

# HB5012



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5012

by Rep. Dwight Kay

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. Provides that Airbows are exempt from a violation of the statute concerning unlawful use of weapons.

LRB099 18708 RLC 43092 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 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 (iv) are carried or possessed in accordance with  
24 the Firearm Concealed Carry Act by a person who has  
25 been issued a currently valid license under the Firearm  
26 Concealed Carry Act; or

1 (5) Sets a spring gun; or

2 (6) Possesses any device or attachment of any kind  
3 designed, used or intended for use in silencing the report  
4 of any firearm; or

5 (7) Sells, manufactures, purchases, possesses or  
6 carries:

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

19 (ii) any rifle having one or more barrels less than  
20 16 inches in length or a shotgun having one or more  
21 barrels less than 18 inches in length or any weapon  
22 made from a rifle or shotgun, whether by alteration,  
23 modification, or otherwise, if such a weapon as  
24 modified has an overall length of less than 26 inches;  
25 or

26 (iii) any bomb, bomb-shell, grenade, bottle or

1 other container containing an explosive substance of  
2 over one-quarter ounce for like purposes, such as, but  
3 not limited to, black powder bombs and Molotov  
4 cocktails or artillery projectiles; or

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

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

17 (9) Carries or possesses in a vehicle or on or about  
18 his person any pistol, revolver, stun gun or taser or  
19 firearm or ballistic knife, when he is hooded, robed or  
20 masked in such manner as to conceal his identity; or

21 (10) Carries or possesses on or about his person, upon  
22 any public street, alley, or other public lands within the  
23 corporate limits of a city, village or incorporated town,  
24 except when an invitee thereon or therein, for the purpose  
25 of the display of such weapon or the lawful commerce in  
26 weapons, or except when on his land or in his own abode,

1 legal dwelling, or fixed place of business, or on the land  
2 or in the legal dwelling of another person as an invitee  
3 with that person's permission, any pistol, revolver, stun  
4 gun or taser or other firearm, except that this subsection  
5 (a) (10) does not apply to or affect transportation of  
6 weapons that meet one of the following conditions:

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

8 (ii) are not immediately accessible; or

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

13 (iv) are carried or possessed in accordance with  
14 the Firearm Concealed Carry Act by a person who has  
15 been issued a currently valid license under the Firearm  
16 Concealed Carry Act.

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

1            disrupting the person's nervous system in such a manner as  
2            to render him incapable of normal functioning; or

3            (11) Sells, manufactures or purchases any explosive  
4            bullet. For purposes of this paragraph (a) "explosive  
5            bullet" means the projectile portion of an ammunition  
6            cartridge which contains or carries an explosive charge  
7            which will explode upon contact with the flesh of a human  
8            or an animal. "Cartridge" means a tubular metal case having  
9            a projectile affixed at the front thereof and a cap or  
10           primer at the rear end thereof, with the propellant  
11           contained in such tube between the projectile and the cap;  
12           or

13           (12) (Blank); or

14           (13) Carries or possesses on or about his or her person  
15           while in a building occupied by a unit of government, a  
16           billy club, other weapon of like character, or other  
17           instrument of like character intended for use as a weapon.  
18           For the purposes of this Section, "billy club" means a  
19           short stick or club commonly carried by police officers  
20           which is either telescopic or constructed of a solid piece  
21           of wood or other man-made material.

22           (b) Sentence. A person convicted of a violation of  
23           subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
24           subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
25           Class A misdemeanor. A person convicted of a violation of  
26           subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a

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

14 (c) Violations in specific places.

