

# HB3382



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3382

Introduced 2/22/2021, by Rep. Andrew S. Chesney

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. Provides that a person commits a petty offense if he or she is convicted of a violation for unlawful use of a weapon that would not be an offense if the person possessed a valid Firearm Owner's Identification Card.

LRB102 13593 KMF 18942 b

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  
5 changing 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  
9 weapons 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  
14 knife, commonly referred to as a switchblade knife, which  
15 has a blade that opens automatically by hand pressure  
16 applied to a button, spring or other device in the handle  
17 of the knife, or a ballistic knife, which is a device that  
18 propels a knifelike blade as a projectile by means of a  
19 coil 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 (2.5) Carries or possesses with intent to use the same  
3 unlawfully against another, any firearm in a church,  
4 synagogue, mosque, or other building, structure, or place  
5 used for religious worship; or

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

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

5 (5) Sets a spring gun; or

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

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

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

23 (ii) any rifle having one or more barrels less  
24 than 16 inches in length or a shotgun having one or  
25 more barrels less than 18 inches in length or any  
26 weapon made from a rifle or shotgun, whether by

1 alteration, modification, or otherwise, if such a  
2 weapon as modified has an overall length of less than  
3 26 inches; or

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

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

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

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

26 (10) Carries or possesses on or about his or her

1 person, upon any public street, alley, or other public  
2 lands within the corporate limits of a city, village, or  
3 incorporated town, except when an invitee thereon or  
4 therein, for the purpose of the display of such weapon or  
5 the lawful commerce in weapons, or except when on his land  
6 or in his or her own abode, legal dwelling, or fixed place  
7 of business, or on the land or in the legal dwelling of  
8 another person as an invitee with that person's  
9 permission, any pistol, revolver, stun gun, or taser or  
10 other firearm, except that this subsection (a) (10) does  
11 not apply to or affect transportation of weapons that meet  
12 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  
22 Firearm 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  
15 having a projectile affixed at the front thereof and a cap  
16 or 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  
21 person while in a building occupied by a unit of  
22 government, a billy club, other weapon of like character,  
23 or other instrument of like character intended for use as  
24 a weapon. For the purposes of this Section, "billy club"  
25 means a short stick or club commonly carried by police  
26 officers which is either telescopic or constructed of a

1 solid piece 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;  
7 a 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. A person convicted of a violation of subsection  
19 24-1(a)(2.5) commits a Class 2 felony. The possession of each  
20 weapon in violation of this Section constitutes a single and  
21 separate violation. Notwithstanding any provision of law to  
22 the contrary, a person commits a petty offense under this  
23 Section if he or she is convicted of a violation of any  
24 provision of this Section that would not be an offense if the  
25 person possessed a valid Firearm Owner's Identification Card.

26 (c) Violations in specific places.



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

25          (1.5) A person who violates subsection 24-1(a)(4),  
26          24-1(a)(9), or 24-1(a)(10) in any school, regardless of

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

22 (2) A person who violates subsection 24-1(a)(1),  
23 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
24 time of day or the time of year, in residential property  
25 owned, operated or managed by a public housing agency or  
26 leased by a public housing agency as part of a scattered

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

21 (3) Paragraphs (1), (1.5), and (2) of this subsection  
22 (c) shall not apply to law enforcement officers or  
23 security officers of such school, college, or university  
24 or to students carrying or possessing firearms for use in  
25 training courses, parades, hunting, target shooting on  
26 school ranges, or otherwise with the consent of school

1 authorities and which firearms are transported unloaded  
2 enclosed in a suitable case, box, or transportation  
3 package.

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

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

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

1 (e) Exemptions.

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

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

17 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)