



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1842

Introduced 2/9/2017, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-2	from Ch. 38, par. 10-2
720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/24-1	from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. In the statutes concerning aggravated kidnaping, aggravated assault, aggravated battery, and unlawful use of weapons, deletes references to "hooded" and replaces with "cloth" so that the offense is committed when the person commits the proscribed act when he or she wears a cloth, robe, or mask to conceal his or her identity. Effective immediately.

LRB100 09933 RLC 20104 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Sections 10-2, 12-2, 12-3.05, and 24-1 as follows:

6 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

7 Sec. 10-2. Aggravated kidnaping.

8 (a) A person commits the offense of aggravated kidnaping
9 when he or she commits kidnaping and:

10 (1) kidnaps with the intent to obtain ransom from the
11 person kidnaped or from any other person;

12 (2) takes as his or her victim a child under the age of
13 13 years, or a person with a severe or profound
14 intellectual disability;

15 (3) inflicts great bodily harm, other than by the
16 discharge of a firearm, or commits another felony upon his
17 or her victim;

18 (4) wears a cloth hood, robe, or mask to conceal ~~or~~
19 ~~conceals~~ his or her identity;

20 (5) commits the offense of kidnaping while armed with a
21 dangerous weapon, other than a firearm, as defined in
22 Section 33A-1 of this Code;

23 (6) commits the offense of kidnaping while armed with a

1 firearm;

2 (7) during the commission of the offense of kidnaping,
3 personally discharges a firearm; or

4 (8) during the commission of the offense of kidnaping,
5 personally discharges a firearm that proximately causes
6 great bodily harm, permanent disability, permanent
7 disfigurement, or death to another person.

8 As used in this Section, "ransom" includes money, benefit,
9 or other valuable thing or concession.

10 (b) Sentence. Aggravated kidnaping in violation of
11 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a
12 Class X felony. A violation of subsection (a) (6) is a Class X
13 felony for which 15 years shall be added to the term of
14 imprisonment imposed by the court. A violation of subsection
15 (a) (7) is a Class X felony for which 20 years shall be added to
16 the term of imprisonment imposed by the court. A violation of
17 subsection (a) (8) is a Class X felony for which 25 years or up
18 to a term of natural life shall be added to the term of
19 imprisonment imposed by the court. An offender under the age of
20 18 years at the time of the commission of aggravated kidnaping
21 in violation of paragraphs (1) through (8) of subsection (a)
22 shall be sentenced under Section 5-4.5-105 of the Unified Code
23 of Corrections.

24 A person who has attained the age of 18 years at the time
25 of the commission of the offense and who is convicted of a
26 second or subsequent offense of aggravated kidnaping shall be

1 sentenced to a term of natural life imprisonment; except that a
2 sentence of natural life imprisonment shall not be imposed
3 under this Section unless the second or subsequent offense was
4 committed after conviction on the first offense. An offender
5 under the age of 18 years at the time of the commission of the
6 second or subsequent offense shall be sentenced under Section
7 5-4.5-105 of the Unified Code of Corrections.

8 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,
9 eff. 7-28-16.)

10 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

11 Sec. 12-2. Aggravated assault.

12 (a) Offense based on location of conduct. A person commits
13 aggravated assault when he or she commits an assault against an
14 individual who is on or about a public way, public property, a
15 public place of accommodation or amusement, or a sports venue.

16 (b) Offense based on status of victim. A person commits
17 aggravated assault when, in committing an assault, he or she
18 knows the individual assaulted to be any of the following:

19 (1) A person with a physical disability or a person 60
20 years of age or older and the assault is without legal
21 justification.

22 (2) A teacher or school employee upon school grounds or
23 grounds adjacent to a school or in any part of a building
24 used for school purposes.

25 (3) A park district employee upon park grounds or

1 grounds adjacent to a park or in any part of a building
2 used for park purposes.

