

**SB2292**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB2292**

Introduced 2/10/2011, by Sen. Antonio Muñoz

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 1961 relating to unlawful use of weapons. Increases the penalties by one class if a semi-automatic assault weapon or high capacity ammunition was possessed in the commission of the offense. Defines "semi-automatic assault weapon" and "high capacity ammunition". Effective immediately.

LRB097 08600 RLC 50125 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**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 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          (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)(4) or subsection 24-1(a)(10) commits a  
19 Class 4 felony if a semi-automatic assault weapon or high  
20 capacity ammunition was possessed in the commission of the  
21 offense. A person convicted of a violation of subsection  
22 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; A person  
23 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)  
24 commits a Class 3 felony if a semi-automatic assault weapon or  
25 high capacity ammunition was possessed in the commission of the  
26 offense; a person convicted of a violation of subsection

1 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a Class 3 felony.  
2 A person convicted of a violation of subsection 24-1(a)(6)  
3 commits a Class 2 felony if a semi-automatic assault weapon or  
4 high capacity ammunition was possessed in the commission of the  
5 offense. A person convicted of a violation of subsection  
6 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced  
7 to a term of imprisonment of not less than 3 years and not more  
8 than 7 years, unless the weapon is possessed in the passenger  
9 compartment of a motor vehicle as defined in Section 1-146 of  
10 the Illinois Vehicle Code, or on the person, while the weapon  
11 is loaded, in which case it shall be a Class X felony. A person  
12 convicted of a second or subsequent violation of subsection  
13 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a  
14 Class 3 felony. A person convicted of a second or subsequent  
15 violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or  
16 24-1(a)(10) commits a Class 2 felony if a semi-automatic  
17 assault weapon or high capacity ammunition was possessed in the  
18 commission of the offense. The possession of each weapon in  
19 violation of this Section constitutes a single and separate  
20 violation.

21 (c) Violations in specific places.

22 (1) A person who violates subsection 24-1(a)(6) or  
23 24-1(a)(7) in any school, regardless of the time of day or  
24 the time of year, in residential property owned, operated  
25 or managed by a public housing agency or leased by a public  
26 housing agency as part of a scattered site or mixed-income



1 development, in a public park, in a courthouse, on the real  
2 property comprising any school, regardless of the time of  
3 day or the time of year, on residential property owned,  
4 operated or managed by a public housing agency or leased by  
5 a public housing agency as part of a scattered site or  
6 mixed-income development, on the real property comprising  
7 any public park, on the real property comprising any  
8 courthouse, in any conveyance owned, leased or contracted  
9 by a school to transport students to or from school or a  
10 school related activity, in any conveyance owned, leased,  
11 or contracted by a public transportation agency, or on any  
12 public way within 1,000 feet of the real property  
13 comprising any school, public park, courthouse, public  
14 transportation facility, or residential property owned,  
15 operated, or managed by a public housing agency or leased  
16 by a public housing agency as part of a scattered site or  
17 mixed-income development commits a Class 2 felony and shall  
18 be sentenced to a term of imprisonment of not less than 3  
19 years and not more than 7 years. If a semi-automatic  
20 assault weapon or high capacity ammunition was possessed in  
21 the commission of the offense, the penalty is a Class 1  
22 felony.

23 (1.5) A person who violates subsection 24-1(a)(4),  
24 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
25 time of day or the time of year, in residential property  
26 owned, operated, or managed by a public housing agency or

1 leased by a public housing agency as part of a scattered  
2 site or mixed-income development, in a public park, in a  
3 courthouse, on the real property comprising any school,  
4 regardless of the time of day or the time of year, on  
5 residential property owned, operated, or managed by a  
6 public housing agency or leased by a public housing agency  
7 as part of a scattered site or mixed-income development, on  
8 the real property comprising any public park, on the real  
9 property comprising any courthouse, in any conveyance  
10 owned, leased, or contracted by a school to transport  
11 students to or from school or a school related activity, in  
12 any conveyance owned, leased, or contracted by a public  
13 transportation agency, or on any public way within 1,000  
14 feet of the real property comprising any school, public  
15 park, courthouse, public transportation facility, or  
16 residential property owned, operated, or managed by a  
17 public housing agency or leased by a public housing agency  
18 as part of a scattered site or mixed-income development  
19 commits a Class 3 felony. If a semi-automatic assault  
20 weapon or high capacity ammunition was possessed in the  
21 commission of the offense, the penalty is a Class 2 felony.

