



Sen. Julie A. Morrison

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LRB100 16153 RLC 33998 a

1 AMENDMENT TO SENATE BILL 2317

2 AMENDMENT NO. _____. Amend Senate Bill 2317 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 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 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

1 knife, or a ballistic knife, which is a device that propels
2 a knifelike blade as a projectile by means of a coil
3 spring, elastic material or compressed gas; or

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

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

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

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a
2 person who has been issued a currently valid Firearm
3 Owner's Identification Card; or

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

8 (5) Sets a spring gun; or

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

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

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

26 (ii) any rifle having one or more barrels less than

1 16 inches in length or a shotgun having one or more
2 barrels less than 18 inches in length or any weapon
3 made from a rifle or shotgun, whether by alteration,
4 modification, or otherwise, if such a weapon as
5 modified has an overall length of less than 26 inches;
6 or

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

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

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

24 (9) Carries or possesses in a vehicle or on or about
25 his person any pistol, revolver, stun gun or taser or
26 firearm or ballistic knife, when he is hooded, robed or

1 masked in such manner as to conceal his identity; or

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

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

15 (ii) are not immediately accessible; or

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

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

24 A "stun gun or taser", as used in this paragraph (a)
25 means (i) any device which is powered by electrical
26 charging units, such as, batteries, and which fires one or

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

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

20 (12) (Blank); or

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

1 which is either telescopic or constructed of a solid piece
2 of wood or other man-made material; or

3 (14) 120 days after the effective date of this
4 amendatory Act of the 100th General Assembly, imports,
5 sells, manufactures, transfers, or possesses, in this
6 State, a bump-fire stock for a semi-automatic firearm that
7 does not convert the semi-automatic firearm into a machine
8 gun. For purposes of this paragraph (14), "bump-fire stock"
9 means a butt stock designed to be attached to a
10 semi-automatic firearm and designed, made, or altered, and
11 intended to increase the rate of fire achievable with the
12 firearm to that of a fully automatic firearm by using the
13 energy from the recoil of the firearm to generate
14 reciprocating action that facilitates repeated activation
15 of the trigger.

16 (b) Sentence. A person convicted of a violation of
17 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
18 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
19 Class A misdemeanor. A person convicted of a violation of
20 subsection 24-1(a)(8), ~~or~~ 24-1(a)(9), or 24-1(a)(14) commits a
21 Class 4 felony; a person convicted of a violation of subsection
22 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a Class 3 felony.
23 A person convicted of a violation of subsection 24-1(a)(7)(i)
24 commits a Class 2 felony and shall be sentenced to a term of
25 imprisonment of not less than 3 years and not more than 7
26 years, unless the weapon is possessed in the passenger

1 compartment of a motor vehicle as defined in Section 1-146 of
2 the Illinois Vehicle Code, or on the person, while the weapon
3 is loaded, in which case it shall be a Class X felony. A person
4 convicted of a second or subsequent violation of subsection
5 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a
6 Class 3 felony. The possession of each weapon in violation of
7 this Section constitutes a single and separate violation.

8 (c) Violations in specific places.

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

1 transportation facility, or residential property owned,
2 operated, or managed by a public housing agency or leased
3 by a public housing agency as part of a scattered site or
4 mixed-income development commits a Class 2 felony and shall
5 be sentenced to a term of imprisonment of not less than 3
6 years and not more than 7 years.

7 (1.5) A person who violates subsection 24-1(a)(4),
8 24-1(a)(9), or 24-1(a)(10) 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
16 public housing agency or leased by a public housing agency
17 as part of a scattered site or mixed-income development, on
18 the 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 3 felony.

4 (2) A person who violates subsection 24-1(a)(1),
5 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
6 time of day or the time of year, in residential property
7 owned, operated or managed by a public housing agency or
8 leased by a public housing agency as part of a scattered
9 site or mixed-income development, in a public park, in a
10 courthouse, on the real property comprising any school,
11 regardless of the time of day or the time of year, on
12 residential property owned, operated or managed by a public
13 housing agency or leased by a public housing agency as part
14 of a scattered site or mixed-income development, on the
15 real property comprising any public park, on the real
16 property comprising any courthouse, in any conveyance
17 owned, leased or contracted by a school to transport
18 students to or from school or a school related activity, in
19 any conveyance owned, leased, or contracted by a public
20 transportation agency, or on any public way within 1,000
21 feet of the real property comprising any school, public
22 park, courthouse, public transportation facility, or
23 residential property owned, operated, or managed by a
24 public housing agency or leased by a public housing agency
25 as part of a scattered site or mixed-income development
26 commits a Class 4 felony. "Courthouse" means any building

1 that is used by the Circuit, Appellate, or Supreme Court of
2 this State for the conduct of official business.

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

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

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

23 (d) The presence in an automobile other than a public
24 omnibus of any weapon, instrument or substance referred to in
25 subsection (a) (7) is prima facie evidence that it is in the
26 possession of, and is being carried by, all persons occupying

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

9 (e) Exemptions.

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

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".