3 (4) A community policing volunteer, private security
4 officer, or utility worker:

5 (i) performing his or her official duties;

6 (ii) assaulted to prevent performance of his or her
7 official duties; or

8 (iii) assaulted in retaliation for performing his
9 or her official duties.

10 (4.1) A peace officer, fireman, emergency management
11 worker, or emergency medical services personnel:

12 (i) performing his or her official duties;

13 (ii) assaulted to prevent performance of his or her
14 official duties; or

15 (iii) assaulted in retaliation for performing his
16 or her official duties.

17 (5) A correctional officer or probation officer:

18 (i) performing his or her official duties;

19 (ii) assaulted to prevent performance of his or her
20 official duties; or

21 (iii) assaulted in retaliation for performing his
22 or her official duties.

23 (6) A correctional institution employee, a county
24 juvenile detention center employee who provides direct and
25 continuous supervision of residents of a juvenile
26 detention center, including a county juvenile detention

1 center employee who supervises recreational activity for
2 residents of a juvenile detention center, or a Department
3 of Human Services employee, Department of Human Services
4 officer, or employee of a subcontractor of the Department
5 of Human Services supervising or controlling sexually
6 dangerous persons or sexually violent persons:

7 (i) performing his or her official duties;

8 (ii) assaulted to prevent performance of his or her
9 official duties; or

10 (iii) assaulted in retaliation for performing his
11 or her official duties.

12 (7) An employee of the State of Illinois, a municipal
13 corporation therein, or a political subdivision thereof,
14 performing his or her official duties.

15 (8) A transit employee performing his or her official
16 duties, or a transit passenger.

17 (9) A sports official or coach actively participating
18 in any level of athletic competition within a sports venue,
19 on an indoor playing field or outdoor playing field, or
20 within the immediate vicinity of such a facility or field.

21 (10) A person authorized to serve process under Section
22 2-202 of the Code of Civil Procedure or a special process
23 server appointed by the circuit court, while that
24 individual is in the performance of his or her duties as a
25 process server.

26 (c) Offense based on use of firearm, device, or motor

1 vehicle. A person commits aggravated assault when, in
2 committing an assault, he or she does any of the following:

3 (1) Uses a deadly weapon, an air rifle as defined in
4 Section 24.8-0.1 of this Act, or any device manufactured
5 and designed to be substantially similar in appearance to a
6 firearm, other than by discharging a firearm.

7 (2) Discharges a firearm, other than from a motor
8 vehicle.

9 (3) Discharges a firearm from a motor vehicle.

10 (4) Wears a cloth hood, robe, or mask to conceal his or
11 her identity.

12 (5) Knowingly and without lawful justification shines
13 or flashes a laser gun sight or other laser device attached
14 to a firearm, or used in concert with a firearm, so that
15 the laser beam strikes near or in the immediate vicinity of
16 any person.

17 (6) Uses a firearm, other than by discharging the
18 firearm, against a peace officer, community policing
19 volunteer, fireman, private security officer, emergency
20 management worker, emergency medical services personnel,
21 employee of a police department, employee of a sheriff's
22 department, or traffic control municipal employee:

23 (i) performing his or her official duties;

24 (ii) assaulted to prevent performance of his or her
25 official duties; or

26 (iii) assaulted in retaliation for performing his

1 or her official duties.

2 (7) Without justification operates a motor vehicle in a
3 manner which places a person, other than a person listed in
4 subdivision (b) (4), in reasonable apprehension of being
5 struck by the moving motor vehicle.

6 (8) Without justification operates a motor vehicle in a
7 manner which places a person listed in subdivision (b) (4),
8 in reasonable apprehension of being struck by the moving
9 motor vehicle.

10 (9) Knowingly video or audio records the offense with
11 the intent to disseminate the recording.

