



Judiciary II - Criminal Law Committee

Filed: 3/4/2010

09600HB5832ham001

LRB096 19058 RLC 37264 a

1 AMENDMENT TO HOUSE BILL 5832

2 AMENDMENT NO. _____. Amend House Bill 5832 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing 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

1 (2) Carries or possesses on or about his or her person,
2 upon any public street, alley, or other public lands within
3 the corporate limits of a city, village or incorporated
4 town, except when an invitee thereon or therein, for the
5 purpose of the display of such weapon or the lawful
6 commerce in weapons, or except when on his or her own land
7 or in his or her own abode, legal dwelling, or fixed place
8 of business, or on the land or in the legal dwelling of
9 another person as an invitee with that person's permission,
10 any pistol, revolver, stun gun or taser or other firearm;
11 and

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

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

15 (B) the firearm possessed was uncased, unloaded
16 and the ammunition for the weapon was immediately
17 accessible at the time of the offense; or

18 (C) the person possessing the firearm has not been
19 issued a currently valid Firearm Owner's
20 Identification Card; or

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

25 (E) the person possessing the weapon was engaged in
26 a misdemeanor violation of the Cannabis Control Act, in

1 a misdemeanor violation of the Illinois Controlled
2 Substances Act, or in a misdemeanor violation of the
3 Methamphetamine Control and Community Protection Act;
4 or

5 (F) (blank); or

6 (G) the person possessing the weapon had a order of
7 protection issued against him or her within the
8 previous 2 years; or

9 (H) the person possessing the weapon was engaged in
10 the commission or attempted commission of a
11 misdemeanor involving the use or threat of violence
12 against the person or property of another; or

13 (I) the person possessing the weapon was under 21
14 years of age and in possession of a handgun as defined
15 in Section 24-3, unless the person under 21 is engaged
16 in lawful activities under the Wildlife Code or
17 described in subsection 24-2(b)(1), (b)(3), or
18 24-2(f).

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

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

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

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm
26 carrying box, shipping box, or other container by a

1 person who has been issued a currently valid Firearm
2 Owner's Identification Card.

3 (d) Sentence.

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

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

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

22 (4) Aggravated unlawful use of a weapon while wearing
23 or in possession of body armor as defined in Section 33F-1
24 by a person who has not been issued a valid Firearms
25 Owner's Identification Card in accordance with Section 5 of
26 the Firearm Owners Identification Card Act is a Class X

1 felony.

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

4 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
5 96-829, eff. 12-3-09.)".