



Rep. Brandon W. Phelps

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1 AMENDMENT TO SENATE BILL 206

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 206 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing  
5 Section 2.33 as follows:

6 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

7 Sec. 2.33. Prohibitions.

8 (a) It is unlawful to carry or possess any gun in any State  
9 refuge unless otherwise permitted by administrative rule.

10 (b) It is unlawful to use or possess any snare or  
11 snare-like device, deadfall, net, or pit trap to take any  
12 species, except that snares not powered by springs or other  
13 mechanical devices may be used to trap fur-bearing mammals, in  
14 water sets only, if at least one-half of the snare noose is  
15 located underwater at all times.

16 (c) It is unlawful for any person at any time to take a

1 wild mammal protected by this Act from its den by means of any  
2 mechanical device, spade, or digging device or to use smoke or  
3 other gases to dislodge or remove such mammal except as  
4 provided in Section 2.37.

5 (d) It is unlawful to use a ferret or any other small  
6 mammal which is used in the same or similar manner for which  
7 ferrets are used for the purpose of frightening or driving any  
8 mammals from their dens or hiding places.

9 (e) (Blank).

10 (f) It is unlawful to use spears, gigs, hooks or any like  
11 device to take any species protected by this Act.

12 (g) It is unlawful to use poisons, chemicals or explosives  
13 for the purpose of taking any species protected by this Act.

14 (h) It is unlawful to hunt adjacent to or near any peat,  
15 grass, brush or other inflammable substance when it is burning.

16 (i) It is unlawful to take, pursue or intentionally harass  
17 or disturb in any manner any wild birds or mammals by use or  
18 aid of any vehicle or conveyance, except as permitted by the  
19 Code of Federal Regulations for the taking of waterfowl. It is  
20 also unlawful to use the lights of any vehicle or conveyance or  
21 any light from or any light connected to the vehicle or  
22 conveyance in any area where wildlife may be found except in  
23 accordance with Section 2.37 of this Act; however, nothing in  
24 this Section shall prohibit the normal use of headlamps for the  
25 purpose of driving upon a roadway. Striped skunk, opossum, red  
26 fox, gray fox, raccoon, bobcat, and coyote may be taken during

1 the open season by use of a small light which is worn on the  
2 body or hand-held by a person on foot and not in any vehicle.

3 (j) It is unlawful to use any shotgun larger than 10 gauge  
4 while taking or attempting to take any of the species protected  
5 by this Act.

6 (k) It is unlawful to use or possess in the field any  
7 shotgun shell loaded with a shot size larger than lead BB or  
8 steel T (.20 diameter) when taking or attempting to take any  
9 species of wild game mammals (excluding white-tailed deer),  
10 wild game birds, migratory waterfowl or migratory game birds  
11 protected by this Act, except white-tailed deer as provided for  
12 in Section 2.26 and other species as provided for by subsection  
13 (l) or administrative rule.

14 (l) It is unlawful to take any species of wild game, except  
15 white-tailed deer and fur-bearing mammals, with a shotgun  
16 loaded with slugs unless otherwise provided for by  
17 administrative rule.

18 (m) It is unlawful to use any shotgun capable of holding  
19 more than 3 shells in the magazine or chamber combined, except  
20 on game breeding and hunting preserve areas licensed under  
21 Section 3.27 and except as permitted by the Code of Federal  
22 Regulations for the taking of waterfowl. If the shotgun is  
23 capable of holding more than 3 shells, it shall, while being  
24 used on an area other than a game breeding and shooting  
25 preserve area licensed pursuant to Section 3.27, be fitted with  
26 a one piece plug that is irremovable without dismantling the

1 shotgun or otherwise altered to render it incapable of holding  
2 more than 3 shells in the magazine and chamber, combined.

3 (n) It is unlawful for any person, except persons who  
4 possess a permit to hunt from a vehicle as provided in this  
5 Section and persons otherwise permitted by law, to have or  
6 carry any gun in or on any vehicle, conveyance or aircraft,  
7 unless such gun is unloaded and enclosed in a case, except that  
8 at field trials authorized by Section 2.34 of this Act,  
9 unloaded guns or guns loaded with blank cartridges only, may be  
10 carried on horseback while not contained in a case, or to have  
11 or carry any bow or arrow device in or on any vehicle unless  
12 such bow or arrow device is unstrung or enclosed in a case, or  
13 otherwise made inoperable.

