



Rep. Robert W. Pritchard

Filed: 4/2/2008

09500HB4206ham002

LRB095 15078 RLC 48357 a

1 AMENDMENT TO HOUSE BILL 4206

2 AMENDMENT NO. _____. Amend House Bill 4206, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Sections 24-1 and 24-2 as follows:

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

8 Sec. 24-1. Unlawful Use of Weapons.

9 (a) A person commits the offense of unlawful use of weapons
10 when he knowingly:

11 (1) Sells, manufactures, purchases, possesses or
12 carries any bludgeon, black-jack, slung-shot, sand-club,
13 sand-bag, metal knuckles, 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); ~~or~~

8 (13) Carries or possesses on or about his or her person
9 while in a building owned or operated by a unit of
10 government any knife, sword, billy club, club, razor, or
11 other weapon or other instrument intended for use as a
12 weapon. For the purposes of this Section, "billy or billy
13 club" means a short stick or club commonly carried by
14 police officers which is either telescopic or constructed
15 of a solid piece of wood or other man-made material.

16 (b) Sentence. A person convicted of a violation of
17 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), ~~or~~
18 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
19 Class A misdemeanor. A person convicted of a violation of
20 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
21 person convicted of a violation of subsection 24-1(a)(6) or
22 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
23 convicted of a violation of subsection 24-1(a)(7)(i) commits a
24 Class 2 felony and shall be sentenced to a term of imprisonment
25 of not less than 3 years and not more than 7 years, unless the
26 weapon is possessed in the passenger compartment of a motor

1 vehicle as defined in Section 1-146 of the Illinois Vehicle
2 Code, or on the person, while the weapon is loaded, in which
3 case it shall be a Class X felony. A person convicted of a
4 second or subsequent violation of subsection 24-1(a)(4),
5 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
6 felony. The possession of each weapon in violation of this
7 Section constitutes a single and separate violation.

8 (c) Violations in specific places.

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

1 housing agency as part of a scattered site or mixed-income
2 development commits a Class 2 felony and shall be sentenced
3 to a term of imprisonment of not less than 3 years and not
4 more than 7 years.

5 (1.5) A person who violates subsection 24-1(a)(4),
6 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
7 time of day or the time of year, in residential property
8 owned, operated, or managed by a public housing agency or
9 leased by a public housing agency as part of a scattered
10 site or mixed-income development, in a public park, in a
11 courthouse, on the real property comprising any school,
12 regardless of the time of day or the time of year, on
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, on
16 the real property comprising any public park, on the real
17 property comprising any courthouse, in any conveyance
18 owned, leased, or contracted by a school to transport
19 students to or from school or a school related activity, or
20 on any public way within 1,000 feet of the real property
21 comprising any school, public park, courthouse, or
22 residential property owned, operated, or managed by a
23 public housing agency or leased by a public housing agency
24 as part of a scattered site or mixed-income development
25 commits a Class 3 felony.

26 (2) A person who violates subsection 24-1(a)(1),

1 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
2 time of day or the time of year, in residential property
3 owned, operated or managed by a public housing agency or
4 leased by a public housing agency as part of a scattered
5 site or mixed-income development, in a public park, in a
6 courthouse, on the real property comprising any school,
7 regardless of the time of day or the time of year, on
8 residential property owned, operated or managed by a public
9 housing agency or leased by a public housing agency as part
10 of a scattered site or mixed-income development, on the
11 real property comprising any public park, on the real
12 property comprising any courthouse, in any conveyance
13 owned, leased or contracted by a school to transport
14 students to or from school or a school related activity, or
15 on any public way within 1,000 feet of the real property
16 comprising any school, public park, courthouse, or
17 residential property owned, operated, or managed by a
18 public housing agency or leased by a public housing agency
19 as part of a scattered site or mixed-income development
20 commits a Class 4 felony. "Courthouse" means any building
21 that is used by the Circuit, Appellate, or Supreme Court of
22 this State for the conduct of official business.

23 (3) Paragraphs (1), (1.5), and (2) of this subsection
24 (c) shall not apply to law enforcement officers or security
25 officers of such school, college, or university or to
26 students carrying or possessing firearms for use in

1 training courses, parades, hunting, target shooting on
2 school ranges, or otherwise with the consent of school
3 authorities and which firearms are transported unloaded
4 enclosed in a suitable case, box, or transportation
5 package.

