



Rep. Brandon W. Phelps

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1 AMENDMENT TO SENATE BILL 836

2 AMENDMENT NO. _____. Amend Senate Bill 836, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 46, by replacing line 19 with the following:
5 "changing Sections 24-1 and 24-3 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

1 a knifelike blade as a projectile by means of a coil
2 spring, elastic material or compressed gas; or

3 (2) Carries or possesses with intent to use the same
4 unlawfully against another, a dagger, dirk, billy,
5 dangerous knife, razor, stiletto, broken bottle or other
6 piece of glass, stun gun or taser or any other dangerous or
7 deadly weapon or instrument of like character; or

8 (3) Carries on or about his person or in any vehicle, a
9 tear gas gun projector or bomb or any object containing
10 noxious liquid gas or substance, other than an object
11 containing a non-lethal noxious liquid gas or substance
12 designed solely for personal defense carried by a person 18
13 years of age or older; or

14 (4) Carries or possesses in any vehicle or concealed on
15 or about his person except when on his land or in his own
16 abode, legal dwelling, or fixed place of business, or on
17 the land or in the legal dwelling of another person as an
18 invitee with that person's permission, any pistol,
19 revolver, stun gun or taser or other firearm, except that
20 this subsection (a) (4) does not apply to or affect
21 transportation of weapons that meet one of the following
22 conditions:

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

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm
26 carrying box, shipping box, or other container by a

1 person who has been issued a currently valid Firearm
2 Owner's Identification Card; or

3 (iv) are carried or possessed in accordance with
4 the Firearm Concealed Carry Act by a person who has
5 been issued a currently valid license under the Firearm
6 Concealed Carry Act; or

7 (5) Sets a spring gun; or

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

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

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

25 (ii) any rifle having one or more barrels less than
26 16 inches in length or a shotgun having one or more

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

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

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

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

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

1 (10) Carries or possesses on or about his person, upon
2 any public street, alley, or other public lands within the
3 corporate limits of a city, village or incorporated town,
4 except when an invitee thereon or therein, for the purpose
5 of the display of such weapon or the lawful commerce in
6 weapons, or except when on his land or in his own abode,
7 legal dwelling, or fixed place of business, or on the land
8 or in the legal dwelling of another person as an invitee
9 with that person's permission, any pistol, revolver, stun
10 gun or taser or other firearm, except that this subsection
11 (a) (10) does not apply to or affect transportation of
12 weapons that meet one of the following conditions:

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

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container by a
17 person who has been issued a currently valid Firearm
18 Owner's Identification Card; or -

19 (iv) are carried or possessed in accordance with
20 the Firearm Concealed Carry Act by a person who has
21 been issued a currently valid license under the Firearm
22 Concealed Carry Act.

23 A "stun gun or taser", as used in this paragraph (a)
24 means (i) any device which is powered by electrical
25 charging units, such as, batteries, and which fires one or
26 several barbs attached to a length of wire and which, upon

1 hitting a human, can send out a current capable of
2 disrupting the person's nervous system in such a manner as
3 to render him incapable of normal functioning or (ii) any
4 device which is powered by electrical charging units, such
5 as batteries, and which, upon contact with a human or
6 clothing worn by a human, can send out current capable of
7 disrupting the person's nervous system in such a manner as
8 to render him incapable of normal functioning; or

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

19 (12) (Blank); or

20 (13) Carries or possesses on or about his or her person
21 while in a building occupied by a unit of government, a
22 billy club, other weapon of like character, or other
23 instrument of like character intended for use as a weapon.
24 For the purposes of this Section, "billy club" means a
25 short stick or club commonly carried by police officers
26 which is either telescopic or constructed of a solid piece

1 of wood or other man-made material.

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

20 (c) Violations in specific places.

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

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

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

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

16 (2) A person who violates subsection 24-1(a)(1),
17 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
18 time of day or the time of year, in residential property
19 owned, operated or managed by a public housing agency or
20 leased by a public housing agency as part of a scattered
21 site or mixed-income development, in a public park, in a
22 courthouse, on the real property comprising any school,
23 regardless of the time of day or the time of year, on
24 residential property owned, operated or managed by a public
25 housing agency or leased by a public housing agency as part
26 of a scattered site or mixed-income development, on the

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

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

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

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

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

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

25 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
26 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;

1 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)".