14 (o) It is unlawful to use any crossbow for the purpose of  
15 taking any wild birds or mammals, except as provided for in  
16 Section 2.5.

17 (p) It is unlawful to take game birds, migratory game birds  
18 or migratory waterfowl with a rifle, pistol, revolver or  
19 airgun.

20 (q) It is unlawful to fire a rifle, pistol, revolver or  
21 airgun on, over or into any waters of this State, including  
22 frozen waters.

23 (r) It is unlawful to discharge any gun or bow and arrow  
24 device along, upon, across, or from any public right-of-way or  
25 highway in this State.

26 (s) (Blank) ~~It is unlawful to use a silencer or other~~

1 ~~device to muffle or mute the sound of the explosion or report~~  
2 ~~resulting from the firing of any gun.~~

3 (t) It is unlawful for any person to take or attempt to  
4 take any species of wildlife or parts thereof, intentionally or  
5 wantonly allow a dog to hunt, within or upon the land of  
6 another, or upon waters flowing over or standing on the land of  
7 another, or to knowingly shoot a gun or bow and arrow device at  
8 any wildlife physically on or flying over the property of  
9 another without first obtaining permission from the owner or  
10 the owner's designee. For the purposes of this Section, the  
11 owner's designee means anyone who the owner designates in a  
12 written authorization and the authorization must contain (i)  
13 the legal or common description of property for such authority  
14 is given, (ii) the extent that the owner's designee is  
15 authorized to make decisions regarding who is allowed to take  
16 or attempt to take any species of wildlife or parts thereof,  
17 and (iii) the owner's notarized signature. Before enforcing  
18 this Section the law enforcement officer must have received  
19 notice from the owner or the owner's designee of a violation of  
20 this Section. Statements made to the law enforcement officer  
21 regarding this notice shall not be rendered inadmissible by the  
22 hearsay rule when offered for the purpose of showing the  
23 required notice.

24 (u) It is unlawful for any person to discharge any firearm  
25 for the purpose of taking any of the species protected by this  
26 Act, or hunt with gun or dog, or intentionally or wantonly

1 allow a dog to hunt, within 300 yards of an inhabited dwelling  
2 without first obtaining permission from the owner or tenant,  
3 except that while trapping, hunting with bow and arrow, hunting  
4 with dog and shotgun using shot shells only, or hunting with  
5 shotgun using shot shells only, or providing outfitting  
6 services under a waterfowl outfitter permit, or on licensed  
7 game breeding and hunting preserve areas, as defined in Section  
8 3.27, on federally owned and managed lands and on Department  
9 owned, managed, leased, or controlled lands, a 100 yard  
10 restriction shall apply.

11 (v) It is unlawful for any person to remove fur-bearing  
12 mammals from, or to move or disturb in any manner, the traps  
13 owned by another person without written authorization of the  
14 owner to do so.

15 (w) It is unlawful for any owner of a dog to knowingly or  
16 wantonly allow his or her dog to pursue, harass or kill deer,  
17 except that nothing in this Section shall prohibit the tracking  
18 of wounded deer with a dog in accordance with the provisions of  
19 Section 2.26 of this Code.

20 (x) It is unlawful for any person to wantonly or carelessly  
21 injure or destroy, in any manner whatsoever, any real or  
22 personal property on the land of another while engaged in  
23 hunting or trapping thereon.

24 (y) It is unlawful to hunt wild game protected by this Act  
25 between one half hour after sunset and one half hour before  
26 sunrise, except that hunting hours between one half hour after

1 sunset and one half hour before sunrise may be established by  
2 administrative rule for fur-bearing mammals.

