



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3208

Introduced 2/17/2023, by Rep. Tony M. McCombie

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
430 ILCS 65/8 from Ch. 38, par. 83-8
430 ILCS 65/8.6 new
430 ILCS 65/4.1 rep.
720 ILCS 5/24-1 from Ch. 38, par. 24-1
720 ILCS 5/24-1.9 rep.
720 ILCS 5/24-1.10 rep.

Amends the Firearm Owners Identification Card Act. Provides that the State, including the Illinois State Police, shall not establish or maintain a registry that contains information about the purchase of a firearm or the purchaser's personal identifying information. Repeals amendatory provisions of the Criminal Code of 2012 that beginning January 1, 2024, make it is unlawful for any person within the State to knowingly possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, with exemptions, and provides penalties and repeals provisions that make it unlawful for any person within the State to knowingly manufacture, deliver, sell, purchase, or cause to be manufactured, delivered, sold, or purchased a large capacity ammunition feeding device, with specified exemptions, and which provide penalties for those actions. Repeals amendatory provisions of the Criminal Code of 2012 that prohibits the manufacture, possession, sale, or offers to sell, purchase, manufacture, import, transfer, or use any device, part, kit, tool, accessory, or combination of parts that is designed to and functions to 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. Repeals amendatory provisions of the Freedom of Information Act that exempt from disclosure under the Act certain information concerning assault weapons endorsements received by the Illinois State Police. Effective immediately.

LRB103 25822 RLC 52173 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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be
9 exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other
19 records prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a
21 local emergency energy plan ordinance that is adopted
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the
15 Capital Crimes Litigation Act. This subsection (n) shall
16 apply until the conclusion of the trial of the case, even
17 if the prosecution chooses not to pursue the death penalty
18 prior to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional
2 Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act, or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted
11 under Section 5-108 of the Public Utilities Act.

12 (t) All identified or deidentified health information
13 in the form of health data or medical records contained
14 in, stored in, submitted to, transferred by, or released
15 from the Illinois Health Information Exchange, and
16 identified or deidentified health information in the form
17 of health data and medical records of the Illinois Health
18 Information Exchange in the possession of the Illinois
19 Health Information Exchange Office due to its
20 administration of the Illinois Health Information
21 Exchange. The terms "identified" and "deidentified" shall
22 be given the same meaning as in the Health Insurance
23 Portability and Accountability Act of 1996, Public Law
24 104-191, or any subsequent amendments thereto, and any
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
5 the Firearm Owners Identification Card Act or applied for
6 or received a concealed carry license under the Firearm
7 Concealed Carry Act, unless otherwise authorized by the
8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed
10 Carry Licensing Review Board under the Firearm Concealed
11 Carry Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

13 (v-5) Records of the Firearm Owner's Identification
14 Card Review Board that are exempted from disclosure under
15 Section 10 of the Firearm Owners Identification Card Act.

16 (w) Personally identifiable information which is
17 exempted from disclosure under subsection (g) of Section
18 19.1 of the Toll Highway Act.

19 (x) Information which is exempted from disclosure
20 under Section 5-1014.3 of the Counties Code or Section
21 8-11-21 of the Illinois Municipal Code.

22 (y) Confidential information under the Adult
23 Protective Services Act and its predecessor enabling
24 statute, the Elder Abuse and Neglect Act, including
25 information about the identity and administrative finding
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of
2 an eligible adult maintained in the Registry established
3 under Section 7.5 of the Adult Protective Services Act.

4 (z) Records and information provided to a fatality
5 review team or the Illinois Fatality Review Team Advisory
6 Council under Section 15 of the Adult Protective Services
7 Act.

8 (aa) Information which is exempted from disclosure
9 under Section 2.37 of the Wildlife Code.

10 (bb) Information which is or was prohibited from
11 disclosure by the Juvenile Court Act of 1987.

12 (cc) Recordings made under the Law Enforcement
13 Officer-Worn Body Camera Act, except to the extent
14 authorized under that Act.

15 (dd) Information that is prohibited from being
16 disclosed under Section 45 of the Condominium and Common
17 Interest Community Ombudsperson Act.