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

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

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

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

1 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

2 Sec. 24-2. Exemptions.

3 (a) Subsections 24-1(a)(3), 24-1(a)(4), ~~and~~ 24-1(a)(10),
4 and 24-1(a)(13) and Section 24-1.6 do not apply to or affect
5 any of the following:

6 (1) Peace officers, and any person summoned by a peace
7 officer to assist in making arrests or preserving the
8 peace, while actually engaged in assisting such officer.

9 (2) Wardens, superintendents and keepers of prisons,
10 penitentiaries, jails and other institutions for the
11 detention of persons accused or convicted of an offense,
12 while in the performance of their official duty, or while
13 commuting between their homes and places of employment.

14 (3) Members of the Armed Services or Reserve Forces of
15 the United States or the Illinois National Guard or the
16 Reserve Officers Training Corps, while in the performance
17 of their official duty.

18 (4) Special agents employed by a railroad or a public
19 utility to perform police functions, and guards of armored
20 car companies, while actually engaged in the performance of
21 the duties of their employment or commuting between their
22 homes and places of employment; and watchmen while actually
23 engaged in the performance of the duties of their
24 employment.

25 (5) Persons licensed as private security contractors,

1 private detectives, or private alarm contractors, or
2 employed by an agency certified by the Department of
3 Professional Regulation, if their duties include the
4 carrying of a weapon under the provisions of the Private
5 Detective, Private Alarm, Private Security, Fingerprint
6 Vendor, and Locksmith Act of 2004, while actually engaged
7 in the performance of the duties of their employment or
8 commuting between their homes and places of employment,
9 provided that such commuting is accomplished within one
10 hour from departure from home or place of employment, as
11 the case may be. Persons exempted under this subdivision
12 (a)(5) shall be required to have completed a course of
13 study in firearms handling and training approved and
14 supervised by the Department of Professional Regulation as
15 prescribed by Section 28 of the Private Detective, Private
16 Alarm, Private Security, Fingerprint Vendor, and Locksmith
17 Act of 2004, prior to becoming eligible for this exemption.
18 The Department of Professional Regulation shall provide
19 suitable documentation demonstrating the successful
20 completion of the prescribed firearms training. Such
21 documentation shall be carried at all times when such
22 persons are in possession of a concealable weapon.

23 (6) Any person regularly employed in a commercial or
24 industrial operation as a security guard for the protection
25 of persons employed and private property related to such
26 commercial or industrial operation, while actually engaged

1 in the performance of his or her duty or traveling between
2 sites or properties belonging to the employer, and who, as
3 a security guard, is a member of a security force of at
4 least 5 persons registered with the Department of
5 Professional Regulation; provided that such security guard
6 has successfully completed a course of study, approved by
7 and supervised by the Department of Professional
8 Regulation, consisting of not less than 40 hours of
9 training that includes the theory of law enforcement,
10 liability for acts, and the handling of weapons. A person
11 shall be considered eligible for this exemption if he or
12 she has completed the required 20 hours of training for a
13 security officer and 20 hours of required firearm training,
14 and has been issued a firearm control card by the
15 Department of Professional Regulation. Conditions for the
16 renewal of firearm control cards issued under the
17 provisions of this Section shall be the same as for those
18 cards issued under the provisions of the Private Detective,
19 Private Alarm, Private Security, Fingerprint Vendor, and
20 Locksmith Act of 2004. Such firearm control card shall be
21 carried by the security guard at all times when he or she
22 is in possession of a concealable weapon.

23 (7) Agents and investigators of the Illinois
24 Legislative Investigating Commission authorized by the
25 Commission to carry the weapons specified in subsections
26 24-1(a)(3) and 24-1(a)(4), while on duty in the course of

1 any investigation for the Commission.

