

HB3770



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3770

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.6

Amends the Criminal Code of 2012. Provides that one of the aggravating factors for a violation of the statute concerning aggravated unlawful use of a weapon is that the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a forcible felony (rather than a felony).

LRB098 15191 RLC 50177 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 2012 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, other than a pistol, revolver, or
7 handgun, possessed was uncased, loaded, and
8 immediately accessible at the time of the offense; or

9 (A-5) the pistol, revolver, or handgun possessed
10 was uncased, loaded, and immediately accessible at the
11 time of the offense and the person possessing the
12 pistol, revolver, or handgun has not been issued a
13 currently valid license under the Firearm Concealed
14 Carry Act; or

15 (B) the firearm, other than a pistol, revolver, or
16 handgun, possessed was uncased, unloaded, and the
17 ammunition for the weapon was immediately accessible
18 at the time of the offense; or

19 (B-5) the pistol, revolver, or handgun possessed
20 was uncased, unloaded, and the ammunition for the
21 weapon was immediately accessible at the time of the
22 offense and the person possessing the pistol,
23 revolver, or handgun has not been issued a currently
24 valid license under the Firearm Concealed Carry Act; or

25 (C) the person possessing the firearm has not been
26 issued a currently valid Firearm Owner's

1 Identification Card; or

2 (D) the person possessing the weapon was
3 previously adjudicated a delinquent minor under the
4 Juvenile Court Act of 1987 for an act that if committed
5 by an adult would be a forcible felony; or

6 (E) the person possessing the weapon was engaged in
7 a misdemeanor violation of the Cannabis Control Act, in
8 a misdemeanor violation of the Illinois Controlled
9 Substances Act, or in a misdemeanor violation of the
10 Methamphetamine Control and Community Protection Act;
11 or

12 (F) (blank); or

13 (G) the person possessing the weapon had a order of
14 protection issued against him or her within the
15 previous 2 years; or

16 (H) the person possessing the weapon was engaged in
17 the commission or attempted commission of a
18 misdemeanor involving the use or threat of violence
19 against the person or property of another; or

20 (I) the person possessing the weapon was under 21
21 years of age and in possession of a handgun, unless the
22 person under 21 is engaged in lawful activities under
23 the Wildlife Code or described in subsection
24 24-2(b)(1), (b)(3), or 24-2(f).

25 (a-5) "Handgun" as used in this Section has the meaning
26 given to it in Section 5 of the Firearm Concealed Carry Act.

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

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

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

6 (ii) are not immediately accessible; or

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

11 (d) Sentence.

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

17 (2) Except as otherwise provided in paragraphs (3) and
18 (4) of this subsection (d), a first offense of aggravated
19 unlawful use of a weapon committed with a firearm by a
20 person 18 years of age or older where the factors listed in
21 both items (A) and (C) or both items (A-5) and (C) of
22 paragraph (3) of subsection (a) are present is a Class 4
23 felony, for which the person shall be sentenced to a term
24 of imprisonment of not less than one year and not more than
25 3 years.

26 (3) Aggravated unlawful use of a weapon by a person who

1 has been previously convicted of a felony in this State or
2 another jurisdiction is a Class 2 felony for which the
3 person shall be sentenced to a term of imprisonment of not
4 less than 3 years and not more than 7 years.

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

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

13 (Source: P.A. 98-63, eff. 7-9-13.)