15 (1) A person who violates subsection 24-1(a)(6) or  
16 24-1(a)(7) in any school, regardless of the time of day or  
17 the time of year, in residential property owned, operated  
18 or managed by a public housing agency or leased by a public  
19 housing agency as part of a scattered site or mixed-income  
20 development, in a public park, in a courthouse, on the real  
21 property comprising any school, regardless of the time of  
22 day or the time of year, on residential property owned,  
23 operated or managed by a public housing agency or leased by  
24 a public housing agency as part of a scattered site or  
25 mixed-income development, on the real property comprising  
26 any public park, on the real property comprising any



1 courthouse, in any conveyance owned, leased or contracted  
2 by a school to transport students to or from school or a  
3 school related activity, in any conveyance owned, leased,  
4 or contracted by a public transportation agency, or on any  
5 public way within 1,000 feet of the real property  
6 comprising any school, public park, courthouse, public  
7 transportation facility, or residential property owned,  
8 operated, or managed by a public housing agency or leased  
9 by a public housing agency as part of a scattered site or  
10 mixed-income development commits a Class 2 felony and shall  
11 be sentenced to a term of imprisonment of not less than 3  
12 years and not more than 7 years.

13 (1.5) A person who violates subsection 24-1(a)(4),  
14 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
15 time of day or the time of year, in residential property  
16 owned, operated, or managed by a public housing agency or  
17 leased by a public housing agency as part of a scattered  
18 site or mixed-income development, in a public park, in a  
19 courthouse, on the real property comprising any school,  
20 regardless of the time of day or the time of year, on  
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, on  
24 the real property comprising any public park, on the real  
25 property comprising any courthouse, in any conveyance  
26 owned, leased, or contracted by a school to transport

1 students to or from school or a school related activity, in  
2 any conveyance owned, leased, or contracted by a public  
3 transportation agency, or on any public way within 1,000  
4 feet of the real property comprising any school, public  
5 park, courthouse, public transportation facility, or  
6 residential property owned, operated, or managed by a  
7 public housing agency or leased by a public housing agency  
8 as part of a scattered site or mixed-income development  
9 commits a Class 3 felony.

10 (2) A person who violates subsection 24-1(a)(1),  
11 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
12 time of day or the time of year, in residential property  
13 owned, operated or managed by a public housing agency or  
14 leased by a public housing agency as part of a scattered  
15 site or mixed-income development, in a public park, in a  
16 courthouse, on the real property comprising any school,  
17 regardless of the time of day or the time of year, on  
18 residential property owned, operated or managed by a public  
19 housing agency or leased by a public housing agency as part  
20 of a scattered site or mixed-income development, on the  
21 real property comprising any public park, on the real  
22 property comprising any courthouse, in any conveyance  
23 owned, leased or contracted by a school to transport  
24 students to or from school or a school related activity, in  
25 any conveyance owned, leased, or contracted by a public  
26 transportation agency, or on any public way within 1,000

1 feet of the real property comprising any school, public  
2 park, courthouse, public transportation facility, or  
3 residential property owned, operated, or managed by a  
4 public housing agency or leased by a public housing agency  
5 as part of a scattered site or mixed-income development  
6 commits a Class 4 felony. "Courthouse" means any building  
7 that is used by the Circuit, Appellate, or Supreme Court of  
8 this State for the conduct of official business.

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

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

21 (5) For the purposes of this subsection (c), "public  
22 transportation agency" means a public or private agency  
23 that provides for the transportation or conveyance of  
24 persons by means available to the general public, except  
25 for transportation by automobiles not used for conveyance  
26 of the general public as passengers; and "public

1           transportation facility" means a terminal or other place  
2           where one may obtain public transportation.

3           (d) The presence in an automobile other than a public  
4           omnibus of any weapon, instrument or substance referred to in  
5           subsection (a)(7) is prima facie evidence that it is in the  
6           possession of, and is being carried by, all persons occupying  
7           such automobile at the time such weapon, instrument or  
8           substance is found, except under the following circumstances:  
9           (i) if such weapon, instrument or instrumentality is found upon  
10          the person of one of the occupants therein; or (ii) if such  
11          weapon, instrument or substance is found in an automobile  
12          operated for hire by a duly licensed driver in the due, lawful  
13          and proper pursuit of his trade, then such presumption shall  
14          not apply to the driver.

15          (e) Exemptions. Crossbows, Airbows, Common or Compound  
16          bows and Underwater Spearguns are exempted from the definition  
17          of ballistic knife as defined in paragraph (1) of subsection  
18          (a) of this Section.

19          (Source: P.A. 99-29, eff. 7-10-15.)