2 (8) Persons employed by a financial institution for the
3 protection of other employees and property related to such
4 financial institution, while actually engaged in the
5 performance of their duties, commuting between their homes
6 and places of employment, or traveling between sites or
7 properties owned or operated by such financial
8 institution, provided that any person so employed has
9 successfully completed a course of study, approved by and
10 supervised by the Department of Professional Regulation,
11 consisting of not less than 40 hours of training which
12 includes theory of law enforcement, liability for acts, and
13 the handling of weapons. A person shall be considered to be
14 eligible for this exemption if he or she has completed the
15 required 20 hours of training for a security officer and 20
16 hours of required firearm training, and has been issued a
17 firearm control card by the Department of Professional
18 Regulation. Conditions for renewal of firearm control
19 cards issued under the provisions of this Section shall be
20 the same as for those issued under the provisions of the
21 Private Detective, Private Alarm, Private Security,
22 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
23 control card shall be carried by the person so trained at
24 all times when such person is in possession of a
25 concealable weapon. For purposes of this subsection,
26 "financial institution" means a bank, savings and loan

1 association, credit union or company providing armored car
2 services.

3 (9) Any person employed by an armored car company to
4 drive an armored car, while actually engaged in the
5 performance of his duties.

6 (10) Persons who have been classified as peace officers
7 pursuant to the Peace Officer Fire Investigation Act.

8 (11) Investigators of the Office of the State's
9 Attorneys Appellate Prosecutor authorized by the board of
10 governors of the Office of the State's Attorneys Appellate
11 Prosecutor to carry weapons pursuant to Section 7.06 of the
12 State's Attorneys Appellate Prosecutor's Act.

13 (12) Special investigators appointed by a State's
14 Attorney under Section 3-9005 of the Counties Code.

15 (12.5) Probation officers while in the performance of
16 their duties, or while commuting between their homes,
17 places of employment or specific locations that are part of
18 their assigned duties, with the consent of the chief judge
19 of the circuit for which they are employed.

20 (13) Court Security Officers while in the performance
21 of their official duties, or while commuting between their
22 homes and places of employment, with the consent of the
23 Sheriff.

24 (13.5) A person employed as an armed security guard at
25 a nuclear energy, storage, weapons or development site or
26 facility regulated by the Nuclear Regulatory Commission

1 who has completed the background screening and training
2 mandated by the rules and regulations of the Nuclear
3 Regulatory Commission.

4 (14) Manufacture, transportation, or sale of weapons
5 to persons authorized under subdivisions (1) through
6 (13.5) of this subsection to possess those weapons.

7 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
8 24-1.6 do not apply to or affect any of the following:

9 (1) Members of any club or organization organized for
10 the purpose of practicing shooting at targets upon
11 established target ranges, whether public or private, and
12 patrons of such ranges, while such members or patrons are
13 using their firearms on those target ranges.

14 (2) Duly authorized military or civil organizations
15 while parading, with the special permission of the
16 Governor.

17 (3) Hunters, trappers or fishermen with a license or
18 permit while engaged in hunting, trapping or fishing.

19 (4) Transportation of weapons that are broken down in a
20 non-functioning state or are not immediately accessible.

21 (c) Subsection 24-1(a)(7) does not apply to or affect any
22 of the following:

23 (1) Peace officers while in performance of their
24 official duties.

25 (2) Wardens, superintendents and keepers of prisons,
26 penitentiaries, jails and other institutions for the

1 detention of persons accused or convicted of an offense.

2 (3) Members of the Armed Services or Reserve Forces of
3 the United States or the Illinois National Guard, while in
4 the performance of their official duty.

5 (4) Manufacture, transportation, or sale of machine
6 guns to persons authorized under subdivisions (1) through
7 (3) of this subsection to possess machine guns, if the
8 machine guns are broken down in a non-functioning state or
9 are not immediately accessible.

10 (5) Persons licensed under federal law to manufacture
11 any weapon from which 8 or more shots or bullets can be
12 discharged by a single function of the firing device, or
13 ammunition for such weapons, and actually engaged in the
14 business of manufacturing such weapons or ammunition, but
15 only with respect to activities which are within the lawful
16 scope of such business, such as the manufacture,
17 transportation, or testing of such weapons or ammunition.
18 This exemption does not authorize the general private
19 possession of any weapon from which 8 or more shots or
20 bullets can be discharged by a single function of the
21 firing device, but only such possession and activities as
22 are within the lawful scope of a licensed manufacturing
23 business described in this paragraph.