18 (ee) Information that is exempted from disclosure
19 under Section 30.1 of the Pharmacy Practice Act.

20 (ff) Information that is exempted from disclosure
21 under the Revised Uniform Unclaimed Property Act.

22 (gg) Information that is prohibited from being
23 disclosed under Section 7-603.5 of the Illinois Vehicle
24 Code.

25 (hh) Records that are exempt from disclosure under
26 Section 1A-16.7 of the Election Code.

1 (ii) Information which is exempted from disclosure
2 under Section 2505-800 of the Department of Revenue Law of
3 the Civil Administrative Code of Illinois.

4 (jj) Information and reports that are required to be
5 submitted to the Department of Labor by registering day
6 and temporary labor service agencies but are exempt from
7 disclosure under subsection (a-1) of Section 45 of the Day
8 and Temporary Labor Services Act.

9 (kk) Information prohibited from disclosure under the
10 Seizure and Forfeiture Reporting Act.

11 (ll) Information the disclosure of which is restricted
12 and exempted under Section 5-30.8 of the Illinois Public
13 Aid Code.

14 (mm) Records that are exempt from disclosure under
15 Section 4.2 of the Crime Victims Compensation Act.

16 (nn) Information that is exempt from disclosure under
17 Section 70 of the Higher Education Student Assistance Act.

18 (oo) Communications, notes, records, and reports
19 arising out of a peer support counseling session
20 prohibited from disclosure under the First Responders
21 Suicide Prevention Act.

22 (pp) Names and all identifying information relating to
23 an employee of an emergency services provider or law
24 enforcement agency under the First Responders Suicide
25 Prevention Act.

26 (qq) Information and records held by the Department of

1 Public Health and its authorized representatives collected
2 under the Reproductive Health Act.

3 (rr) Information that is exempt from disclosure under
4 the Cannabis Regulation and Tax Act.

5 (ss) Data reported by an employer to the Department of
6 Human Rights pursuant to Section 2-108 of the Illinois
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy
9 Center Act, except to the extent authorized under that
10 Act.

11 (uu) Information that is exempt from disclosure under
12 Section 50 of the Sexual Assault Evidence Submission Act.

13 (vv) Information that is exempt from disclosure under
14 subsections (f) and (j) of Section 5-36 of the Illinois
15 Public Aid Code.

16 (ww) Information that is exempt from disclosure under
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

21 (yy) Information prohibited from being disclosed under
22 the Illinois Educational Labor Relations Act.

23 (zz) Information prohibited from being disclosed under
24 the Illinois Public Labor Relations Act.

25 (aaa) Information prohibited from being disclosed
26 under Section 1-167 of the Illinois Pension Code.

1 (bbb) Information that is prohibited from disclosure
2 by the Illinois Police Training Act and the Illinois State
3 Police Act.

4 (ccc) Records exempt from disclosure under Section
5 2605-304 of the Illinois State Police Law of the Civil
6 Administrative Code of Illinois.

7 (ddd) Information prohibited from being disclosed
8 under Section 35 of the Address Confidentiality for
9 Victims of Domestic Violence, Sexual Assault, Human
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed
12 under subsection (b) of Section 75 of the Domestic
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway Camera
15 Act. This subsection (fff) is inoperative on and after
16 July 1, 2023.

17 (ggg) Information prohibited from disclosure under
18 paragraph (3) of subsection (a) of Section 14 of the Nurse
19 Agency Licensing Act.

20 ~~(hhh) Information submitted to the Department of State~~
21 ~~Police in an affidavit or application for an assault~~
22 ~~weapon endorsement, assault weapon attachment endorsement,~~
23 ~~.50 caliber rifle endorsement, or .50 caliber cartridge~~
24 ~~endorsement under the Firearm Owners Identification Card~~
25 ~~Act.~~

26 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;

1 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
2 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
3 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
4 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
5 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
6 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
7 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
8 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23.)

