



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5728

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. Prohibits the knowing sale, manufacture, purchase, possession, or carrying of a rate of fire enhancement. Defines "rate of fire enhancement". Provides that a violation is a Class 2 felony. Effective immediately.

LRB100 20615 SLF 36035 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 (i-5) a rate of fire enhancement. In this
20 subparagraph (i-5), "rate of fire enhancement" means a
21 device, component, part, combination of parts,
22 attachment, or accessory that uses energy from the
23 recoil of the firearm to generate a reciprocating
24 action that:

25 (A) facilitates repeated operation of the
26 trigger, including, but not limited to, a bump

1 stock;

2 (B) repeatedly operates the trigger through
3 the use of a crank, lever, or other part,
4 including, but not limited to, a trigger crank,
5 except for a firearm that is otherwise legally
6 possessed and is designed and manufactured to fire
7 through the use of the crank, lever, or other part;

8 (C) causes a semiautomatic firearm to fire
9 more than one round per operation of the trigger,
10 if the trigger pull and reset constitute a single
11 operation of the trigger, including, but not
12 limited to, a binary trigger system; or

13 (D) is constructed, manufactured, designed, or
14 intended to mechanically increase the rate of fire
15 of a firearm in any way;

16 (ii) any rifle having one or more barrels less than
17 16 inches in length or a shotgun having one or more
18 barrels less than 18 inches in length or any weapon
19 made from a rifle or shotgun, whether by alteration,
20 modification, or otherwise, if such a weapon as
21 modified has an overall length of less than 26 inches;
22 or

23 (iii) any bomb, bomb-shell, grenade, bottle or
24 other container containing an explosive substance of
25 over one-quarter ounce for like purposes, such as, but
26 not limited to, black powder bombs and Molotov

1 cocktails or artillery projectiles; or

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

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

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

18 (10) Carries or possesses on or about his person, upon
19 any public street, alley, or other public lands within the
20 corporate limits of a city, village or incorporated town,
21 except when an invitee thereon or therein, for the purpose
22 of the display of such weapon or the lawful commerce in
23 weapons, or except when on his land or in his own abode,
24 legal dwelling, or fixed place of business, or on the land
25 or in the legal dwelling of another person as an invitee
26 with that person's permission, any pistol, revolver, stun

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

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

5 (ii) are not immediately accessible; or

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

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

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

26 (11) Sells, manufactures or purchases any explosive

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

10 (12) (Blank); or

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

19 (b) Sentence. A person convicted of a violation of
20 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
21 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
22 Class A misdemeanor. A person convicted of a violation of
23 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
24 person convicted of a violation of subsection 24-1(a)(6) or
25 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
26 convicted of a violation of subsection 24-1(a)(7)(i) or

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

11 (c) Violations in specific places.

12 (1) A person who violates subsection 24-1(a)(6) or
13 24-1(a)(7) in any school, regardless of the time of day or
14 the time of year, in residential property owned, operated
15 or managed by a public housing agency or leased by a public
16 housing agency as part of a scattered site or mixed-income
17 development, in a public park, in a courthouse, on the real
18 property comprising any school, regardless of the time of
19 day or the time of year, on residential property owned,
20 operated or managed by a public housing agency or leased by
21 a public housing agency as part of a scattered site or
22 mixed-income development, on the real property comprising
23 any public park, on the real property comprising any
24 courthouse, in any conveyance owned, leased or contracted
25 by a school to transport students to or from school or a
26 school related activity, in any conveyance owned, leased,

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

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

7 (2) A person who violates subsection 24-1(a)(1),
8 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
9 time of day or the time of year, in residential property
10 owned, operated or managed by a public housing agency or
11 leased by a public housing agency as part of a scattered
12 site or mixed-income development, in a public park, in a
13 courthouse, on the real property comprising any school,
14 regardless of the time of day or the time of year, on
15 residential property owned, operated or managed by a public
16 housing agency or leased by a public housing agency as part
17 of a scattered site or mixed-income development, on the
18 real property comprising any public park, on the real
19 property comprising any courthouse, in any conveyance
20 owned, leased or contracted by a school to transport
21 students to or from school or a school related activity, in
22 any conveyance owned, leased, or contracted by a public
23 transportation agency, or on any public way within 1,000
24 feet of the real property comprising any school, public
25 park, courthouse, public transportation facility, or
26 residential property owned, operated, or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development
3 commits a Class 4 felony. "Courthouse" means any building
4 that is used by the Circuit, Appellate, or Supreme Court of
5 this State for the conduct of official business.

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

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

18 (5) For the purposes of this subsection (c), "public
19 transportation agency" means a public or private agency
20 that provides for the transportation or conveyance of
21 persons by means available to the general public, except
22 for transportation by automobiles not used for conveyance
23 of the general public as passengers; and "public
24 transportation facility" means a terminal or other place
25 where one may obtain public transportation.

26 (d) The presence in an automobile other than a public

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

12 (e) Exemptions.

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

17 (2) The provision of paragraph (1) of subsection (a) of
18 this Section prohibiting the sale, manufacture, purchase,
19 possession, or carrying of any knife, commonly referred to
20 as a switchblade knife, which has a blade that opens
21 automatically by hand pressure applied to a button, spring
22 or other device in the handle of the knife, does not apply
23 to a person who possesses a currently valid Firearm Owner's
24 Identification Card previously issued in his or her name by
25 the Department of State Police or to a person or an entity
26 engaged in the business of selling or manufacturing

1 switchblade knives.

2 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.