

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 24-1.6 as follows:

6 (720 ILCS 5/24-1.6)

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

8 (a) A person commits the offense of aggravated unlawful use
9 of a weapon when he or she knowingly:

10 (1) Carries on or about his or her person or in any
11 vehicle or concealed on or about his or her person except
12 when on his or her land or in his or her abode, legal
13 dwelling, or fixed place of business, or on the land or in
14 the legal dwelling of another person as an invitee with
15 that person's permission, any pistol, revolver, stun gun or
16 taser or other firearm; or

17 (2) Carries or possesses on or about his or her person,
18 upon any public street, alley, or other public lands within
19 the corporate limits of a city, village or incorporated
20 town, except when an invitee thereon or therein, for the
21 purpose of the display of such weapon or the lawful
22 commerce in weapons, or except when on his or her own land
23 or in his or her own abode, legal dwelling, or fixed place

1 of business, or on the land or in the legal dwelling of
2 another person as an invitee with that person's permission,
3 any pistol, revolver, stun gun or taser or other firearm;
4 and

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

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

8 (B) the firearm possessed was uncased, unloaded
9 and the ammunition for the weapon was immediately
10 accessible at the time of the offense; or

11 (C) the person possessing the firearm has not been
12 issued a currently valid Firearm Owner's
13 Identification Card; or

14 (D) the person possessing the weapon was
15 previously adjudicated a delinquent minor under the
16 Juvenile Court Act of 1987 for an act that if committed
17 by an adult would be a felony; or

18 (E) the person possessing the weapon was engaged in
19 a misdemeanor violation of the Cannabis Control Act, in
20 a misdemeanor violation of the Illinois Controlled
21 Substances Act, or in a misdemeanor violation of the
22 Methamphetamine Control and Community Protection Act;
23 or

24 (F) (blank); or

25 (G) the person possessing the weapon had a order of
26 protection issued against him or her within the

1 previous 2 years; or

2 (H) the person possessing the weapon was engaged in
3 the commission or attempted commission of a
4 misdemeanor involving the use or threat of violence
5 against the person or property of another; or

6 (I) the person possessing the weapon was under 21
7 years of age and in possession of a handgun as defined
8 in Section 24-3, unless the person under 21 is engaged
9 in lawful activities under the Wildlife Code or
10 described in subsection 24-2(b)(1), (b)(3), or
11 24-2(f).

12 (b) "Stun gun or taser" as used in this Section has the
13 same definition given to it in Section 24-1 of this Code.

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

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

17 (ii) are not immediately accessible; or

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

22 (d) Sentence.

23 (1) Aggravated unlawful use of a weapon is a Class 4
24 felony; a second or subsequent offense is a Class 2 felony
25 for which the person shall be sentenced to a term of
26 imprisonment of not less than 3 years and not more than 7

1 years.

2 (2) Except as otherwise provided in paragraphs (3) and
3 (4) of this subsection (d), a first offense of aggravated
4 unlawful use of a weapon committed with a firearm by a
5 person 18 years of age or older where the factors listed in
6 both items (A) and (C) of paragraph (3) of subsection (a)
7 are present is a Class 4 felony, for which the person shall
8 be sentenced to a term of imprisonment of not less than one
9 year and not more than 3 years.

10 (3) Aggravated unlawful use of a weapon by a person who
11 has been previously convicted of a felony in this State or
12 another jurisdiction is a Class 2 felony for which the
13 person shall be sentenced to a term of imprisonment of not
14 less than 3 years and not more than 7 years.

15 (4) Aggravated unlawful use of a weapon while wearing
16 or in possession of body armor as defined in Section 33F-1
17 by a person who has not been issued a valid Firearms
18 Owner's Identification Card in accordance with Section 5 of
19 the Firearm Owners Identification Card Act is a Class X
20 felony.

21 (e) The possession of each firearm in violation of this
22 Section constitutes a single and separate violation.

23 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
24 96-829, eff. 12-3-09.)