12 (d) Sentence. Aggravated assault as defined in subdivision
13 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
14 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that
15 aggravated assault as defined in subdivision (b) (4) and (b) (7)
16 is a Class 4 felony if a Category I, Category II, or Category
17 III weapon is used in the commission of the assault. Aggravated
18 assault as defined in subdivision (b) (4.1), (b) (5), (b) (6),
19 (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.
20 Aggravated assault as defined in subdivision (c) (3) or (c) (8)
21 is a Class 3 felony.

22 (e) For the purposes of this Section, "Category I weapon",
23 "Category II weapon, and "Category III weapon" have the
24 meanings ascribed to those terms in Section 33A-1 of this Code.
25 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,
26 eff. 7-27-15; 99-256, eff. 1-1-16; 99-642, eff. 7-28-16;

1 99-816, eff. 8-15-16.)

2 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

3 Sec. 12-3.05. Aggravated battery.

4 (a) Offense based on injury. A person commits aggravated
5 battery when, in committing a battery, other than by the
6 discharge of a firearm, he or she knowingly does any of the
7 following:

8 (1) Causes great bodily harm or permanent disability or
9 disfigurement.

10 (2) Causes severe and permanent disability, great
11 bodily harm, or disfigurement by means of a caustic or
12 flammable substance, a poisonous gas, a deadly biological
13 or chemical contaminant or agent, a radioactive substance,
14 or a bomb or explosive compound.

15 (3) Causes great bodily harm or permanent disability or
16 disfigurement to an individual whom the person knows to be
17 a peace officer, community policing volunteer, fireman,
18 private security officer, correctional institution
19 employee, or Department of Human Services employee
20 supervising or controlling sexually dangerous persons or
21 sexually violent persons:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his

1 or her official duties.

2 (4) Causes great bodily harm or permanent disability or
3 disfigurement to an individual 60 years of age or older.

4 (5) Strangles another individual.

5 (b) Offense based on injury to a child or person with an
6 intellectual disability. A person who is at least 18 years of
7 age commits aggravated battery when, in committing a battery,
8 he or she knowingly and without legal justification by any
9 means:

10 (1) causes great bodily harm or permanent disability or
11 disfigurement to any child under the age of 13 years, or to
12 any person with a severe or profound intellectual
13 disability; or

14 (2) causes bodily harm or disability or disfigurement
15 to any child under the age of 13 years or to any person
16 with a severe or profound intellectual disability.

17 (c) Offense based on location of conduct. A person commits
18 aggravated battery when, in committing a battery, other than by
19 the discharge of a firearm, he or she is or the person battered
20 is on or about a public way, public property, a public place of
21 accommodation or amusement, a sports venue, or a domestic
22 violence shelter.

23 (d) Offense based on status of victim. A person commits
24 aggravated battery when, in committing a battery, other than by
25 discharge of a firearm, he or she knows the individual battered
26 to be any of the following:

1 (1) A person 60 years of age or older.

2 (2) A person who is pregnant or has a physical
3 disability.

4 (3) A teacher or school employee upon school grounds or
5 grounds adjacent to a school or in any part of a building
6 used for school purposes.

7 (4) A peace officer, community policing volunteer,
8 fireman, private security officer, correctional
9 institution employee, or Department of Human Services
10 employee supervising or controlling sexually dangerous
11 persons or sexually violent persons:

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her
14 official duties; or

15 (iii) battered in retaliation for performing his
16 or her official duties.

17 (5) A judge, emergency management worker, emergency
18 medical services personnel, or utility worker:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

24 (6) An officer or employee of the State of Illinois, a
25 unit of local government, or a school district, while
26 performing his or her official duties.

1 (7) A transit employee performing his or her official
2 duties, or a transit passenger.

3 (8) A taxi driver on duty.

4 (9) A merchant who detains the person for an alleged
5 commission of retail theft under Section 16-26 of this Code
6 and the person without legal justification by any means
7 causes bodily harm to the merchant.

