



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3189

by Rep. Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1  
720 ILCS 5/24-2

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. Provides that a person commits the offense of unlawful use of weapons when he or she knowingly possesses, sells or offers to sell, purchases, manufactures, imports, transfers, or uses: (1) any manual, power-driven, or electronic device that is designed to and functions to increase the rate of fire of a semiautomatic firearm when the device is attached to the firearm; (2) any part of a semiautomatic firearm or combination of parts that is designed to and functions to increase the rate of fire of a semiautomatic firearm by eliminating the need for the operator of the firearm to make a separate movement for each individual function of the trigger; or (3) any other device, part, or combination of parts that is designed to and functions to substantially increase the rate of fire of a semiautomatic firearm above the standard rate of fire for semiautomatic firearms that is not equipped with that device, part, or combination of parts. This offense is a Class 2 felony. Provides for exemptions.

LRB101 09982 SLF 55084 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 24-1 and 24-2 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 (ii) any rifle having one or more barrels less than  
20 16 inches in length or a shotgun having one or more  
21 barrels less than 18 inches in length or any weapon  
22 made from a rifle or shotgun, whether by alteration,  
23 modification, or otherwise, if such a weapon as  
24 modified has an overall length of less than 26 inches;  
25 or

26 (iii) any bomb, bomb-shell, grenade, bottle or

1 other container containing an explosive substance of  
2 over one-quarter ounce for like purposes, such as, but  
3 not limited to, black powder bombs and Molotov  
4 cocktails or artillery projectiles; or

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

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

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

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

1 legal dwelling, or fixed place of business, or on the land  
2 or in the legal dwelling of another person as an invitee  
3 with that person's permission, any pistol, revolver, stun  
4 gun or taser or other firearm, except that this subsection  
5 (a) (10) does not apply to or affect transportation of  
6 weapons that meet one of the following conditions:

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

8 (ii) are not immediately accessible; or

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

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

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

1           disrupting the person's nervous system in such a manner as  
2           to render him incapable of normal functioning; or

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

13          (12) (Blank); or

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

22          (14) Possesses, sells or offers to sell, purchases,  
23          manufactures, imports, transfers, or uses:

24                  (i) any manual, power-driven, or electronic device  
25                  that is designed to and functions to increase the rate  
26                  of fire of a semiautomatic firearm when the device is

1           attached to the firearm;  
2           (ii) any part of a semiautomatic firearm or  
3           combination of parts that is designed to and functions  
4           to increase the rate of fire of a semiautomatic firearm  
5           by eliminating the need for the operator of the firearm  
6           to make a separate movement for each individual  
7           function of the trigger; or  
8           (iii) any other device, part, or combination of  
9           parts that is designed to and functions to  
10           substantially increase the rate of fire of a  
11           semiautomatic firearm above the standard rate of fire  
12           for semiautomatic firearms that is not equipped with  
13           that device, part, or combination of parts.

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



1 case it shall be a Class X felony. A person convicted of a  
2 second or subsequent violation of subsection 24-1(a)(4),  
3 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
4 felony. A person convicted of subsection 24-1(a)(14) commits a  
5 Class 2 felony. The possession of each weapon or device in  
6 violation of this Section constitutes a single and separate  
7 violation.

8 (c) Violations in specific places.

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

1 transportation facility, or residential property owned,  
2 operated, or managed by a public housing agency or leased  
3 by a public housing agency as part of a scattered site or  
4 mixed-income development commits a Class 2 felony and shall  
5 be sentenced to a term of imprisonment of not less than 3  
6 years and not more than 7 years.

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

1 public housing agency or leased by a public housing agency  
2 as part of a scattered site or mixed-income development  
3 commits a Class 3 felony.

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

1 that is used by the Circuit, Appellate, or Supreme Court of  
2 this State for the conduct of official business.

3 (3) Paragraphs (1), (1.5), and (2) of this subsection  
4 (c) shall not apply to law enforcement officers or security  
5 officers of such school, college, or university or to  
6 students carrying or possessing firearms for use in  
7 training courses, parades, hunting, target shooting on  
8 school ranges, or otherwise with the consent of school  
9 authorities and which firearms are transported unloaded  
10 enclosed in a suitable case, box, or transportation  
11 package.

