

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 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 knuckle weapon
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
17 knife, or a ballistic knife, which is a device that propels
18 a knifelike blade as a projectile by means of a coil
19 spring, elastic material or compressed gas; or

20 (2) Carries or possesses with intent to use the same
21 unlawfully against another, a dagger, dirk, billy,
22 dangerous knife, razor, stiletto, broken bottle or other
23 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

2 (3) Carries on or about his person or in any vehicle, a
3 tear gas gun projector or bomb or any object containing
4 noxious liquid gas or substance, other than an object
5 containing a non-lethal noxious liquid gas or substance
6 designed solely for personal defense carried by a person 18
7 years of age or older; or

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

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

15 (ii) are not immediately accessible; or

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

20 (5) Sets a spring gun; or

21 (6) Possesses any device or attachment of any kind
22 designed, used or intended for use in silencing the report
23 of any firearm; or

24 (7) Sells, manufactures, purchases, possesses or
25 carries:

26 (i) a machine gun, which shall be defined for the

1 purposes of this subsection as any weapon, which
2 shoots, is designed to shoot, or can be readily
3 restored to shoot, automatically more than one shot
4 without manually reloading by a single function of the
5 trigger, including the frame or receiver of any such
6 weapon, or sells, manufactures, purchases, possesses,
7 or carries any combination of parts designed or
8 intended for use in converting any weapon into a
9 machine gun, or any combination or parts from which a
10 machine gun can be assembled if such parts are in the
11 possession or under the control of a person;

12 (ii) any rifle having one or more barrels less than
13 16 inches in length or a shotgun having one or more
14 barrels less than 18 inches in length or any weapon
15 made from a rifle or shotgun, whether by alteration,
16 modification, or otherwise, if such a weapon as
17 modified has an overall length of less than 26 inches;
18 or

19 (iii) any bomb, bomb-shell, grenade, bottle or
20 other container containing an explosive substance of
21 over one-quarter ounce for like purposes, such as, but
22 not limited to, black powder bombs and Molotov
23 cocktails or artillery projectiles; or

24 (8) Carries or possesses any firearm, stun gun or taser
25 or other deadly weapon in any place which is licensed to
26 sell intoxicating beverages, or at any public gathering

1 held pursuant to a license issued by any governmental body
2 or any public gathering at which an admission is charged,
3 excluding a place where a showing, demonstration or lecture
4 involving the exhibition of unloaded firearms is
5 conducted.

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

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

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

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a
2 person who has been issued a currently valid Firearm
3 Owner's Identification Card.

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

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

26 (12) (Blank).

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

18 (c) Violations in specific places.

19 (1) A person who violates subsection 24-1(a)(6) or
20 24-1(a)(7) in any school, regardless of the time of day or
21 the time of year, in residential property owned, operated
22 or managed by a public housing agency or leased by a public
23 housing agency as part of a scattered site or mixed-income
24 development, in a public park, in a courthouse, on the real
25 property comprising any school, regardless of the time of
26 day or the time of year, on residential property owned,

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

15 (1.5) A person who violates subsection 24-1(a)(4),
16 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
17 time of day or the time of year, in residential property
18 owned, operated, or managed by a public housing agency or
19 leased by a public housing agency as part of a scattered
20 site or mixed-income development, in a public park, in a
21 courthouse, on the real property comprising any school,
22 regardless of the time of day or the time of year, on
23 residential property owned, operated, or managed by a
24 public housing agency or leased by a public housing agency
25 as part of a scattered site or mixed-income development, on
26 the real property comprising any public park, on the real

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

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

1 residential property owned, operated, or managed by a
2 public housing agency or leased by a public housing agency
3 as part of a scattered site or mixed-income development
4 commits a Class 4 felony. "Courthouse" means any building
5 that is used by the Circuit, Appellate, or Supreme Court of
6 this State for the conduct of official business.

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

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

19 (d) The presence in an automobile other than a public
20 omnibus of any weapon, instrument or substance referred to in
21 subsection (a)(7) is prima facie evidence that it is in the
22 possession of, and is being carried by, all persons occupying
23 such automobile at the time such weapon, instrument or
24 substance is found, except under the following circumstances:
25 (i) if such weapon, instrument or instrumentality is found upon
26 the person of one of the occupants therein; or (ii) if such

1 weapon, instrument or substance is found in an automobile
2 operated for hire by a duly licensed driver in the due, lawful
3 and proper pursuit of his trade, then such presumption shall
4 not apply to the driver.

5 (e) Exemptions. Crossbows, Common or Compound bows and
6 Underwater Spearguns are exempted from the definition of
7 ballistic knife as defined in paragraph (1) of subsection (a)
8 of this Section.

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