



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4117

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

See Index

Amends the Firearm Owners Identification Card Act. Provides that no person may acquire or possess any pre-packaged explosive components within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police. Amends the Criminal Code of 2012. Prohibits the knowing sale, manufacture, purchase, possession, or carrying of a trigger modification device. Defines "trigger modification device". Creates the offense of unlawful sale or delivery of pre-packaged explosive components. Defines "pre-packaged explosive components". Establishes penalties for these offenses. Effective immediately.

LRB100 15164 RLC 30030 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Firearm Owners Identification Card Act is
5 amended by changing Sections 1, 1.1, 2, and 3 as follows:

6 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

7 Sec. 1. It is hereby declared as a matter of legislative
8 determination that in order to promote and protect the health,
9 safety, and welfare of the public, it is necessary and in the
10 public interest to provide a system of identifying persons who
11 are not qualified to acquire or possess firearms, pre-packaged
12 explosive components, firearm ammunition, stun guns, and
13 tasers within the State of Illinois by the establishment of a
14 system of Firearm Owner's Identification Cards, thereby
15 establishing a practical and workable system by which law
16 enforcement authorities will be afforded an opportunity to
17 identify those persons who are prohibited by Section 24-3.1 of
18 the Criminal Code of 2012, from acquiring or possessing
19 firearms and firearm ammunition and who are prohibited by this
20 Act from acquiring stun guns and tasers.

21 (Source: P.A. 97-1150, eff. 1-25-13.)

22 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

1 Sec. 1.1. For purposes of this Act:

2 "Addicted to narcotics" means a person who has been:

3 (1) convicted of an offense involving the use or
4 possession of cannabis, a controlled substance, or
5 methamphetamine within the past year; or

6 (2) determined by the Department of State Police to be
7 addicted to narcotics based upon federal law or federal
8 guidelines.

9 "Addicted to narcotics" does not include possession or use
10 of a prescribed controlled substance under the direction and
11 authority of a physician or other person authorized to
12 prescribe the controlled substance when the controlled
13 substance is used in the prescribed manner.

14 "Adjudicated as a person with a mental disability" means
15 the person is the subject of a determination by a court, board,
16 commission or other lawful authority that the person, as a
17 result of marked subnormal intelligence, or mental illness,
18 mental impairment, incompetency, condition, or disease:

19 (1) presents a clear and present danger to himself,
20 herself, or to others;

21 (2) lacks the mental capacity to manage his or her own
22 affairs or is adjudicated a person with a disability as
23 defined in Section 11a-2 of the Probate Act of 1975;

24 (3) is not guilty in a criminal case by reason of
25 insanity, mental disease or defect;

26 (3.5) is guilty but mentally ill, as provided in

1 Section 5-2-6 of the Unified Code of Corrections;

2 (4) is incompetent to stand trial in a criminal case;

3 (5) is not guilty by reason of lack of mental
4 responsibility under Articles 50a and 72b of the Uniform
5 Code of Military Justice, 10 U.S.C. 850a, 876b;

6 (6) is a sexually violent person under subsection (f)
7 of Section 5 of the Sexually Violent Persons Commitment
8 Act;

9 (7) is a sexually dangerous person under the Sexually
10 Dangerous Persons Act;

11 (8) is unfit to stand trial under the Juvenile Court
12 Act of 1987;

13 (9) is not guilty by reason of insanity under the
14 Juvenile Court Act of 1987;

15 (10) is subject to involuntary admission as an
16 inpatient as defined in Section 1-119 of the Mental Health
17 and Developmental Disabilities Code;

18 (11) is subject to involuntary admission as an
19 outpatient as defined in Section 1-119.1 of the Mental
20 Health and Developmental Disabilities Code;

21 (12) is subject to judicial admission as set forth in
22 Section 4-500 of the Mental Health and Developmental
23 Disabilities Code; or

24 (13) is subject to the provisions of the Interstate
25 Agreements on Sexually Dangerous Persons Act.

