

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 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
9 weapons 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, throwing star, or any knife,
13 commonly referred to as a switchblade knife, which has a
14 blade that opens automatically by hand pressure applied
15 to a button, spring or other device in the handle of the
16 knife, or a ballistic knife, which is a device that
17 propels a knifelike blade as a projectile by means of a
18 coil spring, elastic material or compressed gas; or

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

24 (3) Carries on or about his person or in any
25 vehicle, a tear gas gun projector or bomb or any object
26 containing noxious liquid gas or substance, other than an
27 object containing a non-lethal noxious liquid gas or
28 substance designed solely for personal defense carried by
29 a person 18 years of age or older; or

30 (4) Carries or possesses in any vehicle or
31 concealed on or about his or her person except when on

1 his or her land or in his or her own abode or fixed place
2 of business any pistol, revolver, stun gun or taser or
3 other firearm, except that this subsection (a) (4) does
4 not apply to or affect transportation of weapons that
5 meet one of the following conditions:

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

8 (ii) are not immediately accessible; or

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

14 (5) Sets a spring gun; or

15 (6) Possesses any device or attachment of any kind
16 designed, used or intended for use in silencing the
17 report of any firearm; or

18 (7) Sells, manufactures, purchases, possesses or
19 carries:

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

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

1 more barrels less than 18 inches in length or any
2 weapon made from a rifle or shotgun, whether by
3 alteration, modification, or otherwise, if such a
4 weapon as modified has an overall length of less
5 than 26 inches; 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,
9 but not limited to, black powder bombs and Molotov
10 cocktails or artillery projectiles; or

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

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

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

27 (10) Carries or possesses on or about his person,
28 upon any public street, alley, or other public lands
29 within the corporate limits of a city, village or
30 incorporated town, except when an invitee thereon or
31 therein, for the purpose of the display of such weapon or
32 the lawful commerce in weapons, or except when on his
33 land or in his own abode or fixed place of business, any
34 pistol, revolver, stun gun or taser or other firearm,

1 except that this subsection (a) (10) does not apply to or
2 affect transportation of weapons that meet one of the
3 following conditions:

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

6 (ii) are not immediately accessible; or

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

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

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

34 (12) (Blank).

1 (b) Sentence. A person convicted of a violation of
2 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
3 subsection 24-1(a)(11) commits a Class A misdemeanor. A
4 person convicted of a violation of subsection 24-1(a)(8) or
5 24-1(a)(9) commits a Class 4 felony; a person convicted of a
6 violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii)
7 commits a Class 3 felony. A person convicted of a violation
8 of subsection 24-1(a)(7)(i) commits a Class 2 felony, unless
9 the weapon is possessed in the passenger compartment of a
10 motor vehicle as defined in Section 1-146 of the Illinois
11 Vehicle Code, or on the person, while the weapon is loaded,
12 in which case it shall be a Class X felony. A person
13 convicted of a second or subsequent violation of subsection
14 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a
15 Class 3 felony.

16 (c) Violations in specific places.

17 (1) A person who violates subsection 24-1(a)(6) or
18 24-1(a)(7) in any school, regardless of the time of day
19 or the time of year, in residential property owned,
20 operated or managed by a public housing agency or leased
21 by a public housing agency as part of a scattered site or
22 mixed-income development, in a public park, in a
23 courthouse, on the real property comprising any school,
24 regardless of the time of day or the time of year, on
25 residential property owned, operated or managed by a
26 public housing agency or leased by a public housing
27 agency as part of a scattered site or mixed-income
28 development, on the real property comprising any public
29 park, on the real property comprising any courthouse, in
30 any conveyance owned, leased or contracted by a school to
31 transport students to or from school or a school related
32 activity, or on any public way within 1,000 feet of the
33 real property comprising any school, public park,
34 courthouse, or residential property owned, operated, or

1 managed by a public housing agency or leased by a public
2 housing agency as part of a scattered site or
3 mixed-income development commits a Class 2 felony.

4 (1.5) A person who violates subsection 24-1(a)(4),
5 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
6 the time of day or the time of year, in residential
7 property owned, operated, or managed by a public housing
8 agency or leased by a public housing agency as part of a
9 scattered site or mixed-income development, in a public
10 park, in a courthouse, on the real property comprising
11 any school, regardless of the time of day or the time of
12 year, on residential property owned, operated, or managed
13 by a public housing agency or leased by a public housing
14 agency as part of a scattered site or mixed-income
15 development, on the real property comprising any public
16 park, on the real property comprising any courthouse, in
17 any conveyance owned, leased, or contracted by a school
18 to transport students to or from school or a school
19 related activity, or on any public way within 1,000 feet
20 of the real property comprising any school, public park,
21 courthouse, or residential property owned, operated, or
22 managed by a public housing agency or leased by a public
23 housing agency as part of a scattered site or
24 mixed-income development 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
27 the time of day or the time of year, in residential
28 property owned, operated or managed by a public housing
29 agency or leased by a public housing agency as part of a
30 scattered site or mixed-income development, in a public
31 park, in a courthouse, on the real property comprising
32 any school, regardless of the time of day or the time of
33 year, on residential property owned, operated or managed
34 by a public housing agency or leased by a public housing

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

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

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

28 (d) The presence in an automobile other than a public
29 omnibus of any weapon, instrument or substance referred to in
30 subsection (a)(7) is prima facie evidence that it is in the
31 possession of, and is being carried by, all persons occupying
32 such automobile at the time such weapon, instrument or
33 substance is found, except under the following circumstances:

34 (i) if such weapon, instrument or instrumentality is found

1 upon the person of one of the occupants therein; or (ii) if
2 such weapon, instrument or substance is found in an
3 automobile operated for hire by a duly licensed driver in the
4 due, lawful and proper pursuit of his trade, then such
5 presumption shall not apply to the driver.

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

10 (Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99;
11 91-690, eff. 4-13-00.)