



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0182

Introduced 1/14/2009, by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.6	
720 ILCS 5/24-2	from Ch. 38, par. 24-2

Amends the Criminal Code of 1961. Provides that it is not a violation of the statutes concerning unlawful use of weapons and aggravated unlawful use of a weapon to carry or possess any pistol, revolver, stun gun, taser, or other firearm in one's dwelling. Effective immediately.

LRB096 02975 RLC 12989 b

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 Sections 24-1, 24-1.6, and 24-2 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 dwelling or fixed place of business any pistol,  
11 revolver, stun gun or taser or other firearm, except that  
12 this subsection (a) (4) does not apply to or affect  
13 transportation of weapons that meet one of the following  
14 conditions:

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

16 (ii) are not immediately accessible; or

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

21 (5) Sets a spring gun; or

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

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

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

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

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

25 (8) Carries or possesses any firearm, stun gun or taser  
26 or other deadly weapon in any place which is licensed to

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

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

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

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

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

1           (ii) are not immediately accessible; or  
2           (iii) are unloaded and enclosed in a case, firearm  
3 carrying box, shipping box, or other container by a  
4 person who has been issued a currently valid Firearm  
5 Owner's Identification Card.

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

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

1 or

2 (12) (Blank); or

3 (13) Carries or possesses on or about his or her person  
4 while in a building occupied by a unit of government, a  
5 billy club, other weapon of like character, or other  
6 instrument of like character intended for use as a weapon.  
7 For the purposes of this Section, "billy club" means a  
8 short stick or club commonly carried by police officers  
9 which is either telescopic or constructed of a solid piece  
10 of wood or other man-made material.

11 (b) Sentence. A person convicted of a violation of  
12 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
13 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
14 Class A misdemeanor. A person convicted of a violation of  
15 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
16 person convicted of a violation of subsection 24-1(a)(6) or  
17 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
18 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
19 Class 2 felony and shall be sentenced to a term of imprisonment  
20 of not less than 3 years and not more than 7 years, unless the  
21 weapon is possessed in the passenger compartment of a motor  
22 vehicle as defined in Section 1-146 of the Illinois Vehicle  
23 Code, or on the person, while the weapon is loaded, in which  
24 case it shall be a Class X felony. A person convicted of a  
25 second or subsequent violation of subsection 24-1(a)(4),  
26 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3

1 felony. The possession of each weapon in violation of this  
2 Section constitutes a single and separate violation.

3 (c) Violations in specific places.

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

26 (1.5) A person who violates subsection 24-1(a)(4),



1 24-1(a) (9), or 24-1(a) (10) 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  
9 public housing agency or leased by a public housing agency  
10 as part of a scattered site or mixed-income development, on  
11 the 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 3 felony.

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

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

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

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

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

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

20          (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; 95-331,  
21          eff. 8-21-07; 95-809, eff. 1-1-09; 95-885, eff. 1-1-09; revised  
22          9-5-08.)

23                 (720 ILCS 5/24-1.6)

24                 Sec. 24-1.6. Aggravated unlawful use of a weapon.

25                 (a) A person commits the offense of aggravated unlawful use

1 of a weapon when he or she knowingly:

2 (1) Carries on or about his or her person or in any  
3 vehicle or concealed on or about his or her person except  
4 when on his or her land or in his or her abode or dwelling  
5 or fixed place of business any pistol, revolver, stun gun  
6 or taser or other firearm; or

7 (2) Carries or possesses on or about his or her person,  
8 upon any public street, alley, or other public lands within  
9 the corporate limits of a city, village or incorporated  
10 town, except when an invitee thereon or therein, for the  
11 purpose of the display of such weapon or the lawful  
12 commerce in weapons, or except when on his or her own land  
13 or in his or her own abode or dwelling or fixed place of  
14 business, any pistol, revolver, stun gun or taser or other  
15 firearm; and

16 (3) One of the following factors is present:

17 (A) the firearm possessed was uncased, loaded and  
18 immediately accessible at the time of the offense; or

19 (B) the firearm possessed was uncased, unloaded  
20 and the ammunition for the weapon was immediately  
21 accessible at the time of the offense; or

22 (C) the person possessing the firearm has not been  
23 issued a currently valid Firearm Owner's  
24 Identification Card; or

