

# SB1903



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB1903

Introduced 2/25/2005, by Sen. Bill Brady

#### 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 09771 RXD 40027 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.)