

1 AN ACT in relation to 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  
5 changing 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  
9 use 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 or fixed  
13 place of business any pistol, revolver, stun gun or taser  
14 or other firearm; or

15 (2) Carries or possesses on or about his or her  
16 person, upon any public street, alley, or other public  
17 lands within the corporate limits of a city, village or  
18 incorporated town, except when an invitee thereon or  
19 therein, for the purpose of the display of such weapon or  
20 the lawful commerce in weapons, or except when on his or  
21 her own land or in his or her own abode or fixed place of  
22 business, any pistol, revolver, stun gun or taser or  
23 other firearm; and

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

25 (A) the firearm possessed was uncased, loaded  
26 and immediately accessible at the time of the  
27 offense; or

28 (B) the firearm possessed was uncased,  
29 unloaded and the ammunition for the weapon was  
30 immediately accessible at the time of the offense;  
31 or

1 (C) the person possessing the firearm has not  
2 been issued a currently valid Firearm Owner's  
3 Identification Card; or

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

8 (E) the person possessing the weapon was  
9 engaged in a misdemeanor violation of the Cannabis  
10 Control Act or in a misdemeanor violation of the  
11 Illinois Controlled Substances Act; or

12 (F) the person possessing the weapon is a  
13 member of a street gang or is engaged in street gang  
14 related activity, as defined in Section 10 of the  
15 Illinois Streetgang Terrorism Omnibus Prevention  
16 Act; or

17 (G) the person possessing the weapon had a  
18 order of protection issued against him or her within  
19 the previous 2 years; or

20 (H) the person possessing the weapon was  
21 engaged in the commission or attempted commission of  
22 a misdemeanor involving the use or threat of  
23 violence against the person or property of another;  
24 or

25 (I) the person possessing the weapon was under  
26 21 years of age and in possession of a handgun as  
27 defined in Section 24-3, unless the person under 21  
28 is engaged in lawful activities under the Wildlife  
29 Code or described in subsection 24-2(b)(1), (b)(3),  
30 or 24-2(f).

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

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

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

3           (ii) are not immediately accessible; or

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

8           (d) Sentence. Aggravated unlawful use of a weapon is a  
9           Class 4 felony; a second or subsequent offense is a Class 2  
10          felony for which the defendant shall be sentenced to a term  
11          of imprisonment of not less than 3 years and not more than 14  
12          years. Aggravated unlawful use of a weapon by a person who  
13          has been previously convicted of a felony in this State or  
14          another jurisdiction is a Class 2 felony.

15          (Source: P.A. 91-690, eff. 4-13-00.)

16          Section 99. Effective date. This Act takes effect  
17          September 1, 2002.