3 (z) It is unlawful to take any game bird (excluding wild  
4 turkeys and crippled pheasants not capable of normal flight and  
5 otherwise irretrievable) protected by this Act when not flying.  
6 Nothing in this Section shall prohibit a person from carrying  
7 an uncased, unloaded shotgun in a boat, while in pursuit of a  
8 crippled migratory waterfowl that is incapable of normal  
9 flight, for the purpose of attempting to reduce the migratory  
10 waterfowl to possession, provided that the attempt is made  
11 immediately upon downing the migratory waterfowl and is done  
12 within 400 yards of the blind from which the migratory  
13 waterfowl was downed. This exception shall apply only to  
14 migratory game birds that are not capable of normal flight.  
15 Migratory waterfowl that are crippled may be taken only with a  
16 shotgun as regulated by subsection (j) of this Section using  
17 shotgun shells as regulated in subsection (k) of this Section.

18 (aa) It is unlawful to use or possess any device that may  
19 be used for tree climbing or cutting, while hunting fur-bearing  
20 mammals, excluding coyotes.

21 (bb) It is unlawful for any person, except licensed game  
22 breeders, pursuant to Section 2.29 to import, carry into, or  
23 possess alive in this State any species of wildlife taken  
24 outside of this State, without obtaining permission to do so  
25 from the Director.

26 (cc) It is unlawful for any person to have in his or her

1 possession any freshly killed species protected by this Act  
2 during the season closed for taking.

3 (dd) It is unlawful to take any species protected by this  
4 Act and retain it alive except as provided by administrative  
5 rule.

6 (ee) It is unlawful to possess any rifle while in the field  
7 during gun deer season except as provided in Section 2.26 and  
8 administrative rules.

9 (ff) It is unlawful for any person to take any species  
10 protected by this Act, except migratory waterfowl, during the  
11 gun deer hunting season in those counties open to gun deer  
12 hunting, unless he or she wears, when in the field, a cap and  
13 upper outer garment of a solid blaze orange color, with such  
14 articles of clothing displaying a minimum of 400 square inches  
15 of blaze orange material.

16 (gg) It is unlawful during the upland game season for any  
17 person to take upland game with a firearm unless he or she  
18 wears, while in the field, a cap of solid blaze orange color.  
19 For purposes of this Act, upland game is defined as Bobwhite  
20 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern  
21 Cottontail and Swamp Rabbit.

22 (hh) It shall be unlawful to kill or cripple any species  
23 protected by this Act for which there is a bag limit without  
24 making a reasonable effort to retrieve such species and include  
25 such in the bag limit. It shall be unlawful for any person  
26 having control over harvested game mammals, game birds, or

1 migratory game birds for which there is a bag limit to wantonly  
2 waste or destroy the usable meat of the game, except this shall  
3 not apply to wildlife taken under Sections 2.37 or 3.22 of this  
4 Code. For purposes of this subsection, "usable meat" means the  
5 breast meat of a game bird or migratory game bird and the hind  
6 ham and front shoulders of a game mammal. It shall be unlawful  
7 for any person to place, leave, dump, or abandon a wildlife  
8 carcass or parts of it along or upon a public right-of-way or  
9 highway or on public or private property, including a waterway  
10 or stream, without the permission of the owner or tenant. It  
11 shall not be unlawful to discard game meat that is determined  
12 to be unfit for human consumption.

13 (ii) This Section shall apply only to those species  
14 protected by this Act taken within the State. Any species or  
15 any parts thereof, legally taken in and transported from other  
16 states or countries, may be possessed within the State, except  
17 as provided in this Section and Sections 2.35, 2.36 and 3.21.

18 (jj) (Blank).

19 (kk) Nothing contained in this Section shall prohibit the  
20 Director from issuing permits to paraplegics or to other  
21 persons with disabilities who meet the requirements set forth  
22 in administrative rule to shoot or hunt from a vehicle as  
23 provided by that rule, provided that such is otherwise in  
24 accord with this Act.

