

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 1961 is amended by changing
5 Sections 24-1 and 24-2 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, 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 to
15 a button, spring or other device in the handle of the
16 knife, or a ballistic knife, which is a device that propels
17 a knifelike blade as a projectile by means of a coil
18 spring, elastic material or compressed gas; or

19 (2) Carries or possesses with intent to use the same
20 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 or
23 deadly weapon or instrument of like character; or

1 (3) Carries on or about his person or in any vehicle, a
2 tear gas gun projector or bomb or any object containing
3 noxious liquid gas or substance, other than an object
4 containing a non-lethal noxious liquid gas or substance
5 designed solely for personal defense carried by a person 18
6 years of age or older; or

7 (4) Carries or possesses in any vehicle or concealed on
8 or about his person except when on his land or in his own
9 abode or fixed place of business any pistol, revolver, stun
10 gun or taser or other firearm, except that this subsection
11 (a) (4) 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 (5) Sets a spring gun; or

20 (6) Possesses any device or attachment of any kind
21 designed, used or intended for use in silencing the report
22 of any firearm; or

23 (7) Sells, manufactures, purchases, possesses or
24 carries:

25 (i) a machine gun, which shall be defined for the
26 purposes of this subsection as any weapon, which

1 shoots, is designed to shoot, or can be readily
2 restored to shoot, automatically more than one shot
3 without manually reloading by a single function of the
4 trigger, including the frame or receiver of any such
5 weapon, or sells, manufactures, purchases, possesses,
6 or carries any combination of parts designed or
7 intended for use in converting any weapon into a
8 machine gun, or any combination or parts from which a
9 machine gun can be assembled if such parts are in the
10 possession or under the control of a person;

11 (ii) any rifle having one or more barrels less than
12 16 inches in length or a shotgun having one or more
13 barrels less than 18 inches in length or any weapon
14 made from a rifle or shotgun, whether by alteration,
15 modification, or otherwise, if such a weapon as
16 modified has an overall length of less than 26 inches;
17 or

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

23 (8) Carries or possesses any firearm, stun gun or taser
24 or other deadly weapon in any place which is licensed to
25 sell intoxicating beverages, or at any public gathering
26 held pursuant to a license issued by any governmental body

1 or any public gathering at which an admission is charged,
2 excluding a place where a showing, demonstration or lecture
3 involving the exhibition of unloaded firearms is
4 conducted.

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

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

13 (10) Carries or possesses on or about his person, upon
14 any public street, alley, or other public lands within the
15 corporate limits of a city, village or incorporated town,
16 except when an invitee thereon or therein, for the purpose
17 of the display of such weapon or the lawful commerce in
18 weapons, or except when on his land or in his own abode or
19 fixed place of business, any pistol, revolver, stun gun or
20 taser or other firearm, except that this subsection (a)
21 (10) does not apply to or affect transportation of weapons
22 that meet one of the following 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.

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

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

25 (12) (Blank); or.

26 (13) Carries or possesses on or about his or her person

1 while in a building occupied by a unit of government, a
2 billy club, other weapon of like character, or other
3 instrument of like character intended for use as a weapon.
4 For the purposes of this Section, "billy club" means a
5 short stick or club commonly carried by police officers
6 which is either telescopic or constructed of a solid piece
7 of wood or other man-made material.

8 (b) Sentence. A person convicted of a violation of
9 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), ~~or~~
10 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
11 Class A misdemeanor. A person convicted of a violation of
12 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
13 person convicted of a violation of subsection 24-1(a)(6) or
14 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
15 convicted of a violation of subsection 24-1(a)(7)(i) commits a
16 Class 2 felony and shall be sentenced to a term of imprisonment
17 of not less than 3 years and not more than 7 years, unless the
18 weapon is possessed in the passenger compartment of a motor
19 vehicle as defined in Section 1-146 of the Illinois Vehicle
20 Code, or on the person, while the weapon is loaded, in which
21 case it shall be a Class X felony. A person convicted of a
22 second or subsequent violation of subsection 24-1(a)(4),
23 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
24 felony. The possession of each weapon in violation of this
25 Section constitutes a single and separate violation.

26 (c) Violations in specific places.

