



Rep. Constance A. Howard

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1 AMENDMENT TO SENATE BILL 62

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 62, 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 Section 24-1 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 billy or any pistol, revolver,  
2 stun gun or taser or other firearm, except that this  
3 subsection (a) (10) does not apply to or affect  
4 transportation of weapons that meet one of the following  
5 conditions:

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

7 (ii) are not immediately accessible; or

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

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

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

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

8 (12) (Blank).

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

26 (c) Violations in specific places.

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

23          (1.5) A person who violates subsection 24-1(a)(4),  
24          24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
25          time of day or the time of year, in residential property  
26          owned, operated, or managed by a public housing agency or

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

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



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

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

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

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

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

17           (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised  
18 8-19-05.)

19           Section 10. The Air Rifle Act is amended by changing  
20 Section 7 and by adding Section 3.1 as follows:

21           (720 ILCS 535/3.1 new)

22           Sec. 3.1. Carrying or possessing air rifle in school and  
23 property comprising school property or on any conveyance used  
24 by a school for the transportation of students. It is unlawful

1 for any person under 18 years of age to carry or possess any  
2 air rifle while located in any building used as a school and  
3 property comprising school property or on any conveyance used  
4 by a school for the transportation of students. This Section  
5 does not apply to school sanctioned events or activities that  
6 have received the prior approval of the school principal.

7 (720 ILCS 535/7) (from Ch. 38, par. 82-7)

8 Sec. 7. Sentence.

9 (a) Any dealer violating any provision of Section 2 of this  
10 Act commits a petty offense.

11 (b) Except as otherwise provided in this Section, any ~~Any~~  
12 person violating any other provision of this Act commits a  
13 petty offense ~~and shall pay a fine not to exceed \$50.~~

14 (c) A violation of Section 3.1 is a Class A misdemeanor.

15 (Source: P.A. 77-2815.)".