic assault
16 weapon; or

17 (2) carries or possesses on or about his or her person,
18 upon any public street, alley, or other public lands within
19 the corporate limits of a city, village or incorporated
20 town, except when an invitee thereon or therein, for the
21 purpose of the display of the semi-automatic assault weapon
22 or the lawful commerce in semi-automatic assault weapons,
23 or except when on his or her own land or in his or her own
24 abode, legal dwelling, or fixed place of business, or on
25 the land or in the legal dwelling of another person as an
26 invitee with that person's permission, any semi-automatic

1 assault weapon; and

2 (3) one of the following factors is present:

3 (A) the semi-automatic assault weapon, other than
4 a pistol, revolver, or handgun, possessed was uncased,
5 loaded, and immediately accessible at the time of the
6 offense; or

7 (B) a semi-automatic assault weapon that is a
8 pistol, revolver, or handgun possessed was uncased,
9 loaded, and immediately accessible at the time of the
10 offense and the person possessing the semi-automatic
11 assault weapon has not been issued a currently valid
12 license under the Firearm Concealed Carry Act; or

13 (C) the semi-automatic assault weapon, other than
14 a pistol, revolver, or handgun, possessed was uncased,
15 unloaded, and the ammunition for the semi-automatic
16 assault weapon was immediately accessible at the time
17 of the offense; or

18 (D) a semi-automatic assault weapon that is a
19 pistol, revolver, or handgun possessed was uncased,
20 unloaded, and the ammunition for the semi-automatic
21 assault weapon was immediately accessible at the time
22 of the offense and the person possessing the
23 semi-automatic assault weapon has not been issued a
24 currently valid license under the Firearm Concealed
25 Carry Act; or

26 (E) the person possessing the semi-automatic

1 assault weapon has not been issued a currently valid
2 Firearm Owner's Identification Card; or

3 (F) the person possessing the semi-automatic
4 assault weapon was previously adjudicated a delinquent
5 minor under the Juvenile Court Act of 1987 for an act
6 that if committed by an adult would be a felony; or

7 (G) the person possessing the semi-automatic
8 assault weapon was engaged in a misdemeanor violation
9 of the Cannabis Control Act, in a misdemeanor violation
10 of the Illinois Controlled Substances Act, or in a
11 misdemeanor violation of the Methamphetamine Control
12 and Community Protection Act; or

13 (H) the person possessing the semi-automatic
14 assault weapon had an order of protection issued
15 against him or her within the previous 2 years; or

16 (I) the person possessing the semi-automatic
17 assault weapon was engaged in the commission or
18 attempted commission of a misdemeanor involving the
19 use or threat of violence against the person or
20 property of another; or

21 (J) the person possessing the semi-automatic
22 assault weapon was under 21 years of age and in
23 possession of a semi-automatic assault weapon handgun,
24 unless the person under 21 is engaged in lawful
25 activities under the Wildlife Code or described in
26 subsection 24-2(b)(1), (b)(3), or 24-2(f).

1 (a-5) "Handgun" as used in this Section has the meaning
2 given to it in Section 5 of the Firearm Concealed Carry Act.

3 "Semi-automatic assault weapon" as used in this Section
4 means:

5 (1) any of the firearms or types, replicas, or
6 duplicates regardless of caliber, known as:

7 (A) Norinco, Mitchell, and Poly Technologies
8 Avtomat Kalashnikovs (all models);

9 (B) Action Arms Israeli Military Industries UZI
10 and Galil;

11 (C) Beretta AR-70 (SC-70);

12 (D) Colt AR-15;

13 (E) Fabrique Nationale FN/FAL, FN/LAR, and FNC;

14 (F) SWD M-10, M-11, M-11/9, and M-12;

15 (G) Steyr AUG;

16 (H) INTRATEC TEC-9, TEC-DC9, and TEC-22; or

17 (I) any shotgun which contains its ammunition in a
18 revolving cylinder, such as (but not limited to) the
19 Street Sweeper and Striker 12;

20 (2) a semi-automatic rifle or pump action rifle that
21 has an ability to accept a detachable magazine and has any
22 of the following:

23 (A) a folding or telescoping stock;

24 (B) a pistol grip or thumbhole stock;

25 (C) a shroud that is attached to, or partially or
26 completely encircles the barrel, and that permits the

1 shooter to hold the firearm with the non-trigger hand
2 without being burned;

3 (3) a semi-automatic pistol that has an ability to
4 accept a detachable magazine and has any of the following:

5 (A) a folding, telescoping, or thumbhole stock;