9 Section 10. The Firearm Owners Identification Card Act is
10 amended by changing Section 8 and by adding Section 8.6 as
11 follows:

12 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

13 Sec. 8. Grounds for denial and revocation. The Illinois
14 State Police has authority to deny an application for or to
15 revoke and seize a Firearm Owner's Identification Card
16 previously issued under this Act only if the Illinois State
17 Police finds that the applicant or the person to whom such card
18 was issued is or was at the time of issuance:

19 (a) A person under 21 years of age who has been
20 convicted of a misdemeanor other than a traffic offense or
21 adjudged delinquent;

22 (b) This subsection (b) applies through the 180th day
23 following July 12, 2019 (the effective date of Public Act
24 101-80). A person under 21 years of age who does not have

1 the written consent of his parent or guardian to acquire
2 and possess firearms and firearm ammunition, or whose
3 parent or guardian has revoked such written consent, or
4 where such parent or guardian does not qualify to have a
5 Firearm Owner's Identification Card;

6 (b-5) This subsection (b-5) applies on and after the
7 181st day following July 12, 2019 (the effective date of
8 Public Act 101-80). A person under 21 years of age who is
9 not an active duty member of the United States Armed
10 Forces or the Illinois National Guard and does not have
11 the written consent of his or her parent or guardian to
12 acquire and possess firearms and firearm ammunition, or
13 whose parent or guardian has revoked such written consent,
14 or where such parent or guardian does not qualify to have a
15 Firearm Owner's Identification Card;

16 (c) A person convicted of a felony under the laws of
17 this or any other jurisdiction;

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental health
20 facility within the past 5 years or a person who has been a
21 patient in a mental health facility more than 5 years ago
22 who has not received the certification required under
23 subsection (u) of this Section. An active law enforcement
24 officer employed by a unit of government or a Department
25 of Corrections employee authorized to possess firearms who
26 is denied, revoked, or has his or her Firearm Owner's

1 Identification Card seized under this subsection (e) may
2 obtain relief as described in subsection (c-5) of Section
3 10 of this Act if the officer or employee did not act in a
4 manner threatening to the officer or employee, another
5 person, or the public as determined by the treating
6 clinical psychologist or physician, and the officer or
7 employee seeks mental health treatment;

8 (f) A person whose mental condition is of such a
9 nature that it poses a clear and present danger to the
10 applicant, any other person or persons, or the community;

11 (g) A person who has an intellectual disability;

12 (h) A person who intentionally makes a false statement
13 in the Firearm Owner's Identification Card application ~~or~~
14 ~~endorsement affidavit;~~

15 (i) A noncitizen who is unlawfully present in the
16 United States under the laws of the United States;

17 (i-5) A noncitizen who has been admitted to the United
18 States under a non-immigrant visa (as that term is defined
19 in Section 101(a)(26) of the Immigration and Nationality
20 Act (8 U.S.C. 1101(a)(26))), except that this subsection
21 (i-5) does not apply to any noncitizen who has been
22 lawfully admitted to the United States under a
23 non-immigrant visa if that noncitizen is:

24 (1) admitted to the United States for lawful
25 hunting or sporting purposes;

26 (2) an official representative of a foreign

1 government who is:

2 (A) accredited to the United States Government
3 or the Government's mission to an international
4 organization having its headquarters in the United
5 States; or

6 (B) en route to or from another country to
7 which that noncitizen is accredited;

8 (3) an official of a foreign government or
9 distinguished foreign visitor who has been so
10 designated by the Department of State;

11 (4) a foreign law enforcement officer of a
12 friendly foreign government entering the United States
13 on official business; or

14 (5) one who has received a waiver from the
15 Attorney General of the United States pursuant to 18
16 U.S.C. 922(y)(3);

17 (j) (Blank);

18 (k) A person who has been convicted within the past 5
19 years of battery, assault, aggravated assault, violation
20 of an order of protection, or a substantially similar
21 offense in another jurisdiction, in which a firearm was
22 used or possessed;

23 (l) A person who has been convicted of domestic
24 battery, aggravated domestic battery, or a substantially
25 similar offense in another jurisdiction committed before,
26 on or after January 1, 2012 (the effective date of Public

