

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 Section 24-1 as follows:

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

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

1 deadly weapon or instrument of like character; or

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

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

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

18 (ii) are not immediately accessible; or

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

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

1 (5) Sets a spring gun; or

2 (6) Possesses any device or attachment of any kind  
3 designed, used or intended for use in silencing the report  
4 of any firearm; or

5 (7) Sells, manufactures, purchases, possesses or  
6 carries:

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

19 (i-5) beginning 90 days after the effective date of  
20 this amendatory Act of the 100th General Assembly, a  
21 bump stock or trigger crank. As used in this clause  
22 (i-5):

23 "Bump stock" means any device for a weapon that  
24 increases the rate of fire achievable with the  
25 weapon by using energy from the recoil of the  
26 weapon to generate a reciprocating action that

1           facilitates repeated activation of the trigger of  
2           the weapon.

3           "Trigger crank" means any device to be  
4           attached to a weapon that repeatedly activates the  
5           trigger of the weapon through the use of a lever or  
6           other part that is turned in a circular motion;

7           (ii) any rifle having one or more barrels less than  
8           16 inches in length or a shotgun having one or more  
9           barrels less than 18 inches in length or any weapon  
10          made from a rifle or shotgun, whether by alteration,  
11          modification, or otherwise, if such a weapon as  
12          modified has an overall length of less than 26 inches;  
13          or

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

19          (8) Carries or possesses any firearm, stun gun or taser  
20          or other deadly weapon in any place which is licensed to  
21          sell intoxicating beverages, or at any public gathering  
22          held pursuant to a license issued by any governmental body  
23          or any public gathering at which an admission is charged,  
24          excluding a place where a showing, demonstration or lecture  
25          involving the exhibition of unloaded firearms is  
26          conducted.

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

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

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

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

22           (ii) are not immediately accessible; or

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

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

5           A "stun gun or taser", as used in this paragraph (a)  
6           means (i) any device which is powered by electrical  
7           charging units, such as, batteries, and which fires one or  
8           several barbs attached to a length of wire and which, upon  
9           hitting a human, can send out a current capable of  
10          disrupting the person's nervous system in such a manner as  
11          to render him incapable of normal functioning or (ii) any  
12          device which is powered by electrical charging units, such  
13          as batteries, and which, upon contact with a human or  
14          clothing worn by a human, can send out current capable of  
15          disrupting the person's nervous system in such a manner as  
16          to render him incapable of normal functioning; or

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

1 (12) (Blank); or

2 (13) Carries or possesses on or about his or her person  
3 while in a building occupied by a unit of government, a  
4 billy club, other weapon of like character, or other  
5 instrument of like character intended for use as a weapon.  
6 For the purposes of this Section, "billy club" means a  
7 short stick or club commonly carried by police officers  
8 which is either telescopic or constructed of a solid piece  
9 of wood or other man-made material.

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

4 (c) Violations in specific places.

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



1 be sentenced to a term of imprisonment of not less than 3  
2 years and not more than 7 years.

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

26 (2) A person who violates subsection 24-1(a)(1),

1 24-1(a) (2), or 24-1(a) (3) in any school, regardless of the  
2 time of day or the time of year, in residential property  
3 owned, operated or managed by a public housing agency or  
4 leased by a public housing agency as part of a scattered  
5 site or mixed-income development, in a public park, in a  
6 courthouse, on the real property comprising any school,  
7 regardless of the time of day or the time of year, on  
8 residential property owned, operated or managed by a public  
9 housing agency or leased by a public housing agency as part  
10 of a scattered site or mixed-income development, on the  
11 real property comprising any public park, on the real  
12 property comprising any courthouse, in any conveyance  
13 owned, leased or contracted by a school to transport  
14 students to or from school or a school related activity, in  
15 any conveyance owned, leased, or contracted by a public  
16 transportation agency, or on any public way within 1,000  
17 feet of the real property comprising any school, public  
18 park, courthouse, public transportation facility, or  
19 residential property owned, operated, or managed by a  
20 public housing agency or leased by a public housing agency  
21 as part of a scattered site or mixed-income development  
22 commits a Class 4 felony. "Courthouse" means any building  
23 that is used by the Circuit, Appellate, or Supreme Court of  
24 this State for the conduct of official business.

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

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

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

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

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

1 weapon, instrument or substance is found in an automobile  
2 operated for hire by a duly licensed driver in the due, lawful  
3 and proper pursuit of his trade, then such presumption shall  
4 not apply to the driver.

5 (e) Exemptions.

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

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

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

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