



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5231

Introduced 2/3/2010, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 1961. Provides that the provision prohibiting a person from carrying or possessing any firearm, stun gun, or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged does not apply to any owner of such facility or to his or her employees if the owner has given permission to possess a firearm. Effective immediately.

LRB096 15305 RLC 30439 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 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, legal dwelling, or fixed place of business, or on
11 the land or in the legal dwelling of another person as an
12 invitee with that person's permission, any pistol,
13 revolver, stun gun or taser or other firearm, except that
14 this subsection (a) (4) does not apply to or affect
15 transportation of weapons that meet one of the following
16 conditions:

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

18 (ii) are not immediately accessible; or

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

23 (5) Sets a spring gun; or

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

1 (7) Sells, manufactures, purchases, possesses or
2 carries:

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

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

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

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

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

13 This subsection (a) (8) does not apply to any owner of a
14 facility described in this subsection (a) (8) or to his or
15 her employees if the owner has given permission to possess
16 a firearm; 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,

1 legal dwelling, or fixed place of business, or on the land
2 or in the legal dwelling of another person as an invitee
3 with that person's permission, any pistol, revolver, stun
4 gun or taser or other firearm, except that this subsection
5 (a) (10) does not apply to or affect transportation of
6 weapons that meet one of the following conditions:

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

8 (ii) are not immediately accessible; or

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

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

25 (11) Sells, manufactures or purchases any explosive
26 bullet. For purposes of this paragraph (a) "explosive

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

9 (12) (Blank); or

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

18 (b) Sentence. A person convicted of a violation of
19 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
20 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
21 Class A misdemeanor. A person convicted of a violation of
22 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
23 person convicted of a violation of subsection 24-1(a)(6) or
24 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
25 convicted of a violation of subsection 24-1(a)(7)(i) commits a
26 Class 2 felony and shall be sentenced to a term of imprisonment

1 of not less than 3 years and not more than 7 years, unless the
2 weapon is possessed in the passenger compartment of a motor
3 vehicle as defined in Section 1-146 of the Illinois Vehicle
4 Code, or on the person, while the weapon is loaded, in which
5 case it shall be a Class X felony. A person convicted of a
6 second or subsequent violation of subsection 24-1(a)(4),
7 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
8 felony. The possession of each weapon in violation of this
9 Section constitutes a single and separate violation.

10 (c) Violations in specific places.

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

1 public way within 1,000 feet of the real property
2 comprising any school, public park, courthouse, public
3 transportation facility, or residential property owned,
4 operated, or managed by a public housing agency or leased
5 by a public housing agency as part of a scattered site or
6 mixed-income development commits a Class 2 felony and shall
7 be sentenced to a term of imprisonment of not less than 3
8 years and not more than 7 years.

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

1 park, courthouse, public transportation facility, or
2 residential property owned, operated, or managed by a
3 public housing agency or leased by a public housing agency
4 as part of a scattered site or mixed-income development
5 commits a Class 3 felony.

6 (2) A person who violates subsection 24-1(a)(1),
7 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
8 time of day or the time of year, in residential property
9 owned, operated or managed by a public housing agency or
10 leased by a public housing agency as part of a scattered
11 site or mixed-income development, in a public park, in a
12 courthouse, on the real property comprising any school,
13 regardless of the time of day or the time of year, on
14 residential property owned, operated or managed by a public
15 housing agency or leased by a public housing agency as part
16 of a scattered site or mixed-income development, on the
17 real property comprising any public park, on the real
18 property comprising any courthouse, in any conveyance
19 owned, leased or contracted by a school to transport
20 students to or from school or a school related activity, in
21 any conveyance owned, leased, or contracted by a public
22 transportation agency, or on any public way within 1,000
23 feet of the real property comprising any school, public
24 park, courthouse, public transportation facility, or
25 residential property owned, operated, or managed by a
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development
2 commits a Class 4 felony. "Courthouse" means any building
3 that is used by the Circuit, Appellate, or Supreme Court of
4 this State for the conduct of official business.

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

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

17 (5) For the purposes of this subsection (c), "public
18 transportation agency" means a public or private agency
19 that provides for the transportation or conveyance of
20 persons by means available to the general public, except
21 for transportation by automobiles not used for conveyance
22 of the general public as passengers; and "public
23 transportation facility" means a terminal or other place
24 where one may obtain public transportation.

25 (d) The presence in an automobile other than a public
26 omnibus of any weapon, instrument or substance referred to in

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

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

15 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
16 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
17 96-742, eff. 8-25-09; revised 10-9-09.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.