6 (B) a shroud that is attached to, or partially or
7 completely encircles the barrel, and that permits the
8 shooter to hold the firearm with the non-trigger hand
9 without being burned; an ammunition magazine that
10 attaches to the pistol outside of the pistol grip;

11 (C) a manufactured weight of 50 ounces or more when
12 the pistol is unloaded; or

13 (D) a semi-automatic version of an automatic
14 firearm;

15 (4) a semi-automatic rifle or pistol with a fixed
16 magazine that has the capacity to accept more than 10
17 rounds of ammunition;

18 (5) a semi-automatic shotgun that has any of the
19 following:

20 (A) a folding or telescoping stock;

21 (B) a pistol grip or thumbhole stock;

22 (C) a fixed magazine capacity in excess of 5
23 rounds; or

24 (D) an ability to accept a detachable magazine.

25 "Semi-automatic assault weapon" does not include:

26 (1) any firearm that:

1 (A) is manually prepared by bolt, pump, lever, or
2 slide action;

3 (B) is an unserviceable firearm or has been made
4 permanently inoperable;

5 (C) is an antique firearm; or

6 (D) is a rifle with a fixed tubular magazine
7 located under the barrel that is only capable of
8 holding rounds of ammunition placed end to end; or

9 (2) any air rifle as defined in Section 24.8-0.1 of
10 this Code.

11 (b) "Stun gun or taser" as used in this Section has the
12 same definition given to it in Section 24-1 of this Code.

13 (c) This Section does not apply to or affect the
14 transportation or possession of weapons that:

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 person
19 who has been issued a currently valid Firearm Owner's
20 Identification Card.

21 (d) Sentence.

22 (1) Aggravated unlawful use of a weapon under
23 subsection (a) of this Section is a Class 4 felony; a
24 second or subsequent offense under subsection (a) of this
25 Section is a Class 2 felony for which the person shall be
26 sentenced to a term of imprisonment of not less than 3

1 years and not more than 7 years.

2 (1.5) Aggravated unlawful use of a weapon under
3 subsection (a-4) of this Section is a Class 3 felony; a
4 second or subsequent offense under subsection (a-4) of this
5 Section is a Class 1 felony for which the person shall be
6 sentenced to a term of imprisonment of not less than 4
7 years.

8 (2) Except as otherwise provided in paragraphs (3) and
9 (4) of this subsection (d), a first offense of aggravated
10 unlawful use of a weapon under subsection (a) of this
11 Section committed with a firearm by a person 18 years of
12 age or older where the factors listed in both items (A) and
13 (C) or both items (A-5) and (C) of paragraph (3) of
14 subsection (a) are present is a Class 4 felony, for which
15 the person shall be sentenced to a term of imprisonment of
16 not less than one year and not more than 3 years.

17 (2.5) Except as otherwise provided in paragraphs (3.5)
18 and (4) of this subsection (d), a first offense of
19 aggravated unlawful use of a weapon under subsection (a-4)
20 of this Section committed with a semi-automatic assault
21 weapon by a person 18 years of age or older where the
22 factors listed in both items (A) and (E) or both items (B)
23 and (E) of paragraph (3) of subsection (a-4) are present is
24 a Class 3 felony, for which the person shall be sentenced
25 to a term of imprisonment of not less than 2 years.

26 (3) Aggravated unlawful use of a weapon under

1 subsection (a) of this Section by a person who has been
2 previously convicted of a felony in this State or another
3 jurisdiction is a Class 2 felony for which the person shall
4 be sentenced to a term of imprisonment of not less than 3
5 years and not more than 7 years.

6 (3.5) Aggravated unlawful use of a weapon under
7 subsection (a-4) of this Section by a person who has been
8 previously convicted of a felony in this State or another
9 jurisdiction is a Class 1 felony for which the person shall
10 be sentenced to a term of imprisonment of not less than 4
11 years.

12 (4) Aggravated unlawful use of a weapon under
13 subsection (a) of this Section while wearing or in
14 possession of body armor as defined in Section 33F-1 of
15 this Code by a person who has not been issued a valid
16 Firearm Firearms Owner's Identification Card under ~~in~~
17 ~~accordance with~~ Section 5 of the Firearm Owners
18 Identification Card Act is a Class X felony.

19 (4.5) Aggravated unlawful use of a semi-automatic
20 assault weapon under subsection (a-4) of this Section while
21 wearing or in possession of body armor as defined in
22 Section 33F-1 of this Code by a person who has not been
23 issued a valid Firearm Owner's Identification Card under
24 Section 5 of the Firearm Owners Identification Card Act is
25 a Class X felony with a minimum term of imprisonment of not
26 less than 7 years.

1 (e) The possession of each firearm in violation of this
2 Section constitutes a single and separate violation.
3 (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)".