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

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

23 (d) The presence in an automobile other than a public  
24 omnibus of any weapon, instrument or substance referred to in  
25 subsection (a) (7) is prima facie evidence that it is in the  
26 possession of, and is being carried by, all persons occupying

1 such automobile at the time such weapon, instrument or  
2 substance is found, except under the following circumstances:  
3 (i) if such weapon, instrument or instrumentality is found upon  
4 the person of one of the occupants therein; or (ii) if such  
5 weapon, instrument or substance is found in an automobile  
6 operated for hire by a duly licensed driver in the due, lawful  
7 and proper pursuit of his trade, then such presumption shall  
8 not apply to the driver.

9 (e) Exemptions.

10 (1) Crossbows, Common or Compound bows and Underwater  
11 Spearguns are exempted from the definition of ballistic  
12 knife as defined in paragraph (1) of subsection (a) of this  
13 Section.

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

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

1 (720 ILCS 5/24-2)

2 Sec. 24-2. Exemptions.

3 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), ~~and~~  
4 24-1(a)(13), and 24-1(a)(14) and Section 24-1.6 do not apply to  
5 or affect any of the following:

6 (1) Peace officers, and any person summoned by a peace  
7 officer to assist in making arrests or preserving the  
8 peace, while actually engaged in assisting such officer.

9 (2) Wardens, superintendents and keepers of prisons,  
10 penitentiaries, jails and other institutions for the  
11 detention of persons accused or convicted of an offense,  
12 while in the performance of their official duty, or while  
13 commuting between their homes and places of employment.

14 (3) Members of the Armed Services or Reserve Forces of  
15 the United States or the Illinois National Guard or the  
16 Reserve Officers Training Corps, while in the performance  
17 of their official duty.

18 (4) Special agents employed by a railroad or a public  
19 utility to perform police functions, and guards of armored  
20 car companies, while actually engaged in the performance of  
21 the duties of their employment or commuting between their  
22 homes and places of employment; and watchmen while actually  
23 engaged in the performance of the duties of their  
24 employment.

25 (5) Persons licensed as private security contractors,  
26 private detectives, or private alarm contractors, or

1 employed by a private security contractor, private  
2 detective, or private alarm contractor agency licensed by  
3 the Department of Financial and Professional Regulation,  
4 if their duties include the carrying of a weapon under the  
5 provisions of the Private Detective, Private Alarm,  
6 Private Security, Fingerprint Vendor, and Locksmith Act of  
7 2004, while actually engaged in the performance of the  
8 duties of their employment or commuting between their homes  
9 and places of employment. A person shall be considered  
10 eligible for this exemption if he or she has completed the  
11 required 20 hours of training for a private security  
12 contractor, private detective, or private alarm  
13 contractor, or employee of a licensed private security  
14 contractor, private detective, or private alarm contractor  
15 agency and 20 hours of required firearm training, and has  
16 been issued a firearm control card by the Department of  
17 Financial and Professional Regulation. Conditions for the  
18 renewal of firearm control cards issued under the  
19 provisions of this Section shall be the same as for those  
20 cards issued under the provisions of the Private Detective,  
21 Private Alarm, Private Security, Fingerprint Vendor, and  
22 Locksmith Act of 2004. The firearm control card shall be  
23 carried by the private security contractor, private  
24 detective, or private alarm contractor, or employee of the  
25 licensed private security contractor, private detective,  
26 or private alarm contractor agency at all times when he or

1 she is in possession of a concealable weapon permitted by  
2 his or her firearm control card.