22 (2) A person who violates subsection 24-1(a)(1),  
23 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
24 time of day or the time of year, in residential property  
25 owned, operated or managed by a public housing agency or  
26 leased by a public housing agency as part of a scattered

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

21 (3) Paragraphs (1), (1.5), and (2) of this subsection  
22 (c) shall not apply to law enforcement officers or security  
23 officers of such school, college, or university or to  
24 students carrying or possessing firearms for use in  
25 training courses, parades, hunting, target shooting on  
26 school ranges, or otherwise with the consent of school

1 authorities and which firearms are transported unloaded  
2 enclosed in a suitable case, box, or transportation  
3 package.

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

7 (5) For the purposes of this subsection (c), "public  
8 transportation agency" means a public or private agency  
9 that provides for the transportation or conveyance of  
10 persons by means available to the general public, except  
11 for transportation by automobiles not used for conveyance  
12 of the general public as passengers; and "public  
13 transportation facility" means a terminal or other place  
14 where one may obtain public transportation.

15 (d) The presence in an automobile other than a public  
16 omnibus of any weapon, instrument or substance referred to in  
17 subsection (a)(7) is prima facie evidence that it is in the  
18 possession of, and is being carried by, all persons occupying  
19 such automobile at the time such weapon, instrument or  
20 substance is found, except under the following circumstances:  
21 (i) if such weapon, instrument or instrumentality is found upon  
22 the person of one of the occupants therein; or (ii) if such  
23 weapon, instrument or substance is found in an automobile  
24 operated for hire by a duly licensed driver in the due, lawful  
25 and proper pursuit of his trade, then such presumption shall  
26 not apply to the driver.

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

5 (f) For purposes of this Section:

6 "Semi-automatic assault weapon" means:

7 (A) any of the firearms or types, replicas, or  
8 duplicates in any caliber of the firearms, known as:

9 (i) Norinco, Mitchell, and Poly Technologies  
10 Avtomat Kalashnikovs (all models);

11 (ii) Action Arms Israeli Military Industries  
12 UZI and Galil;

13 (iii) Beretta AR-70 (SC-70);

14 (iv) Colt AR-15;

15 (v) Fabrique Nationale FN/FAL, FN/LAR, and  
16 FNC;

17 (vi) SWD M-10, M-11, M-11/9, and M-12;

18 (vii) Steyr AUG;

19 (viii) INTRATEC TEC-9, TEC-DC9, and TEC-22;

20 and

21 (ix) any shotgun which contains its ammunition  
22 in a revolving cylinder, such as (but not limited  
23 to) the Street Sweeper and Striker 12;

24 (B) a semi-automatic rifle that has an ability to  
25 accept a detachable magazine and has any of the  
26 following:

- 1                   (i) a folding or telescoping stock;  
2                   (ii) a pistol grip or thumbhole stock;  
3                   (iii) a shroud that is attached to, or  
4                   partially or completely encircles the barrel, and  
5                   that permits the shooter to hold the firearm with  
6                   the non-trigger hand without being burned; or  
7                   (iv) a fixed magazine that has the capacity to  
8                   accept more than 10 rounds of ammunition;  
9                   (C) a semi-automatic pistol that has an ability to  
10                  accept a detachable magazine and has any of the  
11                  following:  
12                   (i) a folding, telescoping, or thumbhole  
13                   stock;  
14                   (ii) a shroud that is attached to, or partially  
15                   or completely encircles the barrel, and that  
16                   permits the shooter to hold the firearm with the  
17                   non-trigger hand without being burned;  
18                   (iii) an ammunition magazine that attaches to  
19                   the pistol outside of the pistol grip;  
20                   (iv) a fixed magazine that has the capacity to  
21                   accept more than 10 rounds of ammunition;  
22                   (v) a manufactured weight of 50 ounces or more  
23                   when the pistol is unloaded; or  
24                   (vi) a semi-automatic version of an automatic  
25                   firearm;  
26                   (D) a semi-automatic shotgun that has any of the

1           following:

2                   (i) a folding or telescoping stock;

3                   (ii) a pistol grip or thumbhole stock;

4                   (iii) a fixed magazine capacity in excess of 5  
5                   rounds; or

6                   (iv) an ability to accept a detachable  
7                   magazine.

8           "Semi-automatic assault weapon" does not include:

9                   (A) any firearm that:

10                   (i) is manually operated by bolt, pump, lever,  
11                   or slide action;

12                   (ii) is an "unserviceable firearm" or has been  
13                   made permanently inoperable; or

14                   (iii) is an antique firearm;

15                   (B) any air rifle as defined in Section 1 of the  
16                   Air Rifle Act.

17           "High capacity ammunition" means ammunition of 50 or  
18           more caliber.

19           (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
20           95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
21           96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

22           Section 99. Effective date. This Act takes effect upon  
23           becoming law.