26 "Clear and present danger" means a person who:

1 (1) communicates a serious threat of physical violence
2 against a reasonably identifiable victim or poses a clear
3 and imminent risk of serious physical injury to himself,
4 herself, or another person as determined by a physician,
5 clinical psychologist, or qualified examiner; or

6 (2) demonstrates threatening physical or verbal
7 behavior, such as violent, suicidal, or assaultive
8 threats, actions, or other behavior, as determined by a
9 physician, clinical psychologist, qualified examiner,
10 school administrator, or law enforcement official.

11 "Clinical psychologist" has the meaning provided in
12 Section 1-103 of the Mental Health and Developmental
13 Disabilities Code.

14 "Controlled substance" means a controlled substance or
15 controlled substance analog as defined in the Illinois
16 Controlled Substances Act.

17 "Counterfeit" means to copy or imitate, without legal
18 authority, with intent to deceive.

19 "Federally licensed firearm dealer" means a person who is
20 licensed as a federal firearms dealer under Section 923 of the
21 federal Gun Control Act of 1968 (18 U.S.C. 923).

22 "Firearm" means any device, by whatever name known, which
23 is designed to expel a projectile or projectiles by the action
24 of an explosion, expansion of gas or escape of gas; excluding,
25 however:

26 (1) any pneumatic gun, spring gun, paint ball gun, or

1 B-B gun which expels a single globular projectile not
2 exceeding .18 inch in diameter or which has a maximum
3 muzzle velocity of less than 700 feet per second;

4 (1.1) any pneumatic gun, spring gun, paint ball gun, or
5 B-B gun which expels breakable paint balls containing
6 washable marking colors;

7 (2) any device used exclusively for signalling or
8 safety and required or recommended by the United States
9 Coast Guard or the Interstate Commerce Commission;

10 (3) any device used exclusively for the firing of stud
11 cartridges, explosive rivets or similar industrial
12 ammunition; and

13 (4) an antique firearm (other than a machine-gun)
14 which, although designed as a weapon, the Department of
15 State Police finds by reason of the date of its
16 manufacture, value, design, and other characteristics is
17 primarily a collector's item and is not likely to be used
18 as a weapon.

19 "Firearm ammunition" means any self-contained cartridge or
20 shotgun shell, by whatever name known, which is designed to be
21 used or adaptable to use in a firearm; excluding, however:

22 (1) any ammunition exclusively designed for use with a
23 device used exclusively for signalling or safety and
24 required or recommended by the United States Coast Guard or
25 the Interstate Commerce Commission; and

26 (2) any ammunition designed exclusively for use with a

1 stud or rivet driver or other similar industrial
2 ammunition.

3 "Gun show" means an event or function:

4 (1) at which the sale and transfer of firearms is the
5 regular and normal course of business and where 50 or more
6 firearms are displayed, offered, or exhibited for sale,
7 transfer, or exchange; or

8 (2) at which not less than 10 gun show vendors display,
9 offer, or exhibit for sale, sell, transfer, or exchange
10 firearms.

11 "Gun show" includes the entire premises provided for an
12 event or function, including parking areas for the event or
13 function, that is sponsored to facilitate the purchase, sale,
14 transfer, or exchange of firearms as described in this Section.
15 Nothing in this definition shall be construed to exclude a gun
16 show held in conjunction with competitive shooting events at
17 the World Shooting Complex sanctioned by a national governing
18 body in which the sale or transfer of firearms is authorized
19 under subparagraph (5) of paragraph (g) of subsection (A) of
20 Section 24-3 of the Criminal Code of 2012.

21 Unless otherwise expressly stated, "gun show" does not
22 include training or safety classes, competitive shooting
23 events, such as rifle, shotgun, or handgun matches, trap,
24 skeet, or sporting clays shoots, dinners, banquets, raffles, or
25 any other event where the sale or transfer of firearms is not
26 the primary course of business.

