

HB3779



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3779

Introduced 2/22/2021, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

720 ILCS 5/24-5

from Ch. 38, par. 24-5

Amends the Criminal Code of 2012. Provides that it is a Class 3 felony for a person to knowingly sell, manufacture, purchase, possess, or carry any firearm manufactured on or after January 1, 2022 that is not microstamp-ready, or any firearm manufactured on or after that date if the person knows that a microstamping mechanism has been unlawfully removed from that firearm. Provides that any person who knowingly or intentionally changes, alters, removes or obliterates the importer's or manufacturer's microstamping mechanism is guilty of a Class 2 felony.

LRB102 17042 KMF 22469 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
5 changing Sections 24-1 and 24-5 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 (iv) any firearm manufactured on or after January
10 1, 2022 that is not microstamp-ready, or any firearm
11 manufactured on or after that date if the person knows
12 that a microstamping mechanism has been unlawfully
13 removed from that firearm. "Microstamp-ready", as used
14 in this paragraph, means that the firearm is
15 manufactured to produce a unique alphanumeric or
16 geometric code on at least 2 locations on each
17 expended cartridge case that identifies the make,
18 model, and serial number of the firearm.
19 "Microstamping mechanism", as used in this paragraph,
20 means a mechanism of the firearm designed and intended
21 to produce a unique alphanumeric or geometric code on
22 an expended cartridge that identifies the make, model,
23 and serial number of the firearm; or

24 (8) Carries or possesses any firearm, stun gun or
25 taser or other deadly weapon in any place which is
26 licensed to sell intoxicating beverages, or at any public

1 gathering held pursuant to a license issued by any
2 governmental body or any public gathering at which an
3 admission is charged, excluding a place where a showing,
4 demonstration or lecture involving the exhibition of
5 unloaded firearms is conducted.

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

10 (9) Carries or possesses in a vehicle or on or about
11 his or her person any pistol, revolver, stun gun or taser
12 or firearm or ballistic knife, when he or she is hooded,
13 robed or masked in such manner as to conceal his or her
14 identity; or

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

1 one of the following conditions:

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

3 (ii) are not immediately accessible; or

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

8 (iv) are carried or possessed in accordance with
9 the Firearm Concealed Carry Act by a person who has
10 been issued a currently valid license under the
11 Firearm Concealed Carry Act.

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

24 (11) Sells, manufactures, or purchases any explosive
25 bullet. For purposes of this paragraph (a) "explosive
26 bullet" means the projectile portion of an ammunition

1 cartridge which contains or carries an explosive charge
2 which will explode upon contact with the flesh of a human
3 or an animal. "Cartridge" means a tubular metal case
4 having a projectile affixed at the front thereof and a cap
5 or primer at the rear end thereof, with the propellant
6 contained in such tube between the projectile and the cap;
7 or

8 (12) (Blank); or

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

17 (b) Sentence. A person convicted of a violation of
18 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
19 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
20 Class A misdemeanor. A person convicted of a violation of
21 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;
22 a person convicted of a violation of subsection 24-1(a)(6) or
23 24-1(a)(7)(ii), ~~or (iii)~~, or (iv) commits a Class 3 felony. A
24 person convicted of a violation of subsection 24-1(a)(7)(i)
25 commits a Class 2 felony and shall be sentenced to a term of
26 imprisonment of not less than 3 years and not more than 7

1 years, unless the weapon is possessed in the passenger
2 compartment of a motor vehicle as defined in Section 1-146 of
3 the Illinois Vehicle Code, or on the person, while the weapon
4 is loaded, in which case it shall be a Class X felony. A person
5 convicted of a second or subsequent violation of subsection
6 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a
7 Class 3 felony. A person convicted of a violation of
8 subsection 24-1(a)(2.5) commits a Class 2 felony. The
9 possession of each weapon in violation of this Section
10 constitutes a single and separate violation.

11 (c) Violations in specific places.

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

1 owned, leased, or contracted by a public transportation
2 agency, or on any public way within 1,000 feet of the real
3 property comprising any school, public park, courthouse,
4 public transportation facility, or residential property
5 owned, operated, or managed by a public housing agency or
6 leased by a public housing agency as part of a scattered
7 site or mixed-income development commits a Class 2 felony
8 and shall be sentenced to a term of imprisonment of not
9 less than 3 years and not more than 7 years.

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

1 feet of the real property comprising any school, public
2 park, courthouse, public transportation facility, or
3 residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development
6 commits a Class 3 felony.

7 (2) A person who violates subsection 24-1(a)(1),
8 24-1(a)(2), or 24-1(a)(3) 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,
18 on the real property comprising any public park, on the
19 real 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,
22 in 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 4 felony. "Courthouse" means any building
4 that is used by the Circuit, Appellate, or Supreme Court
5 of this State for the conduct of official business.

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

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

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

26 (d) The presence in an automobile other than a public

1 omnibus of any weapon, instrument or substance referred to in
2 subsection (a)(7) is prima facie evidence that it is in the
3 possession of, and is being carried by, all persons occupying
4 such automobile at the time such weapon, instrument or
5 substance is found, except under the following circumstances:

6 (i) if such weapon, instrument or instrumentality is found
7 upon the person of one of the occupants therein; or (ii) if
8 such weapon, instrument or substance is found in an automobile
9 operated for hire by a duly licensed driver in the due, lawful
10 and proper pursuit of his or her trade, then such presumption
11 shall not apply to the driver.

12 (e) Exemptions.

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

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

1 manufacturing switchblade knives.

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

3 (720 ILCS 5/24-5) (from Ch. 38, par. 24-5)

4 Sec. 24-5. Defacing identification marks or microstamping
5 mechanism of firearms.

6 (a) Any person who shall knowingly or intentionally
7 change, alter, remove or obliterate the name of the importer's
8 or manufacturer's serial number or the microstamping mechanism
9 of any firearm commits a Class 2 felony.

10 (b) A person who possesses any firearm upon which any such
11 importer's or manufacturer's serial number has been changed,
12 altered, removed or obliterated commits a Class 3 felony.

13 (c) Nothing in this Section shall prevent a person from
14 making repairs, replacement of parts, or other changes to a
15 firearm if those repairs, replacement of parts, or changes
16 cause the removal of the name of the maker, model, or other
17 marks of identification other than the serial number on the
18 firearm's frame or receiver or the code of the microstamping
19 mechanism.

20 (d) A prosecution for a violation of this Section may be
21 commenced within 6 years after the commission of the offense.

22 (e) As used in this Section, "microstamping mechanism" has
23 the meaning given to that term in Section 24-1 of this Code.

24 (Source: P.A. 93-906, eff. 8-11-04.)