8 (10) A person authorized to serve process under Section
9 2-202 of the Code of Civil Procedure or a special process
10 server appointed by the circuit court while that individual
11 is in the performance of his or her duties as a process
12 server.

13 (11) A nurse while in the performance of his or her
14 duties as a nurse.

15 (e) Offense based on use of a firearm. A person commits
16 aggravated battery when, in committing a battery, he or she
17 knowingly does any of the following:

18 (1) Discharges a firearm, other than a machine gun or a
19 firearm equipped with a silencer, and causes any injury to
20 another person.

21 (2) Discharges a firearm, other than a machine gun or a
22 firearm equipped with a silencer, and causes any injury to
23 a person he or she knows to be a peace officer, community
24 policing volunteer, person summoned by a police officer,
25 fireman, private security officer, correctional
26 institution employee, or emergency management worker:

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (3) Discharges a firearm, other than a machine gun or a
7 firearm equipped with a silencer, and causes any injury to
8 a person he or she knows to be emergency medical services
9 personnel:

- 10 (i) performing his or her official duties;
11 (ii) battered to prevent performance of his or her
12 official duties; or
13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (4) Discharges a firearm and causes any injury to a
16 person he or she knows to be a teacher, a student in a
17 school, or a school employee, and the teacher, student, or
18 employee is upon school grounds or grounds adjacent to a
19 school or in any part of a building used for school
20 purposes.

21 (5) Discharges a machine gun or a firearm equipped with
22 a silencer, and causes any injury to another person.

23 (6) Discharges a machine gun or a firearm equipped with
24 a silencer, and causes any injury to a person he or she
25 knows to be a peace officer, community policing volunteer,
26 person summoned by a police officer, fireman, private

1 security officer, correctional institution employee or
2 emergency management worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (7) Discharges a machine gun or a firearm equipped with
9 a silencer, and causes any injury to a person he or she
10 knows to be emergency medical services personnel:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (8) Discharges a machine gun or a firearm equipped with
17 a silencer, and causes any injury to a person he or she
18 knows to be a teacher, or a student in a school, or a
19 school employee, and the teacher, student, or employee is
20 upon school grounds or grounds adjacent to a school or in
21 any part of a building used for school purposes.

22 (f) Offense based on use of a weapon or device. A person
23 commits aggravated battery when, in committing a battery, he or
24 she does any of the following:

25 (1) Uses a deadly weapon other than by discharge of a
26 firearm, or uses an air rifle as defined in Section

1 24.8-0.1 of this Code.

2 (2) Wears a cloth hood, robe, or mask to conceal his or
3 her identity.

4 (3) Knowingly and without lawful justification shines
5 or flashes a laser gunsight or other laser device attached
6 to a firearm, or used in concert with a firearm, so that
7 the laser beam strikes upon or against the person of
8 another.

9 (4) Knowingly video or audio records the offense with
10 the intent to disseminate the recording.

11 (g) Offense based on certain conduct. A person commits
12 aggravated battery when, other than by discharge of a firearm,
13 he or she does any of the following:

14 (1) Violates Section 401 of the Illinois Controlled
15 Substances Act by unlawfully delivering a controlled
16 substance to another and any user experiences great bodily
17 harm or permanent disability as a result of the injection,
18 inhalation, or ingestion of any amount of the controlled
19 substance.

20 (2) Knowingly administers to an individual or causes
21 him or her to take, without his or her consent or by threat
22 or deception, and for other than medical purposes, any
23 intoxicating, poisonous, stupefying, narcotic, anesthetic,
24 or controlled substance, or gives to another person any
25 food containing any substance or object intended to cause
26 physical injury if eaten.

1 (3) Knowingly causes or attempts to cause a
2 correctional institution employee or Department of Human
3 Services employee to come into contact with blood, seminal
4 fluid, urine, or feces by throwing, tossing, or expelling
5 the fluid or material, and the person is an inmate of a
6 penal institution or is a sexually dangerous person or
7 sexually violent person in the custody of the Department of
8 Human Services.

