



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB2179

Introduced 2/15/2013, by Sen. Napoleon Harris, III

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

720 ILCS 5/24-1.6

Amends the Criminal Code of 2012. Removes from unlawful use of weapons the carrying or possessing openly on his or her person or in any vehicle a pistol or revolver by a person who has been issued a currently valid Firearm Owner's Identification Card and is 21 years of age or older. Removes from unlawful use of weapons carrying or possessing openly on his or her person any pistol or revolver upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town by a person who has been issued a currently valid Firearm Owner's Identification Card and is 21 years of age or older. Removes from aggravated unlawful use of weapons the carrying or possessing openly on his or her person or in any vehicle an uncased and loaded pistol or revolver while the firearm was immediately accessible or if unloaded the ammunition for the weapon was immediately accessible, and the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card or has been issued a currently valid Firearm Owner's Identification Card and is under 21 years of age. Removes from aggravated unlawful use of weapons the carrying or possessing openly on his or her person any uncased and loaded pistol or revolver upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town while the firearm was immediately accessible or if unloaded the ammunition for the firearm was immediately accessible, and the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card or has been issued a currently valid Firearm Owner's Identification Card and is under 21 years of age. Effective immediately.

LRB098 10328 RLC 40515 b

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 Sections 24-1 and 24-1.6 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 or she 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 or her person or in any  
3 vehicle, a tear gas gun projector or bomb or any object  
4 containing noxious liquid gas or substance, other than an  
5 object containing a non-lethal noxious liquid gas or  
6 substance designed solely for personal defense carried by a  
7 person 18 years of age or older; or

8 (4) Carries or possesses openly ~~in any vehicle or~~  
9 ~~concealed~~ on or about his or her person or in any vehicle,  
10 any pistol or revolver, and has not been issued a currently  
11 valid Firearm Owner's Identification Card, or has been  
12 issued a currently valid Firearm Owner's Identification  
13 Card and is under 21 years of age, or any stun gun, taser,  
14 or other firearm, with or without, a currently valid  
15 Firearm Owner's Identification Card issued to the person,  
16 except:

17 (A) when on his or her land or in his or her own  
18 abode, legal dwelling, or fixed place of business, or  
19 on the land or in the legal dwelling of another person  
20 as an invitee with that person's permission; ~~and, any~~  
21 ~~pistol, revolver, stun gun or taser or other firearm,~~  
22 ~~except that this subsection (a) (4) does not apply to~~  
23 ~~or affect~~

24 (B) transportation of weapons that meet one of the  
25 following conditions:

26 (i) are broken down in a non-functioning

1 state; or

2 (ii) are not immediately accessible; or

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

8 (5) Sets a spring gun; or

9 (6) Possesses any device or attachment of any kind  
10 designed, used or intended for use in silencing the report  
11 of any firearm; or

12 (7) Sells, manufactures, purchases, possesses or  
13 carries:

14 (i) a machine gun, which shall be defined for the  
15 purposes of this subsection as any weapon, which  
16 shoots, is designed to shoot, or can be readily  
17 restored to shoot, automatically more than one shot  
18 without manually reloading by a single function of the  
19 trigger, including the frame or receiver of any such  
20 weapon, or sells, manufactures, purchases, possesses,  
21 or carries any combination of parts designed or  
22 intended for use in converting any weapon into a  
23 machine gun, or any combination or parts from which a  
24 machine gun can be assembled if such parts are in the  
25 possession or under the control of a person;

26 (ii) any rifle having one or more barrels less than

1           16 inches in length or a shotgun having one or more  
2           barrels less than 18 inches in length or any weapon  
3           made from a rifle or shotgun, whether by alteration,  
4           modification, or otherwise, if such a weapon as  
5           modified has an overall length of less than 26 inches;  
6           or

7           (iii) any bomb, bomb-shell, grenade, bottle or  
8           other container containing an explosive substance of  
9           over one-quarter ounce for like purposes, such as, but  
10          not limited to, black powder bombs and Molotov  
11          cocktails or artillery projectiles; or

12          (8) Carries or possesses any firearm, stun gun or taser  
13          or other deadly weapon in any place which is licensed to  
14          sell intoxicating beverages, or at any public gathering  
15          held pursuant to a license issued by any governmental body  
16          or any public gathering at which an admission is charged,  
17          excluding a place where a showing, demonstration or lecture  
18          involving the exhibition of unloaded firearms is  
19          conducted.

20          This subsection (a) (8) does not apply to any auction or  
21          raffle of a firearm held pursuant to a license or permit  
22          issued by a governmental body, nor does it apply to persons  
23          engaged in firearm safety training courses; or

24          (9) Carries or possesses in a vehicle or on or about  
25          his or her person any pistol, revolver, stun gun or taser  
26          or firearm or ballistic knife, when he is hooded, robed or

1 masked in such manner as to conceal his or her identity; or

2 (10) Carries or possesses openly on or about his or her  
3 person, upon any public street, alley, or other public  
4 lands within the corporate limits of a city, village or  
5 incorporated town any pistol or revolver, and has not been  
6 issued a currently valid Firearm Owner's Identification  
7 Card, or has been issued a currently valid Firearm Owner's  
8 Identification Card and is under 21 years of age, or any  
9 stun gun, taser, or other firearm, with or without, a  
10 currently valid Firearm Owner's Identification Card issued  
11 to the person, except:

12 (A) when an invitee thereon or therein, for the  
13 purpose of the display of the ~~such~~ weapon or the lawful  
14 commerce in weapons

