

HB2569



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2569

Introduced 02/18/05, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning the unlawful use of weapons.

LRB094 09779 RXD 40035 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 1961 is amended by changing
5 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 ~~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, throwing star, or any knife,
13 commonly referred to as a switchblade knife, which has a
14 blade that opens automatically by hand pressure applied to
15 a button, spring or other device in the handle of the
16 knife, or a ballistic knife, which is a device that propels
17 a knifelike blade as a projectile by means of a coil
18 spring, elastic material or compressed gas; or

19 (2) Carries or possesses with intent to use the same
20 unlawfully against another, a dagger, dirk, billy,
21 dangerous knife, razor, stiletto, broken bottle or other
22 piece of glass, stun gun or taser or any other dangerous or
23 deadly weapon or instrument of like character; 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
26 noxious liquid gas or substance, other than an object
27 containing a non-lethal noxious liquid gas or substance
28 designed solely for personal defense carried by a person 18
29 years of age or older; or

30 (4) Carries or possesses in any vehicle or concealed on
31 or about his person except when on his land or in his own
32 abode or fixed place of business any pistol, revolver, stun

1 gun or taser or other firearm, except that this subsection
2 (a) (4) does not apply to or affect transportation of
3 weapons that meet one of the following conditions:

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

5 (ii) are not immediately accessible; or

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

10 (5) Sets a spring gun; or

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

14 (7) Sells, manufactures, purchases, possesses or
15 carries:

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

28 (ii) any rifle having one or more barrels less than
29 16 inches in length or a shotgun having one or more
30 barrels less than 18 inches in length or any weapon
31 made from a rifle or shotgun, whether by alteration,
32 modification, or otherwise, if such a weapon as
33 modified has an overall length of less than 26 inches;
34 or

35 (iii) any bomb, bomb-shell, grenade, bottle or
36 other container containing an explosive substance of

1 over one-quarter ounce for like purposes, such as, but
2 not limited to, black powder bombs and Molotov
3 cocktails or artillery projectiles; or

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

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

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

20 (10) Carries or possesses on or about his person, upon
21 any public street, alley, or other public lands within the
22 corporate limits of a city, village or incorporated town,
23 except when an invitee thereon or therein, for the purpose
24 of the display of such weapon or the lawful commerce in
25 weapons, or except when on his land or in his own abode or
26 fixed place of business, any pistol, revolver, stun gun or
27 taser or other firearm, except that this subsection (a)
28 (10) does not apply to or affect transportation of weapons
29 that meet one of the following conditions:

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

31 (ii) are not immediately accessible; or

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

36 A "stun gun or taser", as used in this paragraph (a)

1 means (i) any device which is powered by electrical
2 charging units, such as, batteries, and which fires one or
3 several barbs attached to a length of wire and which, upon
4 hitting a human, can send out a current capable of
5 disrupting the person's nervous system in such a manner as
6 to render him incapable of normal functioning or (ii) any
7 device which is powered by electrical charging units, such
8 as batteries, and which, upon contact with a human or
9 clothing worn by a human, can send out current capable of
10 disrupting the person's nervous system in such a manner as
11 to render him incapable of normal functioning; or

12 (11) Sells, manufactures or purchases any explosive
13 bullet. For purposes of this paragraph (a) "explosive
14 bullet" means the projectile portion of an ammunition
15 cartridge which contains or carries an explosive charge
16 which will explode upon contact with the flesh of a human
17 or an animal. "Cartridge" means a tubular metal case having
18 a projectile affixed at the front thereof and a cap or
19 primer at the rear end thereof, with the propellant
20 contained in such tube between the projectile and the cap;
21 or

22 (12) (Blank).

23 (b) Sentence. A person convicted of a violation of
24 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
25 subsection 24-1(a)(11) commits a Class A misdemeanor. A person
26 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)
27 commits a Class 4 felony; a person convicted of a violation of
28 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a
29 Class 3 felony. A person convicted of a violation of subsection
30 24-1(a)(7)(i) commits a Class 2 felony, unless the weapon is
31 possessed in the passenger compartment of a motor vehicle as
32 defined in Section 1-146 of the Illinois Vehicle Code, or on
33 the person, while the weapon is loaded, in which case it shall
34 be a Class X felony. A person convicted of a second or
35 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
36 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony.

1 (c) Violations in specific places.

2 (1) A person who violates subsection 24-1(a)(6) or
3 24-1(a)(7) in any school, regardless of the time of day or
4 the time of year, in residential property owned, operated
5 or managed by a public housing agency or leased by a public
6 housing agency as part of a scattered site or mixed-income
7 development, in a public park, in a courthouse, on the real
8 property comprising any school, regardless of the time of
9 day or the time of year, on residential property owned,
10 operated or managed by a public housing agency or leased by
11 a public housing agency as part of a scattered site or
12 mixed-income development, on the real property comprising
13 any public park, on the real property comprising any
14 courthouse, in any conveyance owned, leased or contracted
15 by a school to transport students to or from school or a
16 school related activity, or on any public way within 1,000
17 feet of the real property comprising any school, public
18 park, courthouse, or residential property owned, operated,
19 or managed by a public housing agency or leased by a public
20 housing agency as part of a scattered site or mixed-income
21 development commits a Class 2 felony.

22 (1.5) A person who violates subsection 24-1(a)(4),
23 24-1(a)(9), or 24-1(a)(10) 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
27 site or mixed-income development, in a public park, in a
28 courthouse, on the real property comprising any school,
29 regardless of the time of day or the time of year, on
30 residential property owned, operated, or managed by a
31 public housing agency or leased by a public housing agency
32 as part of a scattered site or mixed-income development, on
33 the real property comprising any public park, on the real
34 property comprising any courthouse, in any conveyance
35 owned, leased, or contracted by a school to transport
36 students to or from school or a school related activity, or

1 on any public way within 1,000 feet of the real property
2 comprising any school, public park, courthouse, 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 public
16 housing agency or leased by a public housing agency as part
17 of a scattered site or mixed-income development, on the
18 real property comprising any public park, on the real
19 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, or
22 on any public way within 1,000 feet of the real property
23 comprising any school, public park, courthouse, or
24 residential property owned, operated, or managed by a
25 public housing agency or leased by a public housing agency
26 as part of a scattered site or mixed-income development
27 commits a Class 4 felony. "Courthouse" means any building
28 that is used by the Circuit, Appellate, or Supreme Court of
29 this State for the conduct of official business.

30 (3) Paragraphs (1), (1.5), and (2) of this subsection
31 (c) shall not apply to law enforcement officers or security
32 officers of such school, college, or university or to
33 students carrying or possessing firearms for use in
34 training courses, parades, hunting, target shooting on
35 school ranges, or otherwise with the consent of school
36 authorities and which firearms are transported unloaded

1 enclosed in a suitable case, box, or transportation
2 package.

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

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

18 (e) Exemptions. Crossbows, Common or Compound bows and
19 Underwater Spearguns are exempted from the definition of
20 ballistic knife as defined in paragraph (1) of subsection (a)
21 of this Section.

22 (Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99;
23 91-690, eff. 4-13-00.)