1 (1) A person who violates subsection 24-1(a)(6) or
2 24-1(a)(7) in any school, regardless of the time of day or
3 the time of year, in residential property owned, operated
4 or managed by a public housing agency or leased by a public
5 housing agency as part of a scattered site or mixed-income
6 development, in a public park, in a courthouse, on the real
7 property comprising any school, regardless of the time of
8 day or the time of year, on residential property owned,
9 operated or managed by a public housing agency or leased by
10 a public housing agency as part of a scattered site or
11 mixed-income development, on the real property comprising
12 any public park, on the real property comprising any
13 courthouse, in any conveyance owned, leased or contracted
14 by a school to transport students to or from school or a
15 school related activity, or on any public way within 1,000
16 feet of the real property comprising any school, public
17 park, courthouse, or residential property owned, operated,
18 or managed by a public housing agency or leased by a public
19 housing agency as part of a scattered site or mixed-income
20 development commits a Class 2 felony and shall be sentenced
21 to a term of imprisonment of not less than 3 years and not
22 more than 7 years.

23 (1.5) A person who violates subsection 24-1(a)(4),
24 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
25 time of day or the time of year, in residential property
26 owned, operated, or managed by a public housing agency or

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

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

1 housing agency or leased by a public housing agency as part
2 of a scattered site or mixed-income development, on the
3 real property comprising any public park, on the real
4 property comprising any courthouse, in any conveyance
5 owned, leased or contracted by a school to transport
6 students to or from school or a school related activity, or
7 on any public way within 1,000 feet of the real property
8 comprising any school, public park, courthouse, 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 (d) The presence in an automobile other than a public
2 omnibus of any weapon, instrument or substance referred to in
3 subsection (a)(7) is prima facie evidence that it is in the
4 possession of, and is being carried by, all persons occupying
5 such automobile at the time such weapon, instrument or
6 substance is found, except under the following circumstances:
7 (i) if such weapon, instrument or instrumentality is found upon
8 the person of one of the occupants therein; or (ii) if such
9 weapon, instrument or substance is found in an automobile
10 operated for hire by a duly licensed driver in the due, lawful
11 and proper pursuit of his trade, then such presumption shall
12 not apply to the driver.

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

17 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; 95-331,
18 eff. 8-21-07.)

19 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

20 Sec. 24-2. Exemptions.

21 (a) Subsections 24-1(a)(3), 24-1(a)(4), ~~and~~ 24-1(a)(10),
22 and 24-1(a)(13) and Section 24-1.6 do not apply to or affect
23 any of the following:

24 (1) Peace officers, and any person summoned by a peace
25 officer to assist in making arrests or preserving the

1 peace, while actually engaged in assisting such officer.

2 (2) Wardens, superintendents and keepers of prisons,
3 penitentiaries, jails and other institutions for the
4 detention of persons accused or convicted of an offense,
5 while in the performance of their official duty, or while
6 commuting between their homes and places of employment.

7 (3) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard or the
9 Reserve Officers Training Corps, while in the performance
10 of their official duty.

11 (4) Special agents employed by a railroad or a public
12 utility to perform police functions, and guards of armored
13 car companies, while actually engaged in the performance of
14 the duties of their employment or commuting between their
15 homes and places of employment; and watchmen while actually
16 engaged in the performance of the duties of their
17 employment.

18 (5) Persons licensed as private security contractors,
19 private detectives, or private alarm contractors, or
20 employed by an agency certified by the Department of
21 Professional Regulation, if their duties include the
22 carrying of a weapon under the provisions of the Private
23 Detective, Private Alarm, Private Security, Fingerprint
24 Vendor, and Locksmith Act of 2004, while actually engaged
25 in the performance of the duties of their employment or
26 commuting between their homes and places of employment,

1 provided that such commuting is accomplished within one
2 hour from departure from home or place of employment, as
3 the case may be. Persons exempted under this subdivision
4 (a)(5) shall be required to have completed a course of
5 study in firearms handling and training approved and
6 supervised by the Department of Professional Regulation as
7 prescribed by Section 28 of the Private Detective, Private
8 Alarm, Private Security, Fingerprint Vendor, and Locksmith
9 Act of 2004, prior to becoming eligible for this exemption.
10 The Department of Professional Regulation shall provide
11 suitable documentation demonstrating the successful
12 completion of the prescribed firearms training. Such
13 documentation shall be carried at all times when such
14 persons are in possession of a concealable weapon.

15 (6) Any person regularly employed in a commercial or
16 industrial operation as a security guard for the protection
17 of persons employed and private property related to such
18 commercial or industrial operation, while actually engaged
19 in the performance of his or her duty or traveling between
20 sites or properties belonging to the employer, and who, as
21 a security guard, is a member of a security force of at
22 least 5 persons registered with the Department of
23 Professional Regulation; provided that such security guard
24 has successfully completed a course of study, approved by
25 and supervised by the Department of Professional
26 Regulation, consisting of not less than 40 hours of

1 training that includes the theory of law enforcement,
2 liability for acts, and the handling of weapons. A person
3 shall be considered eligible for this exemption if he or
4 she has completed the required 20 hours of training for a
5 security officer and 20 hours of required firearm training,
6 and has been issued a firearm control card by the
7 Department of Professional Regulation. Conditions for the
8 renewal of firearm control cards issued under the
9 provisions of this Section shall be the same as for those
10 cards issued under the provisions of the Private Detective,
11 Private Alarm, Private Security, Fingerprint Vendor, and
12 Locksmith Act of 2004. Such firearm control card shall be
13 carried by the security guard at all times when he or she
14 is in possession of a concealable weapon.

