

# HB2797



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB2797**

Introduced 2/18/2011, by Rep. Tom Cross - Dennis M. Reboletti

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning the unlawful use of weapons.

LRB097 08713 RLC 48842 b

A BILL FOR

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 ~~the~~ offense of unlawful use of  
9 weapons 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          (9) Carries or possesses in a vehicle or on or about  
14          his person any pistol, revolver, stun gun or taser or  
15          firearm or ballistic knife, when he is hooded, robed or  
16          masked in such manner as to conceal his identity; or

17          (10) Carries or possesses on or about his person, upon  
18          any public street, alley, or other public lands within the  
19          corporate limits of a city, village or incorporated town,  
20          except when an invitee thereon or therein, for the purpose  
21          of the display of such weapon or the lawful commerce in  
22          weapons, or except when on his land or in his own abode,  
23          legal dwelling, or fixed place of business, or on the land  
24          or in the legal dwelling of another person as an invitee  
25          with that person's permission, any pistol, revolver, stun  
26          gun or taser or other firearm, except that this subsection

1 (a) (10) does not apply to or affect transportation of  
2 weapons that meet one of the following conditions:

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

4 (ii) are not immediately accessible; or

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

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

21 (11) Sells, manufactures or purchases any explosive  
22 bullet. For purposes of this paragraph (a) "explosive  
23 bullet" means the projectile portion of an ammunition  
24 cartridge which contains or carries an explosive charge  
25 which will explode upon contact with the flesh of a human  
26 or an animal. "Cartridge" means a tubular metal case having

1 a projectile affixed at the front thereof and a cap or  
2 primer at the rear end thereof, with the propellant  
3 contained in such tube between the projectile and the cap;  
4 or

5 (12) (Blank); or

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

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

1 case it shall be a Class X felony. A person convicted of a  
2 second or subsequent violation of subsection 24-1(a)(4),  
3 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
4 felony. The possession of each weapon in violation of this  
5 Section constitutes a single and separate violation.

6 (c) Violations in specific places.

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



1 by a public housing agency as part of a scattered site or  
2 mixed-income development commits a Class 2 felony and shall  
3 be sentenced to a term of imprisonment of not less than 3  
4 years and not more than 7 years.

5 (1.5) A person who violates subsection 24-1(a)(4),  
6 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
7 time of day or the time of year, in residential property  
8 owned, operated, or managed by a public housing agency or  
9 leased by a public housing agency as part of a scattered  
10 site or mixed-income development, in a public park, in a  
11 courthouse, on the real property comprising any school,  
12 regardless of the time of day or the time of year, on  
13 residential property owned, operated, or managed by a  
14 public housing agency or leased by a public housing agency  
15 as part of a scattered site or mixed-income development, on  
16 the real property comprising any public park, on the real  
17 property comprising any courthouse, in any conveyance  
18 owned, leased, or contracted by a school to transport  
19 students to or from school or a school related activity, in  
20 any conveyance owned, leased, or contracted by a public  
21 transportation agency, or on any public way within 1,000  
22 feet of the real property comprising any school, public  
23 park, courthouse, public transportation facility, or  
24 residential property owned, operated, or managed by a  
25 public housing agency or leased by a public housing agency  
26 as part of a scattered site or mixed-income development

1 commits a Class 3 felony.

2 (2) A person who violates subsection 24-1(a)(1),  
3 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
4 time of day or the time of year, in residential property  
5 owned, operated or managed by a public housing agency or  
6 leased by a public housing agency as part of a scattered  
7 site or mixed-income development, in a public park, in a  
8 courthouse, on the real property comprising any school,  
9 regardless of the time of day or the time of year, on  
10 residential property owned, operated or managed by a public  
11 housing agency or leased by a public housing agency as part  
12 of a scattered site or mixed-income development, on the  
13 real property comprising any public park, on the real  
14 property comprising any courthouse, in any conveyance  
15 owned, leased or contracted by a school to transport  
16 students to or from school or a school related activity, in  
17 any conveyance owned, leased, or contracted by a public  
18 transportation agency, or on any public way within 1,000  
19 feet of the real property comprising any school, public  
20 park, courthouse, public transportation facility, or  
21 residential property owned, operated, or managed by a  
22 public housing agency or leased by a public housing agency  
23 as part of a scattered site or mixed-income development  
24 commits a Class 4 felony. "Courthouse" means any building  
25 that is used by the Circuit, Appellate, or Supreme Court of  
26 this State for the conduct of official business.

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

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

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

21           (d) The presence in an automobile other than a public  
22           omnibus of any weapon, instrument or substance referred to in  
23           subsection (a)(7) is prima facie evidence that it is in the  
24           possession of, and is being carried by, all persons occupying  
25           such automobile at the time such weapon, instrument or  
26           substance is found, except under the following circumstances:

1 (i) if such weapon, instrument or instrumentality is found upon  
2 the person of one of the occupants therein; or (ii) if such  
3 weapon, instrument or substance is found in an automobile  
4 operated for hire by a duly licensed driver in the due, lawful  
5 and proper pursuit of his trade, then such presumption shall  
6 not apply to the driver.

7 (e) Exemptions. Crossbows, Common or Compound bows and  
8 Underwater Spearguns are exempted from the definition of  
9 ballistic knife as defined in paragraph (1) of subsection (a)  
10 of this Section.

11 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
12 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
13 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)