1 Act 97-158). If the applicant or person who has been
2 previously issued a Firearm Owner's Identification Card
3 under this Act knowingly and intelligently waives the
4 right to have an offense described in this paragraph (l)
5 tried by a jury, and by guilty plea or otherwise, results
6 in a conviction for an offense in which a domestic
7 relationship is not a required element of the offense but
8 in which a determination of the applicability of 18 U.S.C.
9 922(g)(9) is made under Section 112A-11.1 of the Code of
10 Criminal Procedure of 1963, an entry by the court of a
11 judgment of conviction for that offense shall be grounds
12 for denying an application for and for revoking and
13 seizing a Firearm Owner's Identification Card previously
14 issued to the person under this Act;

15 (m) (Blank);

16 (n) A person who is prohibited from acquiring or
17 possessing firearms or firearm ammunition by any Illinois
18 State statute or by federal law;

19 (o) A minor subject to a petition filed under Section
20 5-520 of the Juvenile Court Act of 1987 alleging that the
21 minor is a delinquent minor for the commission of an
22 offense that if committed by an adult would be a felony;

23 (p) An adult who had been adjudicated a delinquent
24 minor under the Juvenile Court Act of 1987 for the
25 commission of an offense that if committed by an adult
26 would be a felony;

1 (q) A person who is not a resident of the State of
2 Illinois, except as provided in subsection (a-10) of
3 Section 4;

4 (r) A person who has been adjudicated as a person with
5 a mental disability;

6 (s) A person who has been found to have a
7 developmental disability;

8 (t) A person involuntarily admitted into a mental
9 health facility; or

10 (u) A person who has had his or her Firearm Owner's
11 Identification Card revoked or denied under subsection (e)
12 of this Section or item (iv) of paragraph (2) of
13 subsection (a) of Section 4 of this Act because he or she
14 was a patient in a mental health facility as provided in
15 subsection (e) of this Section, shall not be permitted to
16 obtain a Firearm Owner's Identification Card, after the
17 5-year period has lapsed, unless he or she has received a
18 mental health evaluation by a physician, clinical
19 psychologist, or qualified examiner as those terms are
20 defined in the Mental Health and Developmental
21 Disabilities Code, and has received a certification that
22 he or she is not a clear and present danger to himself,
23 herself, or others. The physician, clinical psychologist,
24 or qualified examiner making the certification and his or
25 her employer shall not be held criminally, civilly, or
26 professionally liable for making or not making the

1 certification required under this subsection, except for
2 willful or wanton misconduct. This subsection does not
3 apply to a person whose firearm possession rights have
4 been restored through administrative or judicial action
5 under Section 10 or 11 of this Act.

6 Upon revocation of a person's Firearm Owner's
7 Identification Card, the Illinois State Police shall provide
8 notice to the person and the person shall comply with Section
9 9.5 of this Act.

10 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
11 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
12 5-27-22; 102-1116, eff. 1-10-23.)

13 (430 ILCS 65/8.6 new)

14 Sec. 8.6. Firearm registry; prohibited. This State,
15 including the Illinois State Police, shall not establish or
16 maintain a registry that contains information about the
17 purchase of a firearm or the purchaser's personal identifying
18 information.

19 (430 ILCS 65/4.1 rep.)

20 Section 15. The Firearm Owners Identification Card Act is
21 amended by repealing Section 4.1.

22 Section 20. The Criminal Code of 2012 is amended by
23 changing Section 24-1 as follows:

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

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

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

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

15 (2) Carries or possesses with intent to use the same
16 unlawfully against another, a dagger, dirk, billy,
17 dangerous knife, razor, stiletto, broken bottle or other
18 piece of glass, stun gun or taser or any other dangerous or
19 deadly weapon or instrument of like character; or

20 (2.5) Carries or possesses with intent to use the same
21 unlawfully against another, any firearm in a church,
22 synagogue, mosque, or other building, structure, or place
23 used for religious worship; or

24 (3) Carries on or about his person or in any vehicle, a
25 tear gas gun projector or bomb or any object containing

1 noxious liquid gas or substance, other than an object
2 containing a non-lethal noxious liquid gas or substance
3 designed solely for personal defense carried by a person
4 18 years of age or older; or