1 "Gun show promoter" means a person who organizes or
2 operates a gun show.

3 "Gun show vendor" means a person who exhibits, sells,
4 offers for sale, transfers, or exchanges any firearms at a gun
5 show, regardless of whether the person arranges with a gun show
6 promoter for a fixed location from which to exhibit, sell,
7 offer for sale, transfer, or exchange any firearm.

8 "Involuntarily admitted" has the meaning as prescribed in
9 Sections 1-119 and 1-119.1 of the Mental Health and
10 Developmental Disabilities Code.

11 "Mental health facility" means any licensed private
12 hospital or hospital affiliate, institution, or facility, or
13 part thereof, and any facility, or part thereof, operated by
14 the State or a political subdivision thereof which provide
15 treatment of persons with mental illness and includes all
16 hospitals, institutions, clinics, evaluation facilities,
17 mental health centers, colleges, universities, long-term care
18 facilities, and nursing homes, or parts thereof, which provide
19 treatment of persons with mental illness whether or not the
20 primary purpose is to provide treatment of persons with mental
21 illness.

22 "National governing body" means a group of persons who
23 adopt rules and formulate policy on behalf of a national
24 firearm sporting organization.

25 "Patient" means:

26 (1) a person who voluntarily receives mental health

1 treatment as an in-patient or resident of any public or
2 private mental health facility, unless the treatment was
3 solely for an alcohol abuse disorder and no other secondary
4 substance abuse disorder or mental illness; or

5 (2) a person who voluntarily receives mental health
6 treatment as an out-patient or is provided services by a
7 public or private mental health facility, and who poses a
8 clear and present danger to himself, herself, or to others.

9 "Person with a developmental disability" means a person
10 with a disability which is attributable to any other condition
11 which results in impairment similar to that caused by an
12 intellectual disability and which requires services similar to
13 those required by persons with intellectual disabilities. The
14 disability must originate before the age of 18 years, be
15 expected to continue indefinitely, and constitute a
16 substantial disability. This disability results, in the
17 professional opinion of a physician, clinical psychologist, or
18 qualified examiner, in significant functional limitations in 3
19 or more of the following areas of major life activity:

- 20 (i) self-care;
21 (ii) receptive and expressive language;
22 (iii) learning;
23 (iv) mobility; or
24 (v) self-direction.

25 "Person with an intellectual disability" means a person
26 with a significantly subaverage general intellectual

1 functioning which exists concurrently with impairment in
2 adaptive behavior and which originates before the age of 18
3 years.

4 "Physician" has the meaning as defined in Section 1-120 of
5 the Mental Health and Developmental Disabilities Code.

6 "Pre-packaged explosive components" has the same meaning
7 ascribed to the term in Section 24-4.3 of the Criminal Code of
8 2012.

9 "Qualified examiner" has the meaning provided in Section
10 1-122 of the Mental Health and Developmental Disabilities Code.

11 "Sanctioned competitive shooting event" means a shooting
12 contest officially recognized by a national or state shooting
13 sport association, and includes any sight-in or practice
14 conducted in conjunction with the event.

15 "School administrator" means the person required to report
16 under the School Administrator Reporting of Mental Health Clear
17 and Present Danger Determinations Law.

18 "Stun gun or taser" has the meaning ascribed to it in
19 Section 24-1 of the Criminal Code of 2012.

20 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
21 eff. 7-27-15; 99-642, eff. 7-28-16.)

22 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

23 Sec. 2. Firearm Owner's Identification Card required;
24 exceptions.

25 (a) (1) No person may acquire or possess any firearm,

1 pre-packaged explosive components, stun gun, or taser within
2 this State without having in his or her possession a Firearm
3 Owner's Identification Card previously issued in his or her
4 name by the Department of State Police under the provisions of
5 this Act.

