



Sen. Linda Holmes

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1 AMENDMENT TO SENATE BILL 2178

2 AMENDMENT NO. _____. Amend Senate Bill 2178 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 possession of weapons.

8 (a) A person commits the offense of unlawful possession of
9 weapons when he knowingly:

10 (1) Sells, manufactures, purchases, possesses or
11 carries any bludgeon, black-jack, slung-shot, sand-club,
12 sand-bag, metal knuckles or other knuckle weapon
13 regardless of its composition, throwing star, or any
14 knife, commonly referred to as a switchblade knife, which
15 has a blade that opens automatically by hand pressure
16 applied to a button, spring or other device in the handle

1 of the knife, or a ballistic knife, which is a device that
2 propels a knifelike blade as a projectile by means of a
3 coil 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 (2.5) Carries or possesses with intent to use the same
10 unlawfully against another, any firearm in a church,
11 synagogue, mosque, or other building, structure, or place
12 used for religious worship; or

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

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

1 conditions:

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

3 (ii) are not immediately accessible; or

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

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

12 (5) Sets a spring gun; or

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

16 (7) Sells, manufactures, purchases, possesses or
17 carries:

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

1 machine gun, or any combination or parts from which a
2 machine gun can be assembled if such parts are in the
3 possession or under the control of a person;

4 (ii) any rifle having one or more barrels less
5 than 16 inches in length or a shotgun having one or
6 more barrels less than 18 inches in length or any
7 weapon made from a rifle or shotgun, whether by
8 alteration, modification, or otherwise, if such a
9 weapon as modified has an overall length of less than
10 26 inches; or

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

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

24 This subsection (a)(8) does not apply to any auction
25 or raffle of a firearm held pursuant to a license or permit
26 issued by a governmental body, nor does it apply to

1 persons engaged in firearm safety training courses; or

2 (9) Carries or possesses in a vehicle or on or about
3 his or her person any pistol, revolver, stun gun or taser
4 or firearm or ballistic knife, when he or she is hooded,
5 robed or masked in such manner as to conceal his or her
6 identity; or

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

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

21 (ii) are not immediately accessible; or

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

26 (iv) are carried or possessed in accordance with

the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act.

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

(11) Sells, manufactures, delivers, imports, possesses, or purchases any assault weapon attachment or .50 caliber cartridge in violation of Section 24-1.9 or any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the

1 projectile and the cap; or

2 (12) (Blank); or

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

11 (14) Manufactures, possesses, sells, or offers to
12 sell, purchase, manufacture, import, transfer, or use any
13 device, part, kit, tool, accessory, or combination of
14 parts that is designed to and functions to increase the
15 rate of fire of a semiautomatic firearm above the standard
16 rate of fire for semiautomatic firearms that is not
17 equipped with that device, part, or combination of parts;
18 or

19 (15) Carries or possesses any assault weapon or .50
20 caliber rifle in violation of Section 24-1.9; or

21 (16) Manufactures, sells, delivers, imports, or
22 purchases any assault weapon or .50 caliber rifle in
23 violation of Section 24-1.9.

24 (b) Sentence. A person convicted of a violation of
25 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
26 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)

commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or 24-1(a)(16) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted of a second or subsequent violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The possession of each weapon or device in violation of this Section constitutes a single and separate violation.

(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the

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

18 (1.5) A person who violates subsection 24-1(a)(4),
19 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
20 the time of day or the time of year, in residential
21 property owned, operated, or managed by a public housing
22 agency or leased by a public housing agency as part of a
23 scattered site or mixed-income development, in a public
24 park, in a courthouse, on the real property comprising any
25 school, regardless of the time of day or the time of year,
26 on 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 on the real property comprising any public park, on the
4 real 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,
7 in any conveyance owned, leased, or contracted by a public
8 transportation agency, or on any public way within 1,000
9 feet of the real property comprising any school, public
10 park, courthouse, public transportation facility, or
11 residential property owned, operated, or managed by a
12 public housing agency or leased by a public housing agency
13 as part of a scattered site or mixed-income development
14 commits a Class 3 felony.

15 (2) A person who violates subsection 24-1(a)(1),
16 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
17 time of day or the time of year, in residential property
18 owned, operated or managed by a public housing agency or
19 leased by a public housing agency as part of a scattered
20 site or mixed-income development, in a public park, in a
21 courthouse, on the real property comprising any school,
22 regardless of the time of day or the time of year, on
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 on the real property comprising any public park, on the

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

14 (3) Paragraphs (1), (1.5), and (2) of this subsection
15 (c) shall not apply to law enforcement officers, qualified
16 retired law enforcement officers under 18 U.S.C. 926B and
17 18 U.S.C. 926C as recognized under Illinois law, or
18 security officers of such school, college, or university
19 or to students carrying or possessing firearms for use in
20 training courses, parades, hunting, target shooting on
21 school ranges, or otherwise with the consent of school
22 authorities and which firearms are transported unloaded
23 enclosed in a suitable case, box, or transportation
24 package.

25 (4) For the purposes of this subsection (c), "school"
26 means any public or private elementary or secondary

1 school, community college, college, or university.

2 (5) For the purposes of this subsection (c), "public
3 transportation agency" means a public or private agency
4 that provides for the transportation or conveyance of
5 persons by means available to the general public, except
6 for transportation by automobiles not used for conveyance
7 of the general public as passengers; and "public
8 transportation facility" means a terminal or other place
9 where one may obtain public transportation.

10 (d) The presence in an automobile other than a public
11 omnibus of any weapon, instrument or substance referred to in
12 subsection (a)(7) is *prima facie* evidence that it is in the
13 possession of, and is being carried by, all persons occupying
14 such automobile at the time such weapon, instrument or
15 substance is found, except under the following circumstances:
16 (i) if such weapon, instrument or instrumentality is found
17 upon the person of one of the occupants therein; or (ii) if
18 such weapon, instrument or substance is found in an automobile
19 operated for hire by a duly licensed driver in the due, lawful
20 and proper pursuit of his or her trade, then such presumption
21 shall not apply to the driver.

22 (e) Exemptions.

23 (1) Crossbows, Common or Compound bows and Underwater
24 Spearguns are exempted from the definition of ballistic
25 knife as defined in paragraph (1) of subsection (a) of
26 this Section.

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

(Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23; 103-822, eff. 1-1-25.)".