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

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

15 (ii) are not immediately accessible; or

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

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

24 (5) Sets a spring gun; or

25 (6) Possesses any device or attachment of any kind
26 designed, used or intended for use in silencing the report

1 of any firearm; or

2 (7) Sells, manufactures, purchases, possesses or
3 carries:

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

16 (ii) any rifle having one or more barrels less
17 than 16 inches in length or a shotgun having one or
18 more barrels less than 18 inches in length or any
19 weapon made from a rifle or shotgun, whether by
20 alteration, modification, or otherwise, if such a
21 weapon as modified has an overall length of less than
22 26 inches; or

23 (iii) any bomb, bomb-shell, grenade, bottle or
24 other container containing an explosive substance of
25 over one-quarter ounce for like purposes, such as, but
26 not limited to, black powder bombs and Molotov

1 cocktails or artillery projectiles; or

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

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

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

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

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

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

7 (ii) are not immediately accessible; or

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

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

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

1 to render him incapable of normal functioning; or

2 (11) Sells, manufactures, ~~delivers, imports,~~
3 ~~possesses,~~ or purchases any ~~assault weapon attachment or~~
4 ~~.50 caliber cartridge in violation of Section 24-1.9 or~~
5 ~~any~~ explosive bullet. For purposes of this paragraph (a)
6 "explosive bullet" means the projectile portion of an
7 ammunition cartridge which contains or carries an
8 explosive charge which will explode upon contact with the
9 flesh of a human or an animal. "Cartridge" means a tubular
10 metal case having a projectile affixed at the front
11 thereof and a cap or primer at the rear end thereof, with
12 the propellant contained in such tube between the
13 projectile and the cap; or

14 (12) (Blank); or

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

23 ~~(14) Manufactures, possesses, sells, or offers to~~
24 ~~sell, purchase, manufacture, import, transfer, or use any~~
25 ~~device, part, kit, tool, accessory, or combination of~~
26 ~~parts that is designed to and functions to increase the~~

1 ~~rate of fire of a semiautomatic firearm above the standard~~
2 ~~rate of fire for semiautomatic firearms that is not~~
3 ~~equipped with that device, part, or combination of parts;~~
4 ~~or~~

5 ~~(15) Carries or possesses any assault weapon or .50~~
6 ~~caliber rifle in violation of Section 24-1.9; or~~

7 ~~(16) Manufactures, sells, delivers, imports, or~~
8 ~~purchases any assault weapon or .50 caliber rifle in~~
9 ~~violation of Section 24-1.9.~~

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

1 a Class 3 felony. A person convicted of a violation of
2 subsection 24-1(a)(2.5) ~~or 24-1(a)(14)~~ commits a Class 2
3 felony. The possession of each weapon ~~or device~~ in violation
4 of this Section constitutes a single and separate violation.

5 (c) Violations in specific places.

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

4 (1.5) A person who violates subsection 24-1(a)(4),
5 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
6 the time of day or the time of year, in residential
7 property owned, operated, or managed by a public housing
8 agency or leased by a public housing agency as part of a
9 scattered site or mixed-income development, in a public
10 park, in a courthouse, on the real property comprising any
11 school, regardless of the time of day or the time of year,
12 on residential property owned, operated, or managed by a
13 public housing agency or leased by a public housing agency
14 as part of a scattered site or mixed-income development,
15 on the real property comprising any public park, on the
16 real 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,
19 in 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 3 felony.

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

26 (3) Paragraphs (1), (1.5), and (2) of this subsection

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

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

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

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

26 (i) if such weapon, instrument or instrumentality is found

1 upon the person of one of the occupants therein; or (ii) if
2 such weapon, instrument or substance is found in an automobile
3 operated for hire by a duly licensed driver in the due, lawful
4 and proper pursuit of his or her trade, then such presumption
5 shall not apply to the driver.

6 (e) Exemptions.

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

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

22 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;
23 102-1116, eff. 1-10-23.)

24 (720 ILCS 5/24-1.9 rep.)

25 (720 ILCS 5/24-1.10 rep.)

1 Section 25. The Criminal Code of 2012 is amended by
2 repealing Sections 24-1.9 and 24-1.10.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.