15 (B) ~~, or except~~ when on his or her land or in his  
16 or her own abode, legal dwelling, or fixed place of  
17 business, or on the land or in the legal dwelling of  
18 another person as an invitee with that person's  
19 permission; ~~and, any pistol, revolver, stun gun or~~  
20 ~~taser or other firearm, except that this subsection (a)~~  
21 ~~(10) does not apply to or affect~~

22 (C) transportation of weapons that meet one of the  
23 following conditions:

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

26 (ii) are not immediately accessible; or

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

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

18 (11) Sells, manufactures or purchases any explosive  
19 bullet. For purposes of this paragraph (a) "explosive  
20 bullet" means the projectile portion of an ammunition  
21 cartridge which contains or carries an explosive charge  
22 which will explode upon contact with the flesh of a human  
23 or an animal. "Cartridge" means a tubular metal case having  
24 a projectile affixed at the front thereof and a cap or  
25 primer at the rear end thereof, with the propellant  
26 contained in such tube between the projectile and the cap;

1 or

2 (12) (Blank); or

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

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



1 felony. The possession of each weapon in violation of this  
2 Section constitutes a single and separate violation.

3 (c) Violations in specific places.

4 (1) A person who violates subsection 24-1(a)(6) or  
5 24-1(a)(7) in any school, regardless of the time of day or  
6 the time of year, in residential property owned, operated  
7 or managed by a public housing agency or leased by a public  
8 housing agency as part of a scattered site or mixed-income  
9 development, in a public park, in a courthouse, on the real  
10 property comprising any school, regardless of the time of  
11 day or the time of year, on residential property owned,  
12 operated or managed by a public housing agency or leased by  
13 a public housing agency as part of a scattered site or  
14 mixed-income development, on the real property comprising  
15 any public park, on the real property comprising any  
16 courthouse, in any conveyance owned, leased or contracted  
17 by a school to transport students to or from school or a  
18 school related activity, in any conveyance owned, leased,  
19 or contracted by a public transportation agency, or on any  
20 public way within 1,000 feet of the real property  
21 comprising any school, public park, courthouse, public  
22 transportation facility, or residential property owned,  
23 operated, or managed by a public housing agency or leased  
24 by a public housing agency as part of a scattered site or  
25 mixed-income development commits a Class 2 felony and shall  
26 be sentenced to a term of imprisonment of not less than 3

1 years and not more than 7 years.

2 (1.5) A person who violates subsection 24-1(a)(4),  
3 24-1(a)(9), or 24-1(a)(10) 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  
11 public housing agency or leased by a public housing agency  
12 as part of a scattered site or mixed-income development, on  
13 the 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 3 felony.

25 (2) A person who violates subsection 24-1(a)(1),  
26 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the

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

24 (3) Paragraphs (1), (1.5), and (2) of this subsection  
25 (c) shall not apply to law enforcement officers or security  
26 officers of such school, college, or university or to

1 students carrying or possessing firearms for use in  
2 training courses, parades, hunting, target shooting on  
3 school ranges, or otherwise with the consent of school  
4 authorities and which firearms are transported unloaded  
5 enclosed in a suitable case, box, or transportation  
6 package.

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

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

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

1 operated for hire by a duly licensed driver in the due, lawful  
2 and proper pursuit of his or her trade, then such presumption  
3 shall not apply to the driver.

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

8 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
9 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
10 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

11 (720 ILCS 5/24-1.6)

12 Sec. 24-1.6. Aggravated unlawful use of a weapon.

13 (a) A person commits the offense of aggravated unlawful use  
14 of a weapon when he or she knowingly:

15 (1) Carries openly on or about his or her person or in  
16 any vehicle, any pistol, revolver, stun gun, taser, or  
17 other firearm, or concealed on or about his or her person  
18 except when on his or her land or in his or her abode,  
19 legal dwelling, or fixed place of business, or on the land  
20 or in the legal dwelling of another person as an invitee  
21 with that person's permission, ~~any pistol, revolver, stun~~  
22 ~~gun or taser or other firearm; or~~

23 (2) Carries or possesses openly on or about his or her  
24 person, upon any public street, alley, or other public  
25 lands within the corporate limits of a city, village or

1 incorporated town any pistol, revolver, stun gun, taser, or  
2 other firearm, except when an invitee thereon or therein,  
3 for the purpose of the display of the ~~such~~ weapon or the  
4 lawful commerce in weapons, or except when on his or her  
5 own land or in his or her own abode, legal dwelling, or  
6 fixed place of business, or on the land or in the legal  
7 dwelling of another person as an invitee with that person's  
8 permission, ~~any pistol, revolver, stun gun or taser or~~  
9 ~~other firearm~~; and

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

11 (A) the firearm possessed was uncased, loaded and  
12 immediately accessible at the time of the offense and  
13 the person possessing the firearm has not been issued a  
14 currently valid Firearm Owner's Identification Card or  
15 has been issued a currently valid Firearm Owner's  
16 Identification Card and is under 21 years of age; or

17 (B) the firearm possessed was uncased, unloaded  
18 and the ammunition for the weapon was immediately  
19 accessible at the time of the offense and the person  
20 possessing the firearm has not been issued a currently  
21 valid Firearm Owner's Identification Card or has been  
22 issued a currently valid Firearm Owner's  
23 Identification Card and is under 21 years of age; or

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

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

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

11 (F) (blank); or

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

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

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

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

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

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           (d) Sentence.

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

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

23                   (3) Aggravated unlawful use of a weapon by a person who  
24 has been previously convicted of a felony in this State or  
25 another jurisdiction is a Class 2 felony for which the  
26 person shall be sentenced to a term of imprisonment of not



1 less than 3 years and not more than 7 years.

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

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

10 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;  
11 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.