

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 24-1.2-5 and 24-2 as follows:

6 (720 ILCS 5/24-1.2-5)

7 Sec. 24-1.2-5. Aggravated discharge of a machine gun or a
8 firearm equipped with a device designed or used for silencing
9 the report of a firearm.

10 (a) A person commits aggravated discharge of a machine gun
11 or a firearm equipped with a device designed or used for
12 silencing the report of a firearm when he or she knowingly or
13 intentionally:

14 (1) Discharges a machine gun or a firearm equipped with
15 a device designed or used for silencing the report of a
16 firearm at or into a building he or she knows to be
17 occupied and the machine gun or the firearm equipped with a
18 device designed or used for silencing the report of a
19 firearm is discharged from a place or position outside that
20 building;

21 (2) Discharges a machine gun or a firearm equipped with
22 a device designed or used for silencing the report of a
23 firearm in the direction of another person or in the

1 direction of a vehicle he or she knows to be occupied;

2 (3) Discharges a machine gun or a firearm equipped with
3 a device designed or used for silencing the report of a
4 firearm in the direction of a person he or she knows to be
5 a peace officer, a person summoned or directed by a peace
6 officer, a correctional institution employee, or a fireman
7 while the officer, employee or fireman is engaged in the
8 execution of any of his or her official duties, or to
9 prevent the officer, employee or fireman from performing
10 his or her official duties, or in retaliation for the
11 officer, employee or fireman performing his or her official
12 duties;

13 (4) Discharges a machine gun or a firearm equipped with
14 a device designed or used for silencing the report of a
15 firearm in the direction of a vehicle he or she knows to be
16 occupied by a peace officer, a person summoned or directed
17 by a peace officer, a correctional institution employee or
18 a fireman while the officer, employee or fireman is engaged
19 in the execution of any of his or her official duties, or
20 to prevent the officer, employee or fireman from performing
21 his or her official duties, or in retaliation for the
22 officer, employee or fireman performing his or her official
23 duties;

24 (5) Discharges a machine gun or a firearm equipped with
25 a device designed or used for silencing the report of a
26 firearm in the direction of a person he or she knows to be

1 an emergency medical technician - ambulance, emergency
2 medical technician - intermediate, emergency medical
3 technician - paramedic, ambulance driver, or other medical
4 assistance or first aid personnel, employed by a
5 municipality or other governmental unit, while the
6 emergency medical technician - ambulance, emergency
7 medical technician - intermediate, emergency medical
8 technician - paramedic, ambulance driver, or other medical
9 assistance or first aid personnel is engaged in the
10 execution of any of his or her official duties, or to
11 prevent the emergency medical technician - ambulance,
12 emergency medical technician - intermediate, emergency
13 medical technician - paramedic, ambulance driver, or other
14 medical assistance or first aid personnel from performing
15 his or her official duties, or in retaliation for the
16 emergency medical technician - ambulance, emergency
17 medical technician - intermediate, emergency medical
18 technician - paramedic, ambulance driver, or other medical
19 assistance or first aid personnel performing his or her
20 official duties;

21 (6) Discharges a machine gun or a firearm equipped with
22 a device designed or used for silencing the report of a
23 firearm in the direction of a vehicle he or she knows to be
24 occupied by an emergency medical technician - ambulance,
25 emergency medical technician - intermediate, emergency
26 medical technician - paramedic, ambulance driver, or other

1 medical assistance or first aid personnel, employed by a
2 municipality or other governmental unit, while the
3 emergency medical technician - ambulance, emergency
4 medical technician - intermediate, emergency medical
5 technician - paramedic, ambulance driver, or other medical
6 assistance or first aid personnel is engaged in the
7 execution of any of his or her official duties, or to
8 prevent the emergency medical technician - ambulance,
9 emergency medical technician - intermediate, emergency
10 medical technician - paramedic, ambulance driver, or other
11 medical assistance or first aid personnel from performing
12 his or her official duties, or in retaliation for the
13 emergency medical technician - ambulance, emergency
14 medical technician - intermediate, emergency medical
15 technician - paramedic, ambulance driver, or other medical
16 assistance or first aid personnel performing his or her
17 official duties;

18 (7) Discharges a machine gun or a firearm equipped with
19 a device designed or used for silencing the report of a
20 firearm in the direction of a person he or she knows to be
21 an emergency management worker while the emergency
22 management worker is engaged in the execution of any of his
23 or her official duties, or to prevent the emergency
24 management worker from performing his or her official
25 duties, or in retaliation for the emergency management
26 worker performing his or her official duties; or

1 (8) Discharges a machine gun or a firearm equipped with
2 a device designed or used for silencing the report of a
3 firearm in the direction of a vehicle he or she knows to be
4 occupied by an emergency management worker while the
5 emergency management worker is engaged in the execution of
6 any of his or her official duties, or to prevent the
7 emergency management worker from performing his or her
8 official duties, or in retaliation for the emergency
9 management worker performing his or her official duties.