25 (ll) Nothing contained in this Act shall prohibit the  
26 taking of aquatic life protected by the Fish and Aquatic Life

1 Code or birds and mammals protected by this Act, except deer  
2 and fur-bearing mammals, from a boat not camouflaged or  
3 disguised to alter its identity or to further provide a place  
4 of concealment and not propelled by sail or mechanical power.  
5 However, only shotguns not larger than 10 gauge nor smaller  
6 than .410 bore loaded with not more than 3 shells of a shot  
7 size no larger than lead BB or steel T (.20 diameter) may be  
8 used to take species protected by this Act.

9 (mm) Nothing contained in this Act shall prohibit the use  
10 of a shotgun, not larger than 10 gauge nor smaller than a 20  
11 gauge, with a rifled barrel.

12 (nn) It shall be unlawful to possess any species of  
13 wildlife or wildlife parts taken unlawfully in Illinois, any  
14 other state, or any other country, whether or not the wildlife  
15 or wildlife parts is indigenous to Illinois. For the purposes  
16 of this subsection, the statute of limitations for unlawful  
17 possession of wildlife or wildlife parts shall not cease until  
18 2 years after the possession has permanently ended.

19 (Source: P.A. 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183,  
20 eff. 1-1-14; 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914,  
21 eff. 1-1-15; 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; revised  
22 10-20-15.)

23 Section 10. The Criminal Code of 2012 is amended by  
24 changing Section 24-1 as follows:

1 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

2 Sec. 24-1. Unlawful use of weapons.

3 (a) A person commits the offense of unlawful use of weapons  
4 when he knowingly:

5 (1) Sells, manufactures, purchases, possesses or  
6 carries any bludgeon, black-jack, slung-shot, sand-club,  
7 sand-bag, metal knuckles or other knuckle weapon  
8 regardless of its composition, throwing star, or any knife,  
9 commonly referred to as a switchblade knife, which has a  
10 blade that opens automatically by hand pressure applied to  
11 a button, spring or other device in the handle of the  
12 knife, or a ballistic knife, which is a device that propels  
13 a knifelike blade as a projectile by means of a coil  
14 spring, elastic material or compressed gas; or

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

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

26 (4) Carries or possesses in any vehicle or concealed on

1 or about his person except when on his land or in his own  
2 abode, legal dwelling, or fixed place of business, or on  
3 the land or in the legal dwelling of another person as an  
4 invitee with that person's permission, any pistol,  
5 revolver, stun gun or taser or other firearm, except that  
6 this subsection (a) (4) does not apply to or affect  
7 transportation of weapons that meet one of the following  
8 conditions:

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

10 (ii) are not immediately accessible; or

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

15 (iv) are carried or possessed in accordance with  
16 the Firearm Concealed Carry Act by a person who has  
17 been issued a currently valid license under the Firearm  
18 Concealed Carry Act; or

19 (5) Sets a spring gun; or

20 (6) Possesses any device or attachment of any kind  
21 primarily designed, used, or intended for use in silencing  
22 the report of any handgun; or possesses any device or  
23 attachment of any kind designed, used, or intended for use  
24 in silencing the report of any other firearm if the device  
25 or attachment does not comply with the National Firearms  
26 Act firearm; or

1           (7) Sells, manufactures, purchases, possesses or  
2 carries:

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

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

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

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

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

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

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

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

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

4 (ii) are not immediately accessible; or

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

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

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

25 (11) Sells, manufactures or purchases any explosive  
26 bullet. For purposes of this paragraph (a) "explosive

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

9 (12) (Blank); or

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

18 (b) Sentence. A person convicted of a violation of  
19 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
20 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
21 Class A misdemeanor. A person convicted of a violation of  
22 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
23 person convicted of a violation of subsection 24-1(a)(6) or  
24 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
25 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
26 Class 2 felony and shall be sentenced to a term of imprisonment

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

10 (c) Violations in specific places.

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

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

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

1 park, courthouse, public transportation facility, or  
2 residential property owned, operated, or managed by a  
3 public housing agency or leased by a public housing agency  
4 as part of a scattered site or mixed-income development  
5 commits a Class 3 felony.

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

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

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

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

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

25 (d) The presence in an automobile other than a public  
26 omnibus of any weapon, instrument or substance referred to in

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

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

15 (Source: P.A. 99-29, eff. 7-10-15.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.".