



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4563

Introduced 01/11/06, by Rep. John E. Bradley

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 18509 RLC 53835 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, in
2 a misdemeanor violation of the Illinois Controlled
3 Substances Act, or in a misdemeanor violation of the
4 Methamphetamine Control and Community Protection Act;
5 or

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

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

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

17 (I) the person possessing the weapon was under 21
18 years of age and in possession of a handgun as defined
19 in Section 24-3, unless the person under 21 is engaged
20 in lawful activities under the Wildlife Code or
21 described in subsection 24-2(b)(1), (b)(3), or
22 24-2(f).

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

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

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

28 (ii) are not immediately accessible; or

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

33 (d) Sentence. Aggravated unlawful use of a weapon is a
34 Class 4 felony; aggravated unlawful use of a weapon by any
35 alderman, councilman, or trustee of a municipality not entitled
36 to carry or possess a firearm in accordance with Section

1 3.1-15-25 of the Illinois Municipal Code is a Class 3 felony; a
2 second or subsequent offense is a Class 2 felony for which the
3 person shall be sentenced to a term of imprisonment of not less
4 than 3 years and not more than 7 years. Aggravated unlawful use
5 of a weapon by a person who has been previously convicted of a
6 felony in this State or another jurisdiction is a Class 2
7 felony for which the person shall be sentenced to a term of
8 imprisonment of not less than 3 years and not more than 7
9 years. Aggravated unlawful use of a weapon while wearing or in
10 possession of body armor as defined in Section 33F-1 by a
11 person who has not been issued a valid Firearms Owner's
12 Identification Card in accordance with Section 5 of the Firearm
13 Owners Identification Card Act is a Class X felony. The
14 possession of each firearm in violation of this Section
15 constitutes a single and separate violation.

16 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
17 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.