9 (h) Sentence. Unless otherwise provided, aggravated
10 battery is a Class 3 felony.

11 Aggravated battery as defined in subdivision (a)(4),
12 (d)(4), or (g)(3) is a Class 2 felony.

13 Aggravated battery as defined in subdivision (a)(3) or
14 (g)(1) is a Class 1 felony.

15 Aggravated battery as defined in subdivision (a)(1) is a
16 Class 1 felony when the aggravated battery was intentional and
17 involved the infliction of torture, as defined in paragraph
18 (14) of subsection (b) of Section 9-1 of this Code, as the
19 infliction of or subjection to extreme physical pain, motivated
20 by an intent to increase or prolong the pain, suffering, or
21 agony of the victim.

22 Aggravated battery under subdivision (a)(5) is a Class 1
23 felony if:

24 (A) the person used or attempted to use a dangerous
25 instrument while committing the offense; or

26 (B) the person caused great bodily harm or permanent

1 disability or disfigurement to the other person while
2 committing the offense; or

3 (C) the person has been previously convicted of a
4 violation of subdivision (a)(5) under the laws of this
5 State or laws similar to subdivision (a)(5) of any other
6 state.

7 Aggravated battery as defined in subdivision (e)(1) is a
8 Class X felony.

9 Aggravated battery as defined in subdivision (a)(2) is a
10 Class X felony for which a person shall be sentenced to a term
11 of imprisonment of a minimum of 6 years and a maximum of 45
12 years.

13 Aggravated battery as defined in subdivision (e)(5) is a
14 Class X felony for which a person shall be sentenced to a term
15 of imprisonment of a minimum of 12 years and a maximum of 45
16 years.

17 Aggravated battery as defined in subdivision (e)(2),
18 (e)(3), or (e)(4) is a Class X felony for which a person shall
19 be sentenced to a term of imprisonment of a minimum of 15 years
20 and a maximum of 60 years.

21 Aggravated battery as defined in subdivision (e)(6),
22 (e)(7), or (e)(8) is a Class X felony for which a person shall
23 be sentenced to a term of imprisonment of a minimum of 20 years
24 and a maximum of 60 years.

25 Aggravated battery as defined in subdivision (b)(1) is a
26 Class X felony, except that:

1 (1) if the person committed the offense while armed
2 with a firearm, 15 years shall be added to the term of
3 imprisonment imposed by the court;

4 (2) if, during the commission of the offense, the
5 person personally discharged a firearm, 20 years shall be
6 added to the term of imprisonment imposed by the court;

7 (3) if, during the commission of the offense, the
8 person personally discharged a firearm that proximately
9 caused great bodily harm, permanent disability, permanent
10 disfigurement, or death to another person, 25 years or up
11 to a term of natural life shall be added to the term of
12 imprisonment imposed by the court.

13 (i) Definitions. For the purposes of this Section:

14 "Building or other structure used to provide shelter" has
15 the meaning ascribed to "shelter" in Section 1 of the Domestic
16 Violence Shelters Act.

17 "Domestic violence" has the meaning ascribed to it in
18 Section 103 of the Illinois Domestic Violence Act of 1986.

19 "Domestic violence shelter" means any building or other
20 structure used to provide shelter or other services to victims
21 or to the dependent children of victims of domestic violence
22 pursuant to the Illinois Domestic Violence Act of 1986 or the
23 Domestic Violence Shelters Act, or any place within 500 feet of
24 such a building or other structure in the case of a person who
25 is going to or from such a building or other structure.

26 "Firearm" has the meaning provided under Section 1.1 of the

1 Firearm Owners Identification Card Act, and does not include an
2 air rifle as defined by Section 24.8-0.1 of this Code.

3 "Machine gun" has the meaning ascribed to it in Section
4 24-1 of this Code.

5 "Merchant" has the meaning ascribed to it in Section 16-0.1
6 of this Code.