15 (7) Agents and investigators of the Illinois
16 Legislative Investigating Commission authorized by the
17 Commission to carry the weapons specified in subsections
18 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
19 any investigation for the Commission.

20 (8) Persons employed by a financial institution for the
21 protection of other employees and property related to such
22 financial institution, while actually engaged in the
23 performance of their duties, commuting between their homes
24 and places of employment, or traveling between sites or
25 properties owned or operated by such financial
26 institution, provided that any person so employed has

1 successfully completed a course of study, approved by and
2 supervised by the Department of Professional Regulation,
3 consisting of not less than 40 hours of training which
4 includes theory of law enforcement, liability for acts, and
5 the handling of weapons. A person shall be considered to be
6 eligible for this exemption if he or she has completed the
7 required 20 hours of training for a security officer and 20
8 hours of required firearm training, and has been issued a
9 firearm control card by the Department of Professional
10 Regulation. Conditions for renewal of firearm control
11 cards issued under the provisions of this Section shall be
12 the same as for those issued under the provisions of the
13 Private Detective, Private Alarm, Private Security,
14 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
15 control card shall be carried by the person so trained at
16 all times when such person is in possession of a
17 concealable weapon. For purposes of this subsection,
18 "financial institution" means a bank, savings and loan
19 association, credit union or company providing armored car
20 services.

21 (9) Any person employed by an armored car company to
22 drive an armored car, while actually engaged in the
23 performance of his duties.

24 (10) Persons who have been classified as peace officers
25 pursuant to the Peace Officer Fire Investigation Act.

26 (11) Investigators of the Office of the State's

1 Attorneys Appellate Prosecutor authorized by the board of
2 governors of the Office of the State's Attorneys Appellate
3 Prosecutor to carry weapons pursuant to Section 7.06 of the
4 State's Attorneys Appellate Prosecutor's Act.

5 (12) Special investigators appointed by a State's
6 Attorney under Section 3-9005 of the Counties Code.

7 (12.5) Probation officers while in the performance of
8 their duties, or while commuting between their homes,
9 places of employment or specific locations that are part of
10 their assigned duties, with the consent of the chief judge
11 of the circuit for which they are employed.

12 (13) Court Security Officers while in the performance
13 of their official duties, or while commuting between their
14 homes and places of employment, with the consent of the
15 Sheriff.

16 (13.5) A person employed as an armed security guard at
17 a nuclear energy, storage, weapons or development site or
18 facility regulated by the Nuclear Regulatory Commission
19 who has completed the background screening and training
20 mandated by the rules and regulations of the Nuclear
21 Regulatory Commission.

22 (14) Manufacture, transportation, or sale of weapons
23 to persons authorized under subdivisions (1) through
24 (13.5) of this subsection to possess those weapons.

25 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
26 24-1.6 do not apply to or affect any of the following:

1 (1) Members of any club or organization organized for
2 the purpose of practicing shooting at targets upon
3 established target ranges, whether public or private, and
4 patrons of such ranges, while such members or patrons are
5 using their firearms on those target ranges.

6 (2) Duly authorized military or civil organizations
7 while parading, with the special permission of the
8 Governor.

9 (3) Hunters, trappers or fishermen with a license or
10 permit while engaged in hunting, trapping or fishing.

11 (4) Transportation of weapons that are broken down in a
12 non-functioning state or are not immediately accessible.

13 (c) Subsection 24-1(a)(7) does not apply to or affect any
14 of the following:

15 (1) Peace officers while in performance of their
16 official duties.

17 (2) Wardens, superintendents and keepers of prisons,
18 penitentiaries, jails and other institutions for the
19 detention of persons accused or convicted of an offense.

20 (3) Members of the Armed Services or Reserve Forces of
21 the United States or the Illinois National Guard, while in
22 the performance of their official duty.

23 (4) Manufacture, transportation, or sale of machine
24 guns to persons authorized under subdivisions (1) through
25 (3) of this subsection to possess machine guns, if the
26 machine guns are broken down in a non-functioning state or

1 are not immediately accessible.

