



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4166

Introduced 10/19/2021, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. Provides that carrying an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense is exempt from the offense of unlawful use of weapons, regardless of the age of the person carrying it (currently, the exemption is limited to persons 18 years of age or older). Effective immediately.

LRB102 19294 JWD 28060 b

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.

22 (c) Violations in specific places.

23 (1) A person who violates subsection 24-1(a)(6) or
24 24-1(a)(7) in any school, regardless of the time of day or
25 the time of year, in residential property owned, operated
26 or managed by a public housing agency or leased by a public

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

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

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

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

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

26 (4) For the purposes of this subsection (c), "school"

1 means any public or private elementary or secondary
2 school, community college, college, or university.

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

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

23 (e) Exemptions.

24 (1) Crossbows, Common or Compound bows and Underwater
25 Spearguns are exempted from the definition of ballistic
26 knife as defined in paragraph (1) of subsection (a) of

1 this Section.

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

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.