7 "Strangle" means intentionally impeding the normal
8 breathing or circulation of the blood of an individual by
9 applying pressure on the throat or neck of that individual or
10 by blocking the nose or mouth of that individual.

11 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,
12 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

13 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

17 (1) Sells, manufactures, purchases, possesses or
18 carries any bludgeon, black-jack, slung-shot, sand-club,
19 sand-bag, metal knuckles or other knuckle weapon
20 regardless of its composition, throwing star, or any knife,
21 commonly referred to as a switchblade knife, which has a
22 blade that opens automatically by hand pressure applied to
23 a button, spring or other device in the handle of the
24 knife, or a ballistic knife, which is a device that propels
25 a knifelike blade as a projectile by means of a coil

1 spring, elastic material or compressed gas; or

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

7 (3) Carries on or about his person or in any vehicle, a
8 tear gas gun projector or bomb or any object containing
9 noxious liquid gas or substance, other than an object
10 containing a non-lethal noxious liquid gas or substance
11 designed solely for personal defense carried by a person 18
12 years of age or older; or

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

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

23 (ii) are not immediately accessible; or

24 (iii) are unloaded and enclosed in a case, firearm
25 carrying box, shipping box, or other container by a
26 person who has been issued a currently valid Firearm

1 Owner's Identification Card; or

2 (iv) are carried or possessed in accordance with
3 the Firearm Concealed Carry Act by a person who has
4 been issued a currently valid license under the Firearm
5 Concealed Carry Act; or

6 (5) Sets a spring gun; or

7 (6) Possesses any device or attachment of any kind
8 designed, used or intended for use in silencing the report
9 of any firearm; or

10 (7) Sells, manufactures, purchases, possesses or
11 carries:

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

24 (ii) any rifle having one or more barrels less than
25 16 inches in length or a shotgun having one or more
26 barrels less than 18 inches in length or any weapon

1 made from a rifle or shotgun, whether by alteration,
2 modification, or otherwise, if such a weapon as
3 modified has an overall length of less than 26 inches;
4 or

5 (iii) any bomb, bomb-shell, grenade, bottle or
6 other container containing an explosive substance of
7 over one-quarter ounce for like purposes, such as, but
8 not limited to, black powder bombs and Molotov
9 cocktails or artillery projectiles; or

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

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

22 (9) Carries or possesses in a vehicle or on or about
23 his person any pistol, revolver, stun gun or taser or
24 firearm or ballistic knife, when he or she wears a cloth,
25 robe, or mask ~~is hooded, robed or masked in such manner as~~
26 to conceal his or her identity; or

1 (10) Carries or possesses on or about his person, upon
2 any public street, alley, or other public lands within the
3 corporate limits of a city, village or incorporated town,
4 except when an invitee thereon or therein, for the purpose
5 of the display of such weapon or the lawful commerce in
6 weapons, or except when on his land or in his own abode,
7 legal dwelling, or fixed place of business, or on the land
8 or in the legal dwelling of another person as an invitee
9 with that person's permission, any pistol, revolver, stun
10 gun or taser or other firearm, except that this subsection
11 (a) (10) does not apply to or affect transportation of
12 weapons that meet one of the following conditions:

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

14 (ii) are not immediately accessible; or

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

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

23 A "stun gun or taser", as used in this paragraph (a)
24 means (i) any device which is powered by electrical
25 charging units, such as, batteries, and which fires one or
26 several barbs attached to a length of wire and which, upon

1 hitting a human, can send out a current capable of
2 disrupting the person's nervous system in such a manner as
3 to render him incapable of normal functioning or (ii) any
4 device which is powered by electrical charging units, such
5 as batteries, and which, upon contact with a human or
6 clothing worn by a human, can send out current capable of
7 disrupting the person's nervous system in such a manner as
8 to render him incapable of normal functioning; or

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

19 (12) (Blank); or

20 (13) Carries or possesses on or about his or her person
21 while in a building occupied by a unit of government, a
22 billy club, other weapon of like character, or other
23 instrument of like character intended for use as a weapon.
24 For the purposes of this Section, "billy club" means a
25 short stick or club commonly carried by police officers
26 which is either telescopic or constructed of a solid piece

1 of wood or other man-made material.