3 (6) Any person regularly employed in a commercial or  
4 industrial operation as a security guard for the protection  
5 of persons employed and private property related to such  
6 commercial or industrial operation, while actually engaged  
7 in the performance of his or her duty or traveling between  
8 sites or properties belonging to the employer, and who, as  
9 a security guard, is a member of a security force  
10 registered with the Department of Financial and  
11 Professional Regulation; provided that such security guard  
12 has successfully completed a course of study, approved by  
13 and supervised by the Department of Financial and  
14 Professional Regulation, consisting of not less than 40  
15 hours of training that includes the theory of law  
16 enforcement, liability for acts, and the handling of  
17 weapons. A person shall be considered eligible for this  
18 exemption if he or she has completed the required 20 hours  
19 of training for a security officer and 20 hours of required  
20 firearm training, and has been issued a firearm control  
21 card by the Department of Financial and Professional  
22 Regulation. Conditions for the renewal of firearm control  
23 cards issued under the provisions of this Section shall be  
24 the same as for those cards issued under the provisions of  
25 the Private Detective, Private Alarm, Private Security,  
26 Fingerprint Vendor, and Locksmith Act of 2004. The firearm



1 control card shall be carried by the security guard at all  
2 times when he or she is in possession of a concealable  
3 weapon permitted by his or her firearm control card.

4 (7) Agents and investigators of the Illinois  
5 Legislative Investigating Commission authorized by the  
6 Commission to carry the weapons specified in subsections  
7 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
8 any investigation for the Commission.

9 (8) Persons employed by a financial institution as a  
10 security guard for the protection of other employees and  
11 property related to such financial institution, while  
12 actually engaged in the performance of their duties,  
13 commuting between their homes and places of employment, or  
14 traveling between sites or properties owned or operated by  
15 such financial institution, and who, as a security guard,  
16 is a member of a security force registered with the  
17 Department; provided that any person so employed has  
18 successfully completed a course of study, approved by and  
19 supervised by the Department of Financial and Professional  
20 Regulation, consisting of not less than 40 hours of  
21 training which includes theory of law enforcement,  
22 liability for acts, and the handling of weapons. A person  
23 shall be considered to be eligible for this exemption if he  
24 or she has completed the required 20 hours of training for  
25 a security officer and 20 hours of required firearm  
26 training, and has been issued a firearm control card by the

1 Department of Financial and Professional Regulation.  
2 Conditions for renewal of firearm control cards issued  
3 under the provisions of this Section shall be the same as  
4 for those issued under the provisions of the Private  
5 Detective, Private Alarm, Private Security, Fingerprint  
6 Vendor, and Locksmith Act of 2004. The firearm control card  
7 shall be carried by the security guard at all times when he  
8 or she is in possession of a concealable weapon permitted  
9 by his or her firearm control card. For purposes of this  
10 subsection, "financial institution" means a bank, savings  
11 and loan association, credit union or company providing  
12 armored car services.

13 (9) Any person employed by an armored car company to  
14 drive an armored car, while actually engaged in the  
15 performance of his duties.

16 (10) Persons who have been classified as peace officers  
17 pursuant to the Peace Officer Fire Investigation Act.

18 (11) Investigators of the Office of the State's  
19 Attorneys Appellate Prosecutor authorized by the board of  
20 governors of the Office of the State's Attorneys Appellate  
21 Prosecutor to carry weapons pursuant to Section 7.06 of the  
22 State's Attorneys Appellate Prosecutor's Act.

23 (12) Special investigators appointed by a State's  
24 Attorney under Section 3-9005 of the Counties Code.

25 (12.5) Probation officers while in the performance of  
26 their duties, or while commuting between their homes,

1 places of employment or specific locations that are part of  
2 their assigned duties, with the consent of the chief judge  
3 of the circuit for which they are employed, if they have  
4 received weapons training according to requirements of the  
5 Peace Officer and Probation Officer Firearm Training Act.

6 (13) Court Security Officers while in the performance  
7 of their official duties, or while commuting between their  
8 homes and places of employment, with the consent of the  
9 Sheriff.

10 (13.5) A person employed as an armed security guard at  
11 a nuclear energy, storage, weapons or development site or  
12 facility regulated by the Nuclear Regulatory Commission  
13 who has completed the background screening and training  
14 mandated by the rules and regulations of the Nuclear  
15 Regulatory Commission.

16 (14) Manufacture, transportation, or sale of weapons  
17 to persons authorized under subdivisions (1) through  
18 (13.5) of this subsection to possess those weapons.