25 (D) the person possessing the weapon was  
26 previously adjudicated a delinquent minor under the

1 Juvenile Court Act of 1987 for an act that if committed  
2 by an adult would be a felony; or

3 (E) the person possessing the weapon was engaged in  
4 a misdemeanor violation of the Cannabis Control Act, in  
5 a misdemeanor violation of the Illinois Controlled  
6 Substances Act, or in a misdemeanor violation of the  
7 Methamphetamine Control and Community Protection Act;  
8 or

9 (F) the person possessing the weapon is a member of  
10 a street gang or is engaged in street gang related  
11 activity, as defined in Section 10 of the Illinois  
12 Streetgang Terrorism Omnibus Prevention Act; or

13 (G) the person possessing the weapon had a order of  
14 protection issued against him or her within the  
15 previous 2 years; or

16 (H) the person possessing the weapon was engaged in  
17 the commission or attempted commission of a  
18 misdemeanor involving the use or threat of violence  
19 against the person or property of another; or

20 (I) the person possessing the weapon was under 21  
21 years of age and in possession of a handgun as defined  
22 in Section 24-3, unless the person under 21 is engaged  
23 in lawful activities under the Wildlife Code or  
24 described in subsection 24-2(b)(1), (b)(3), or  
25 24-2(f).

26 (b) "Stun gun or taser" as used in this Section has the

1 same definition given to it in Section 24-1 of this Code.

2 (c) This Section does not apply to or affect the  
3 transportation or possession of weapons that:

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.

10 (d) Sentence. Aggravated unlawful use of a weapon is a  
11 Class 4 felony; a second or subsequent offense is a Class 2  
12 felony for which the person shall be sentenced to a term of  
13 imprisonment of not less than 3 years and not more than 7  
14 years. Aggravated unlawful use of a weapon by a person who has  
15 been previously convicted of a felony in this State or another  
16 jurisdiction is a Class 2 felony for which the person shall be  
17 sentenced to a term of imprisonment of not less than 3 years  
18 and not more than 7 years. Aggravated unlawful use of a weapon  
19 while wearing or in possession of body armor as defined in  
20 Section 33F-1 by a person who has not been issued a valid  
21 Firearms Owner's Identification Card in accordance with  
22 Section 5 of the Firearm Owners Identification Card Act is a  
23 Class X felony. The possession of each firearm in violation of  
24 this Section constitutes a single and separate violation.

25 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; 94-556,  
26 eff. 9-11-05; 95-331, 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), 24-1(a)(10), and  
4 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
5 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 (5) Carrying or possessing any pistol, revolver, stun  
22 gun or taser or other firearm in one's dwelling.

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

25 (1) Peace officers while in performance of their  
26 official duties.

1           (2) Wardens, superintendents and keepers of prisons,  
2 penitentiaries, jails and other institutions for the  
3 detention of persons accused or convicted of an offense.

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

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

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

26           During transportation, such weapons shall be broken

1 down in a non-functioning state or not immediately  
2 accessible.

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

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

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

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

26 (e) Subsection 24-1(a)(8) does not apply to any owner,

1 manager or authorized employee of any place specified in that  
2 subsection nor to any law enforcement officer.

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

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

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

13 (2) Bonafide collectors of antique or surplus military  
14 ordinance.

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

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

1 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
2 persons licensed under federal law to manufacture any device or  
3 attachment of any kind designed, used, or intended for use in  
4 silencing the report of any firearm, firearms, or ammunition  
5 for those firearms equipped with those devices, and actually  
6 engaged in the business of manufacturing those devices,  
7 firearms, or ammunition, but only with respect to activities  
8 that are within the lawful scope of that business, such as the  
9 manufacture, transportation, or testing of those devices,  
10 firearms, or ammunition. This exemption does not authorize the  
11 general private possession of any device or attachment of any  
12 kind designed, used, or intended for use in silencing the  
13 report of any firearm, but only such possession and activities  
14 as are within the lawful scope of a licensed manufacturing  
15 business described in this subsection (g-5). During  
16 transportation, those devices shall be detached from any weapon  
17 or not immediately accessible.

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

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



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

10 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;  
11 95-885, eff. 1-1-09.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.