



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0342

Introduced 1/21/2005, by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-15-25  
720 ILCS 5/24-1.6

from Ch. 24, par. 3.1-15-25

Amends the Illinois Municipal Code. Provides that the provision that states that certain municipal officials are conservators of the peace after completion of a training course administered by the Illinois Law Enforcement Training Standards Board does not apply to any alderman, councilman, or trustee of a municipality that restricts or prohibits the private ownership or possession of any firearms by residents of that municipality by ordinance or resolution. Amends the Criminal Code of 1961. Provides that a violation of the offense of aggravated unlawful use of a weapon by any alderman, councilman, or trustee of a municipality not entitled to carry or possess a firearm in accordance with that provision of the Illinois Municipal Code is a Class 3 felony. Effective immediately.

LRB094 05552 RLC 35601 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning firearms.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 3.1-15-25 as follows:

6 (65 ILCS 5/3.1-15-25) (from Ch. 24, par. 3.1-15-25)

7 Sec. 3.1-15-25. Conservators of the peace; service of  
8 warrants.

9 (a) After receiving a certificate attesting to the  
10 successful completion of a training course administered by the  
11 Illinois Law Enforcement Training Standards Board, the mayor,  
12 aldermen, president, trustees, marshal, deputy marshals, and  
13 policemen in municipalities shall be conservators of the peace.  
14 Those persons and others authorized by ordinance shall have  
15 power (i) to arrest or cause to be arrested, with or without  
16 process, all persons who break the peace or are found violating  
17 any municipal ordinance or any criminal law of the State, (ii)  
18 to commit arrested persons for examination, (iii) if necessary,  
19 to detain arrested persons in custody over night or Sunday in  
20 any safe place or until they can be brought before the proper  
21 court, and (iv) to exercise all other powers as conservators of  
22 the peace prescribed by the corporate authorities.

23 (b) All warrants for the violation of municipal ordinances  
24 or the State criminal law, directed to any person, may be  
25 served and executed within the limits of a municipality by any  
26 policeman or marshal of the municipality. For that purpose,  
27 policemen and marshals have all the common law and statutory  
28 powers of sheriffs.

29 (c) This Section does not apply to any alderman,  
30 councilman, or trustee of a municipality that restricts or  
31 prohibits the private ownership or possession of any firearms  
32 by residents of that municipality by ordinance or resolution.

1 (Source: P.A. 90-540, eff. 12-1-97.)

2 Section 10. The Criminal Code of 1961 is amended by  
3 changing Section 24-1.6 as follows:

4 (720 ILCS 5/24-1.6)

5 Sec. 24-1.6. Aggravated unlawful use of a weapon.

6 (a) A person commits the offense of aggravated unlawful use  
7 of a weapon when he or she knowingly:

8 (1) Carries on or about his or her person or in any  
9 vehicle or concealed on or about his or her person except  
10 when on his or her land or in his or her abode or fixed  
11 place of business any pistol, revolver, stun gun or taser  
12 or other firearm; or

13 (2) Carries or possesses on or about his or her person,  
14 upon any public street, alley, or other public lands within  
15 the corporate limits of a city, village or incorporated  
16 town, except when an invitee thereon or therein, for the  
17 purpose of the display of such weapon or the lawful  
18 commerce in weapons, or except when on his or her own land  
19 or in his or her own abode or fixed place of business, any  
20 pistol, revolver, stun gun or taser or other firearm; and

21 (3) One of the following factors is present:

22 (A) the firearm possessed was uncased, loaded and  
23 immediately accessible at the time of the offense; or

24 (B) the firearm possessed was uncased, unloaded  
25 and the ammunition for the weapon was immediately  
26 accessible at the time of the offense; or

27 (C) the person possessing the firearm has not been  
28 issued a currently valid Firearm Owner's  
29 Identification Card; or

30 (D) the person possessing the weapon was  
31 previously adjudicated a delinquent minor under the  
32 Juvenile Court Act of 1987 for an act that if committed  
33 by an adult would be a felony; or

34 (E) the person possessing the weapon was engaged in

1 a misdemeanor violation of the Cannabis Control Act or  
2 in a misdemeanor violation of the Illinois Controlled  
3 Substances Act; or

4 (F) the person possessing the weapon is a member of  
5 a street gang or is engaged in street gang related  
6 activity, as defined in Section 10 of the Illinois  
7 Streetgang Terrorism Omnibus Prevention Act; or

8 (G) the person possessing the weapon had a order of  
9 protection issued against him or her within the  
10 previous 2 years; or

11 (H) the person possessing the weapon was engaged in  
12 the commission or attempted commission of a  
13 misdemeanor involving the use or threat of violence  
14 against the person or property of another; or

15 (I) the person possessing the weapon was under 21  
16 years of age and in possession of a handgun as defined  
17 in Section 24-3, unless the person under 21 is engaged  
18 in lawful activities under the Wildlife Code or  
19 described in subsection 24-2(b)(1), (b)(3), or  
20 24-2(f).

21 (b) "Stun gun or taser" as used in this Section has the  
22 same definition given to it in Section 24-1 of this Code.

23 (c) This Section does not apply to or affect the  
24 transportation or possession of weapons that:

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

26 (ii) are not immediately accessible; or

27 (iii) are unloaded and enclosed in a case, firearm  
28 carrying box, shipping box, or other container by a  
29 person who has been issued a currently valid Firearm  
30 Owner's Identification Card.

31 (d) Sentence. Aggravated unlawful use of a weapon is a  
32 Class 4 felony; aggravated unlawful use of a weapon by any  
33 alderman, councilman, or trustee of a municipality not entitled  
34 to carry or possess a firearm in accordance with Section  
35 3.1-15-25 of the Illinois Municipal Code is a Class 3 felony; a  
36 second or subsequent offense is a Class 2 felony. Aggravated

1 unlawful use of a weapon by a person who has been previously  
2 convicted of a felony in this State or another jurisdiction is  
3 a Class 2 felony. Aggravated unlawful use of a weapon while  
4 wearing or in possession of body armor as defined in Section  
5 33F-1 by a person who has not been issued a valid Firearms  
6 Owner's Identification Card in accordance with Section 5 of the  
7 Firearm Owners Identification Card Act is a Class X felony.  
8 (Source: P.A. 93-906, eff. 8-11-04.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.