19 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
20 to or affect any person carrying a concealed pistol, revolver,  
21 or handgun and the person has been issued a currently valid  
22 license under the Firearm Concealed Carry Act at the time of  
23 the commission of the offense.

24 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
25 24-1.6 do not apply to or affect any of the following:

26 (1) Members of any club or organization organized for

1 the purpose of practicing shooting at targets upon  
2 established target ranges, whether public or private, and  
3 patrons of such ranges, while such members or patrons are  
4 using their firearms on those target ranges.

5 (2) Duly authorized military or civil organizations  
6 while parading, with the special permission of the  
7 Governor.

8 (3) Hunters, trappers or fishermen with a license or  
9 permit while engaged in hunting, trapping or fishing.

10 (4) Transportation of weapons that are broken down in a  
11 non-functioning state or are not immediately accessible.

12 (5) Carrying or possessing any pistol, revolver, stun  
13 gun or taser or other firearm on the land or in the legal  
14 dwelling of another person as an invitee with that person's  
15 permission.

16 (c) Subsection 24-1(a)(7) does not apply to or affect any  
17 of the following:

18 (1) Peace officers while in performance of their  
19 official duties.

20 (2) Wardens, superintendents and keepers of prisons,  
21 penitentiaries, jails and other institutions for the  
22 detention of persons accused or convicted of an offense.

23 (3) Members of the Armed Services or Reserve Forces of  
24 the United States or the Illinois National Guard, while in  
25 the performance of their official duty.

26 (4) Manufacture, transportation, or sale of machine

1 guns to persons authorized under subdivisions (1) through  
2 (3) of this subsection to possess machine guns, if the  
3 machine guns are broken down in a non-functioning state or  
4 are not immediately accessible.

5 (5) Persons licensed under federal law to manufacture  
6 any weapon from which 8 or more shots or bullets can be  
7 discharged by a single function of the firing device, or  
8 ammunition for such weapons, and actually engaged in the  
9 business of manufacturing such weapons or ammunition, but  
10 only with respect to activities which are within the lawful  
11 scope of such business, such as the manufacture,  
12 transportation, or testing of such weapons or ammunition.  
13 This exemption does not authorize the general private  
14 possession of any weapon from which 8 or more shots or  
15 bullets can be discharged by a single function of the  
16 firing device, but only such possession and activities as  
17 are within the lawful scope of a licensed manufacturing  
18 business described in this paragraph.

19 During transportation, such weapons shall be broken  
20 down in a non-functioning state or not immediately  
21 accessible.

22 (6) The manufacture, transport, testing, delivery,  
23 transfer or sale, and all lawful commercial or experimental  
24 activities necessary thereto, of rifles, shotguns, and  
25 weapons made from rifles or shotguns, or ammunition for  
26 such rifles, shotguns or weapons, where engaged in by a

1 person operating as a contractor or subcontractor pursuant  
2 to a contract or subcontract for the development and supply  
3 of such rifles, shotguns, weapons or ammunition to the  
4 United States government or any branch of the Armed Forces  
5 of the United States, when such activities are necessary  
6 and incident to fulfilling the terms of such contract.

7 The exemption granted under this subdivision (c)(6)  
8 shall also apply to any authorized agent of any such  
9 contractor or subcontractor who is operating within the  
10 scope of his employment, where such activities involving  
11 such weapon, weapons or ammunition are necessary and  
12 incident to fulfilling the terms of such contract.

13 (7) A person possessing a rifle with a barrel or  
14 barrels less than 16 inches in length if: (A) the person  
15 has been issued a Curios and Relics license from the U.S.  
16 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
17 the person is an active member of a bona fide, nationally  
18 recognized military re-enacting group and the modification  
19 is required and necessary to accurately portray the weapon  
20 for historical re-enactment purposes; the re-enactor is in  
21 possession of a valid and current re-enacting group  
22 membership credential; and the overall length of the weapon  
23 as modified is not less than 26 inches.

24 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
25 possession or carrying of a black-jack or slung-shot by a peace  
26 officer.

