



Rep. Fred Crespo

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LRB095 00955 RLC 48121 a

1 AMENDMENT TO HOUSE BILL 2757

2 AMENDMENT NO. _____. Amend House Bill 2757 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing 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 offense of unlawful use of weapons
9 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 or other similar device
13 regardless of its composition, throwing star, or any knife,
14 commonly referred to as a switchblade knife, which has a
15 blade that opens automatically by hand pressure applied to
16 a button, spring or other device in the handle of the

1 knife, or a ballistic knife, which is a device that propels
2 a knifelike blade as a projectile by means of a coil
3 spring, elastic material or compressed gas; or

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

9 (3) Carries on or about his person or in any vehicle, a
10 tear gas gun projector or bomb or any object containing
11 noxious liquid gas or substance, other than an object
12 containing a non-lethal noxious liquid gas or substance
13 designed solely for personal defense carried by a person 18
14 years of age or older; or

15 (4) Carries or possesses in any vehicle or concealed on
16 or about his person except when on his land or in his own
17 abode or fixed place of business any pistol, revolver, stun
18 gun or taser or other firearm, except that this subsection
19 (a) (4) does not apply to or affect transportation of
20 weapons that meet one of the following conditions:

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

22 (ii) are not immediately accessible; or

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

1 (5) Sets a spring gun; or

2 (6) Possesses any device or attachment of any kind
3 designed, used or intended for use in silencing the report
4 of any firearm; or

5 (7) Sells, manufactures, purchases, possesses or
6 carries:

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

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

26 (iii) any bomb, bomb-shell, grenade, bottle or

1 other container containing an explosive substance of
2 over one-quarter ounce for like purposes, such as, but
3 not limited to, black powder bombs and Molotov
4 cocktails or artillery projectiles; or

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

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

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

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

1 fixed place of business, any pistol, revolver, stun gun or
2 taser or other firearm, except that this subsection (a)
3 (10) does not apply to or affect transportation of weapons
4 that meet one of the following conditions:

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

6 (ii) are not immediately accessible; or

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

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

23 (11) Sells, manufactures or purchases any explosive
24 bullet. For purposes of this paragraph (a) "explosive
25 bullet" means the projectile portion of an ammunition
26 cartridge which contains or carries an explosive charge

1 which will explode upon contact with the flesh of a human
2 or an animal. "Cartridge" means a tubular metal case having
3 a projectile affixed at the front thereof and a cap or
4 primer at the rear end thereof, with the propellant
5 contained in such tube between the projectile and the cap;
6 or

7 (12) (Blank).

8 (b) Sentence. A person convicted of a violation of
9 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
10 subsection 24-1(a)(11) commits a Class A misdemeanor. A person
11 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)
12 commits a Class 4 felony; a person convicted of a violation of
13 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a
14 Class 3 felony. A person convicted of a violation of subsection
15 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced
16 to a term of imprisonment of not less than 3 years and not more
17 than 7 years, unless the weapon is possessed in the passenger
18 compartment of a motor vehicle as defined in Section 1-146 of
19 the Illinois Vehicle Code, or on the person, while the weapon
20 is loaded, in which case it shall be a Class X felony. A person
21 convicted of a second or subsequent violation of subsection
22 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a
23 Class 3 felony. The possession of each weapon in violation of
24 this Section constitutes a single and separate violation.

25 (c) Violations in specific places.

26 (1) A person who violates subsection 24-1(a)(6) or

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

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

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

17 (2) A person who violates subsection 24-1(a)(1),
18 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
19 time of day or the time of year, in residential property
20 owned, operated or managed by a public housing agency or
21 leased by a public housing agency as part of a scattered
22 site or mixed-income development, in a public park, in a
23 courthouse, on the real property comprising any school,
24 regardless of the time of day or the time of year, on
25 residential property owned, operated or managed by a public
26 housing agency or leased by a public housing agency as part

1 of a scattered site or mixed-income development, on the
2 real property comprising any public park, on the real
3 property comprising any courthouse, in any conveyance
4 owned, leased or contracted by a school to transport
5 students to or from school or a school related activity, or
6 on any public way within 1,000 feet of the real property
7 comprising any school, public park, courthouse, or
8 residential property owned, operated, or managed by a
9 public housing agency or leased by a public housing agency
10 as part of a scattered site or mixed-income development
11 commits a Class 4 felony. "Courthouse" means any building
12 that is used by the Circuit, Appellate, or Supreme Court of
13 this State for the conduct of official business.

14 (3) Paragraphs (1), (1.5), and (2) of this subsection
15 (c) shall not apply to law enforcement officers or security
16 officers of such school, college, or university or to
17 students carrying or possessing firearms for use in
18 training courses, parades, hunting, target shooting on
19 school ranges, or otherwise with the consent of school
20 authorities and which firearms are transported unloaded
21 enclosed in a suitable case, box, or transportation
22 package.

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

26 (d) The presence in an automobile other than a public

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

12 (e) Exemptions. Crossbows, Common or Compound bows and
13 Underwater Spearguns are exempted from the definition of
14 ballistic knife as defined in paragraph (1) of subsection (a)
15 of this Section.

16 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; 95-331,
17 eff. 8-21-07.)".