10 (b) A violation of subsection (a) (1) or subsection (a) (2)
11 of this Section is a Class X felony. A violation of subsection
12 (a) (3), (a) (4), (a) (5), (a) (6), (a) (7), or (a) (8) of this
13 Section is a Class X felony for which the sentence shall be a
14 term of imprisonment of no less than 12 years and no more than
15 50 years.

16 (c) For the purpose of this Section, "machine gun" has the
17 meaning ascribed to it in clause (i) of paragraph (7) of
18 subsection (a) of Section 24-1 of this Code.

19 (d) This Section does not apply to a peace officer while
20 serving as a member of a tactical response team or special
21 operations team. A peace officer may not personally own or
22 apply for ownership of a device or attachment of any kind
23 designed, used, or intended for use in silencing the report of
24 any firearm. These devices shall be owned and maintained by
25 lawfully recognized units of government whose duties include
26 the investigation of criminal acts.

1 (Source: P.A. 94-243, eff. 1-1-06.)

2 (720 ILCS 5/24-2)

3 Sec. 24-2. Exemptions.

4 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
5 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
6 the following:

7 (1) Peace officers, and any person summoned by a peace
8 officer to assist in making arrests or preserving the
9 peace, while actually engaged in assisting such officer.

10 (2) Wardens, superintendents and keepers of prisons,
11 penitentiaries, jails and other institutions for the
12 detention of persons accused or convicted of an offense,
13 while in the performance of their official duty, or while
14 commuting between their homes and places of employment.

15 (3) Members of the Armed Services or Reserve Forces of
16 the United States or the Illinois National Guard or the
17 Reserve Officers Training Corps, while in the performance
18 of their official duty.

19 (4) Special agents employed by a railroad or a public
20 utility to perform police functions, and guards of armored
21 car companies, while actually engaged in the performance of
22 the duties of their employment or commuting between their
23 homes and places of employment; and watchmen while actually
24 engaged in the performance of the duties of their
25 employment.

1 (5) Persons licensed as private security contractors,
2 private detectives, or private alarm contractors, or
3 employed by an agency certified by the Department of
4 Professional Regulation, if their duties include the
5 carrying of a weapon under the provisions of the Private
6 Detective, Private Alarm, Private Security, Fingerprint
7 Vendor, and Locksmith Act of 2004, while actually engaged
8 in the performance of the duties of their employment or
9 commuting between their homes and places of employment,
10 provided that such commuting is accomplished within one
11 hour from departure from home or place of employment, as
12 the case may be. Persons exempted under this subdivision
13 (a)(5) shall be required to have completed a course of
14 study in firearms handling and training approved and
15 supervised by the Department of Professional Regulation as
16 prescribed by Section 28 of the Private Detective, Private
17 Alarm, Private Security, Fingerprint Vendor, and Locksmith
18 Act of 2004, prior to becoming eligible for this exemption.
19 The Department of Professional Regulation shall provide
20 suitable documentation demonstrating the successful
21 completion of the prescribed firearms training. Such
22 documentation shall be carried at all times when such
23 persons are in possession of a concealable weapon.

24 (6) Any person regularly employed in a commercial or
25 industrial operation as a security guard for the protection
26 of persons employed and private property related to such

1 commercial or industrial operation, while actually engaged
2 in the performance of his or her duty or traveling between
3 sites or properties belonging to the employer, and who, as
4 a security guard, is a member of a security force of at
5 least 5 persons registered with the Department of
6 Professional Regulation; provided that such security guard
7 has successfully completed a course of study, approved by
8 and supervised by the Department of Professional
9 Regulation, consisting of not less than 40 hours of
10 training that includes the theory of law enforcement,
11 liability for acts, and the handling of weapons. A person
12 shall be considered eligible for this exemption if he or
13 she has completed the required 20 hours of training for a
14 security officer and 20 hours of required firearm training,
15 and has been issued a firearm control card by the
16 Department of Professional Regulation. Conditions for the
17 renewal of firearm control cards issued under the
18 provisions of this Section shall be the same as for those
19 cards issued under the provisions of the Private Detective,
20 Private Alarm, Private Security, Fingerprint Vendor, and
21 Locksmith Act of 2004. Such firearm control card shall be
22 carried by the security guard at all times when he or she
23 is in possession of a concealable weapon.

24 (7) Agents and investigators of the Illinois
25 Legislative Investigating Commission authorized by the
26 Commission to carry the weapons specified in subsections

1 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
2 any investigation for the Commission.

3 (8) Persons employed by a financial institution for the
4 protection of other employees and property related to such
5 financial institution, while actually engaged in the
6 performance of their duties, commuting between their homes
7 and places of employment, or traveling between sites or
8 properties owned or operated by such financial
9 institution, provided that any person so employed has
10 successfully completed a course of study, approved by and
11 supervised by the Department of Professional Regulation,
12 consisting of not less than 40 hours of training which
13 includes theory of law enforcement, liability for acts, and
14 the handling of weapons. A person shall be considered to be
15 eligible for this exemption if he or she has completed the
16 required 20 hours of training for a security officer and 20
17 hours of required firearm training, and has been issued a
18 firearm control card by the Department of Professional
19 Regulation. Conditions for renewal of firearm control
20 cards issued under the provisions of this Section shall be
21 the same as for those issued under the provisions of the
22 Private Detective, Private Alarm, Private Security,
23 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
24 control card shall be carried by the person so trained at
25 all times when such person is in possession of a
26 concealable weapon. For purposes of this subsection,

1 "financial institution" means a bank, savings and loan
2 association, credit union or company providing armored car
3 services.