1 (e) Subsection 24-1(a)(8) does not apply to any owner,  
2 manager or authorized employee of any place specified in that  
3 subsection nor to any law enforcement officer.

4 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
5 Section 24-1.6 do not apply to members of any club or  
6 organization organized for the purpose of practicing shooting  
7 at targets upon established target ranges, whether public or  
8 private, while using their firearms on those target ranges.

9 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply  
10 to:

11 (1) Members of the Armed Services or Reserve Forces of  
12 the United States or the Illinois National Guard, while in  
13 the performance of their official duty.

14 (2) Bonafide collectors of antique or surplus military  
15 ordnance.

16 (3) Laboratories having a department of forensic  
17 ballistics, or specializing in the development of  
18 ammunition or explosive ordnance.

19 (4) Commerce, preparation, assembly or possession of  
20 explosive bullets by manufacturers of ammunition licensed  
21 by the federal government, in connection with the supply of  
22 those organizations and persons exempted by subdivision  
23 (g)(1) of this Section, or like organizations and persons  
24 outside this State, or the transportation of explosive  
25 bullets to any organization or person exempted in this  
26 Section by a common carrier or by a vehicle owned or leased

1 by an exempted manufacturer.

2 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
3 persons licensed under federal law to manufacture any device or  
4 attachment of any kind designed, used, or intended for use in  
5 silencing the report of any firearm, firearms, or ammunition  
6 for those firearms equipped with those devices, and actually  
7 engaged in the business of manufacturing those devices,  
8 firearms, or ammunition, but only with respect to activities  
9 that are within the lawful scope of that business, such as the  
10 manufacture, transportation, or testing of those devices,  
11 firearms, or ammunition. This exemption does not authorize the  
12 general private possession of any device or attachment of any  
13 kind designed, used, or intended for use in silencing the  
14 report of any firearm, but only such possession and activities  
15 as are within the lawful scope of a licensed manufacturing  
16 business described in this subsection (g-5). During  
17 transportation, these devices shall be detached from any weapon  
18 or not immediately accessible.

19 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
20 24-1.6 do not apply to or affect any parole agent or parole  
21 supervisor who meets the qualifications and conditions  
22 prescribed in Section 3-14-1.5 of the Unified Code of  
23 Corrections.

24 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
25 officer while serving as a member of a tactical response team  
26 or special operations team. A peace officer may not personally



1 own or apply for ownership of a device or attachment of any  
2 kind designed, used, or intended for use in silencing the  
3 report of any firearm. These devices shall be owned and  
4 maintained by lawfully recognized units of government whose  
5 duties include the investigation of criminal acts.

6 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
7 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
8 athlete's possession, transport on official Olympic and  
9 Paralympic transit systems established for athletes, or use of  
10 competition firearms sanctioned by the International Olympic  
11 Committee, the International Paralympic Committee, the  
12 International Shooting Sport Federation, or USA Shooting in  
13 connection with such athlete's training for and participation  
14 in shooting competitions at the 2016 Olympic and Paralympic  
15 Games and sanctioned test events leading up to the 2016 Olympic  
16 and Paralympic Games.

17 (h) An information or indictment based upon a violation of  
18 any subsection of this Article need not negative any exemptions  
19 contained in this Article. The defendant shall have the burden  
20 of proving such an exemption.

21 (i) Nothing in this Article shall prohibit, apply to, or  
22 affect the transportation, carrying, or possession, of any  
23 pistol or revolver, stun gun, taser, or other firearm consigned  
24 to a common carrier operating under license of the State of  
25 Illinois or the federal government, where such transportation,  
26 carrying, or possession is incident to the lawful

1 transportation in which such common carrier is engaged; and  
2 nothing in this Article shall prohibit, apply to, or affect the  
3 transportation, carrying, or possession of any pistol,  
4 revolver, stun gun, taser, or other firearm, not the subject of  
5 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
6 this Article, which is unloaded and enclosed in a case, firearm  
7 carrying box, shipping box, or other container, by the  
8 possessor of a valid Firearm Owners Identification Card.

9 (Source: P.A. 99-174, eff. 7-29-15; 100-201, eff. 8-18-17.)