2 (5) Persons licensed under federal law to manufacture
3 any weapon from which 8 or more shots or bullets can be
4 discharged by a single function of the firing device, or
5 ammunition for such weapons, and actually engaged in the
6 business of manufacturing such weapons or ammunition, but
7 only with respect to activities which are within the lawful
8 scope of such business, such as the manufacture,
9 transportation, or testing of such weapons or ammunition.
10 This exemption does not authorize the general private
11 possession of any weapon from which 8 or more shots or
12 bullets can be discharged by a single function of the
13 firing device, but only such possession and activities as
14 are within the lawful scope of a licensed manufacturing
15 business described in this paragraph.

16 During transportation, such weapons shall be broken
17 down in a non-functioning state or not immediately
18 accessible.

19 (6) The manufacture, transport, testing, delivery,
20 transfer or sale, and all lawful commercial or experimental
21 activities necessary thereto, of rifles, shotguns, and
22 weapons made from rifles or shotguns, or ammunition for
23 such rifles, shotguns or weapons, where engaged in by a
24 person operating as a contractor or subcontractor pursuant
25 to a contract or subcontract for the development and supply
26 of such rifles, shotguns, weapons or ammunition to the

1 United States government or any branch of the Armed Forces
2 of the United States, when such activities are necessary
3 and incident to fulfilling the terms of such contract.

4 The exemption granted under this subdivision (c)(6)
5 shall also apply to any authorized agent of any such
6 contractor or subcontractor who is operating within the
7 scope of his employment, where such activities involving
8 such weapon, weapons or ammunition are necessary and
9 incident to fulfilling the terms of such contract.

10 During transportation, any such weapon shall be broken
11 down in a non-functioning state, or not immediately
12 accessible.

13 (d) Subsection 24-1(a)(1) does not apply to the purchase,
14 possession or carrying of a black-jack or slung-shot by a peace
15 officer.

16 (e) Subsection 24-1(a)(8) does not apply to any owner,
17 manager or authorized employee of any place specified in that
18 subsection nor to any law enforcement officer.

19 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
20 Section 24-1.6 do not apply to members of any club or
21 organization organized for the purpose of practicing shooting
22 at targets upon established target ranges, whether public or
23 private, while using their firearms on those target ranges.

24 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
25 to:

26 (1) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in
2 the performance of their official duty.

3 (2) Bonafide collectors of antique or surplus military
4 ordinance.

5 (3) Laboratories having a department of forensic
6 ballistics, or specializing in the development of
7 ammunition or explosive ordinance.

8 (4) Commerce, preparation, assembly or possession of
9 explosive bullets by manufacturers of ammunition licensed
10 by the federal government, in connection with the supply of
11 those organizations and persons exempted by subdivision
12 (g)(1) of this Section, or like organizations and persons
13 outside this State, or the transportation of explosive
14 bullets to any organization or person exempted in this
15 Section by a common carrier or by a vehicle owned or leased
16 by an exempted manufacturer.

17 (g-5) Subsection 24-1(a)(6) does not apply to or affect
18 persons licensed under federal law to manufacture any device or
19 attachment of any kind designed, used, or intended for use in
20 silencing the report of any firearm, firearms, or ammunition
21 for those firearms equipped with those devices, and actually
22 engaged in the business of manufacturing those devices,
23 firearms, or ammunition, but only with respect to activities
24 that are within the lawful scope of that business, such as the
25 manufacture, transportation, or testing of those devices,
26 firearms, or ammunition. This exemption does not authorize the

1 general private possession of any device or attachment of any
2 kind designed, used, or intended for use in silencing the
3 report of any firearm, but only such possession and activities
4 as are within the lawful scope of a licensed manufacturing
5 business described in this subsection (g-5). During
6 transportation, those devices shall be detached from any weapon
7 or not immediately accessible.

8 (h) An information or indictment based upon a violation of
9 any subsection of this Article need not negative any exemptions
10 contained in this Article. The defendant shall have the burden
11 of proving such an exemption.

12 (i) Nothing in this Article shall prohibit, apply to, or
13 affect the transportation, carrying, or possession, of any
14 pistol or revolver, stun gun, taser, or other firearm consigned
15 to a common carrier operating under license of the State of
16 Illinois or the federal government, where such transportation,
17 carrying, or possession is incident to the lawful
18 transportation in which such common carrier is engaged; and
19 nothing in this Article shall prohibit, apply to, or affect the
20 transportation, carrying, or possession of any pistol,
21 revolver, stun gun, taser, or other firearm, not the subject of
22 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
23 this Article, which is unloaded and enclosed in a case, firearm
24 carrying box, shipping box, or other container, by the
25 possessor of a valid Firearm Owners Identification Card.

26 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07.)