4 (9) Any person employed by an armored car company to
5 drive an armored car, while actually engaged in the
6 performance of his duties.

7 (10) Persons who have been classified as peace officers
8 pursuant to the Peace Officer Fire Investigation Act.

9 (11) Investigators of the Office of the State's
10 Attorneys Appellate Prosecutor authorized by the board of
11 governors of the Office of the State's Attorneys Appellate
12 Prosecutor to carry weapons pursuant to Section 7.06 of the
13 State's Attorneys Appellate Prosecutor's Act.

14 (12) Special investigators appointed by a State's
15 Attorney under Section 3-9005 of the Counties Code.

16 (12.5) Probation officers while in the performance of
17 their duties, or while commuting between their homes,
18 places of employment or specific locations that are part of
19 their assigned duties, with the consent of the chief judge
20 of the circuit for which they are employed.

21 (13) Court Security Officers while in the performance
22 of their official duties, or while commuting between their
23 homes and places of employment, with the consent of the
24 Sheriff.

25 (13.5) A person employed as an armed security guard at
26 a nuclear energy, storage, weapons or development site or

1 facility regulated by the Nuclear Regulatory Commission
2 who has completed the background screening and training
3 mandated by the rules and regulations of the Nuclear
4 Regulatory Commission.

5 (14) Manufacture, transportation, or sale of weapons
6 to persons authorized under subdivisions (1) through
7 (13.5) of this subsection to possess those weapons.

8 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
9 24-1.6 do not apply to or affect any of the following:

10 (1) Members of any club or organization organized for
11 the purpose of practicing shooting at targets upon
12 established target ranges, whether public or private, and
13 patrons of such ranges, while such members or patrons are
14 using their firearms on those target ranges.

15 (2) Duly authorized military or civil organizations
16 while parading, with the special permission of the
17 Governor.

18 (3) Hunters, trappers or fishermen with a license or
19 permit while engaged in hunting, trapping or fishing.

20 (4) Transportation of weapons that are broken down in a
21 non-functioning state or are not immediately accessible.

22 (5) Carrying or possessing any pistol, revolver, stun
23 gun or taser or other firearm on the land or in the legal
24 dwelling of another person as an invitee with that person's
25 permission.

26 (c) Subsection 24-1(a)(7) does not apply to or affect any

1 of the following:

2 (1) Peace officers while in performance of their
3 official duties.

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

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

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

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

1 are within the lawful scope of a licensed manufacturing
2 business described in this paragraph.

3 During transportation, such weapons shall be broken
4 down in a non-functioning state or not immediately
5 accessible.

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

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

23 During transportation, any such weapon shall be broken
24 down in a non-functioning state, or not immediately
25 accessible.

26 (d) Subsection 24-1(a)(1) does not apply to the purchase,

1 possession or carrying of a black-jack or slung-shot by a peace
2 officer.

3 (e) Subsection 24-1(a)(8) does not apply to any owner,
4 manager or authorized employee of any place specified in that
5 subsection nor to any law enforcement officer.

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

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

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

16 (2) Bonafide collectors of antique or surplus military
17 ordinance.

18 (3) Laboratories having a department of forensic
19 ballistics, or specializing in the development of
20 ammunition or explosive ordinance.

21 (4) Commerce, preparation, assembly or possession of
22 explosive bullets by manufacturers of ammunition licensed
23 by the federal government, in connection with the supply of
24 those organizations and persons exempted by subdivision
25 (g)(1) of this Section, or like organizations and persons
26 outside this State, or the transportation of explosive

1 bullets to any organization or person exempted in this
2 Section by a common carrier or by a vehicle owned or leased
3 by an exempted manufacturer.

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

21 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
22 24-1.6 do not apply to or affect any parole agent or parole
23 supervisor who meets the qualifications and conditions
24 prescribed in Section 3-14-1.5 of the Unified Code of
25 Corrections.

26 (g-7) Subsection 24-1(a)(6) does not apply to a peace

1 officer while serving as a member of a tactical response team
2 or special operations team. A peace officer may not personally
3 own or apply for ownership of a device or attachment of any
4 kind designed, used, or intended for use in silencing the
5 report of any firearm. These devices shall be owned and
6 maintained by lawfully recognized units of government whose
7 duties include the investigation of criminal acts.

8 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
9 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
10 athlete's possession, transport on official Olympic and
11 Paralympic transit systems established for athletes, or use of
12 competition firearms sanctioned by the International Olympic
13 Committee, the International Paralympic Committee, the
14 International Shooting Sport Federation, or USA Shooting in
15 connection with such athlete's training for and participation
16 in shooting competitions at the 2016 Olympic and Paralympic
17 Games and sanctioned test events leading up to the 2016 Olympic
18 and Paralympic Games.

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

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

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

11 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
12 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
13 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)