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

20 (c) Violations in specific places.

21 (1) A person who violates subsection 24-1(a)(6) or
22 24-1(a)(7) in any school, regardless of the time of day or
23 the time of year, in residential property owned, operated
24 or managed by a public housing agency or leased by a public
25 housing agency as part of a scattered site or mixed-income
26 development, in a public park, in a courthouse, on the real

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

19 (1.5) A person who violates subsection 24-1(a)(4),
20 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
21 time of day or the time of year, in residential property
22 owned, operated, or managed by a public housing agency or
23 leased by a public housing agency as part of a scattered
24 site or mixed-income development, in a public park, in a
25 courthouse, on the real property comprising any school,
26 regardless of the time of day or the time of year, on

1 residential property owned, operated, or managed by a
2 public housing agency or leased by a public housing agency
3 as part of a scattered site or mixed-income development, on
4 the real property comprising any public park, on the real
5 property comprising any courthouse, in any conveyance
6 owned, leased, or contracted by a school to transport
7 students to or from school or a school related activity, in
8 any conveyance owned, leased, or contracted by a public
9 transportation agency, or on any public way within 1,000
10 feet of the real property comprising any school, public
11 park, courthouse, public transportation facility, or
12 residential property owned, operated, or managed by a
13 public housing agency or leased by a public housing agency
14 as part of a scattered site or mixed-income development
15 commits a Class 3 felony.

16 (2) A person who violates subsection 24-1(a)(1),
17 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
18 time of day or the time of year, in residential property
19 owned, operated or managed by a public housing agency or
20 leased by a public housing agency as part of a scattered
21 site or mixed-income development, in a public park, in a
22 courthouse, on the real property comprising any school,
23 regardless of the time of day or the time of year, on
24 residential property owned, operated or managed by a public
25 housing agency or leased by a public housing agency as part
26 of a scattered site or mixed-income development, on the

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

15 (3) Paragraphs (1), (1.5), and (2) of this subsection
16 (c) shall not apply to law enforcement officers or security
17 officers of such school, college, or university or to
18 students carrying or possessing firearms for use in
19 training courses, parades, hunting, target shooting on
20 school ranges, or otherwise with the consent of school
21 authorities and which firearms are transported unloaded
22 enclosed in a suitable case, box, or transportation
23 package.

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

1 (5) For the purposes of this subsection (c), "public
2 transportation agency" means a public or private agency
3 that provides for the transportation or conveyance of
4 persons by means available to the general public, except
5 for transportation by automobiles not used for conveyance
6 of the general public as passengers; and "public
7 transportation facility" means a terminal or other place
8 where one may obtain public transportation.

9 (d) The presence in an automobile other than a public
10 omnibus of any weapon, instrument or substance referred to in
11 subsection (a) (7) is prima facie evidence that it is in the
12 possession of, and is being carried by, all persons occupying
13 such automobile at the time such weapon, instrument or
14 substance is found, except under the following circumstances:
15 (i) if such weapon, instrument or instrumentality is found upon
16 the person of one of the occupants therein; or (ii) if such
17 weapon, instrument or substance is found in an automobile
18 operated for hire by a duly licensed driver in the due, lawful
19 and proper pursuit of his trade, then such presumption shall
20 not apply to the driver.

21 (e) Exemptions. Crossbows, Common or Compound bows and
22 Underwater Spearguns are exempted from the definition of
23 ballistic knife as defined in paragraph (1) of subsection (a)
24 of this Section.

25 (Source: P.A. 99-29, eff. 7-10-15.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.