24 During transportation, such weapons shall be broken
25 down in a non-functioning state or not immediately
26 accessible.

1 (6) The manufacture, transport, testing, delivery,
2 transfer or sale, and all lawful commercial or experimental
3 activities necessary thereto, of rifles, shotguns, and
4 weapons made from rifles or shotguns, or ammunition for
5 such rifles, shotguns or weapons, where engaged in by a
6 person operating as a contractor or subcontractor pursuant
7 to a contract or subcontract for the development and supply
8 of such rifles, shotguns, weapons or ammunition to the
9 United States government or any branch of the Armed Forces
10 of the United States, when such activities are necessary
11 and incident to fulfilling the terms of such contract.

12 The exemption granted under this subdivision (c)(6)
13 shall also apply to any authorized agent of any such
14 contractor or subcontractor who is operating within the
15 scope of his employment, where such activities involving
16 such weapon, weapons or ammunition are necessary and
17 incident to fulfilling the terms of such contract.

18 During transportation, any such weapon shall be broken
19 down in a non-functioning state, or not immediately
20 accessible.

21 (d) Subsection 24-1(a)(1) does not apply to the purchase,
22 possession or carrying of a black-jack or slung-shot by a peace
23 officer.

24 (e) Subsection 24-1(a)(8) does not apply to any owner,
25 manager or authorized employee of any place specified in that
26 subsection nor to any law enforcement officer.

1 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
2 Section 24-1.6 do not apply to members of any club or
3 organization organized for the purpose of practicing shooting
4 at targets upon established target ranges, whether public or
5 private, while using their firearms on those target ranges.

6 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
7 to:

8 (1) Members of the Armed Services or Reserve Forces of
9 the United States or the Illinois National Guard, while in
10 the performance of their official duty.

11 (2) Bonafide collectors of antique or surplus military
12 ordinance.

13 (3) Laboratories having a department of forensic
14 ballistics, or specializing in the development of
15 ammunition or explosive ordinance.

16 (4) Commerce, preparation, assembly or possession of
17 explosive bullets by manufacturers of ammunition licensed
18 by the federal government, in connection with the supply of
19 those organizations and persons exempted by subdivision
20 (g)(1) of this Section, or like organizations and persons
21 outside this State, or the transportation of explosive
22 bullets to any organization or person exempted in this
23 Section by a common carrier or by a vehicle owned or leased
24 by an exempted manufacturer.

25 (g-5) Subsection 24-1(a)(6) does not apply to or affect
26 persons licensed under federal law to manufacture any device or

1 attachment of any kind designed, used, or intended for use in
2 silencing the report of any firearm, firearms, or ammunition
3 for those firearms equipped with those devices, and actually
4 engaged in the business of manufacturing those devices,
5 firearms, or ammunition, but only with respect to activities
6 that are within the lawful scope of that business, such as the
7 manufacture, transportation, or testing of those devices,
8 firearms, or ammunition. This exemption does not authorize the
9 general private possession of any device or attachment of any
10 kind designed, used, or intended for use in silencing the
11 report of any firearm, but only such possession and activities
12 as are within the lawful scope of a licensed manufacturing
13 business described in this subsection (g-5). During
14 transportation, those devices shall be detached from any weapon
15 or not immediately accessible.

16 (h) An information or indictment based upon a violation of
17 any subsection of this Article need not negative any exemptions
18 contained in this Article. The defendant shall have the burden
19 of proving such an exemption.

20 (i) Nothing in this Article shall prohibit, apply to, or
21 affect the transportation, carrying, or possession, of any
22 pistol or revolver, stun gun, taser, or other firearm consigned
23 to a common carrier operating under license of the State of
24 Illinois or the federal government, where such transportation,
25 carrying, or possession is incident to the lawful
26 transportation in which such common carrier is engaged; and

1 nothing in this Article shall prohibit, apply to, or affect the
2 transportation, carrying, or possession of any pistol,
3 revolver, stun gun, taser, or other firearm, not the subject of
4 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
5 this Article, which is unloaded and enclosed in a case, firearm
6 carrying box, shipping box, or other container, by the
7 possessor of a valid Firearm Owners Identification Card.

8 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07.)".