6 (2) No person may acquire or possess firearm ammunition
7 within this State without having in his or her possession a
8 Firearm Owner's Identification Card previously issued in his or
9 her name by the Department of State Police under the provisions
10 of this Act.

11 (b) The provisions of this Section regarding the possession
12 of firearms, firearm ammunition, stun guns, and tasers do not
13 apply to:

14 (1) United States Marshals, while engaged in the
15 operation of their official duties;

16 (2) Members of the Armed Forces of the United States or
17 the National Guard, while engaged in the operation of their
18 official duties;

19 (3) Federal officials required to carry firearms,
20 while engaged in the operation of their official duties;

21 (4) Members of bona fide veterans organizations which
22 receive firearms directly from the armed forces of the
23 United States, while using the firearms for ceremonial
24 purposes with blank ammunition;

25 (5) Nonresident hunters during hunting season, with
26 valid nonresident hunting licenses and while in an area

1 where hunting is permitted; however, at all other times and
2 in all other places these persons must have their firearms
3 unloaded and enclosed in a case;

4 (6) Those hunters exempt from obtaining a hunting
5 license who are required to submit their Firearm Owner's
6 Identification Card when hunting on Department of Natural
7 Resources owned or managed sites;

8 (7) Nonresidents while on a firing or shooting range
9 recognized by the Department of State Police; however,
10 these persons must at all other times and in all other
11 places have their firearms unloaded and enclosed in a case;

12 (8) Nonresidents while at a firearm showing or display
13 recognized by the Department of State Police; however, at
14 all other times and in all other places these persons must
15 have their firearms unloaded and enclosed in a case;

16 (9) Nonresidents whose firearms are unloaded and
17 enclosed in a case;

18 (10) Nonresidents who are currently licensed or
19 registered to possess a firearm in their resident state;

20 (11) Unemancipated minors while in the custody and
21 immediate control of their parent or legal guardian or
22 other person in loco parentis to the minor if the parent or
23 legal guardian or other person in loco parentis to the
24 minor has a currently valid Firearm Owner's Identification
25 Card;

26 (12) Color guards of bona fide veterans organizations

1 or members of bona fide American Legion bands while using
2 firearms for ceremonial purposes with blank ammunition;

3 (13) Nonresident hunters whose state of residence does
4 not require them to be licensed or registered to possess a
5 firearm and only during hunting season, with valid hunting
6 licenses, while accompanied by, and using a firearm owned
7 by, a person who possesses a valid Firearm Owner's
8 Identification Card and while in an area within a
9 commercial club licensed under the Wildlife Code where
10 hunting is permitted and controlled, but in no instance
11 upon sites owned or managed by the Department of Natural
12 Resources;

13 (14) Resident hunters who are properly authorized to
14 hunt and, while accompanied by a person who possesses a
15 valid Firearm Owner's Identification Card, hunt in an area
16 within a commercial club licensed under the Wildlife Code
17 where hunting is permitted and controlled;

18 (15) A person who is otherwise eligible to obtain a
19 Firearm Owner's Identification Card under this Act and is
20 under the direct supervision of a holder of a Firearm
21 Owner's Identification Card who is 21 years of age or older
22 while the person is on a firing or shooting range or is a
23 participant in a firearms safety and training course
24 recognized by a law enforcement agency or a national,
25 statewide shooting sports organization; and

26 (16) Competitive shooting athletes whose competition

1 firearms are sanctioned by the International Olympic
2 Committee, the International Paralympic Committee, the
3 International Shooting Sport Federation, or USA Shooting
4 in connection with such athletes' training for and
5 participation in shooting competitions at the 2016 Olympic
6 and Paralympic Games and sanctioned test events leading up
7 to the 2016 Olympic and Paralympic Games.

8 (c) The provisions of this Section regarding the
9 acquisition and possession of firearms, pre-packaged explosive
10 components, firearm ammunition, stun guns, and tasers do not
11 apply to law enforcement officials of this or any other
12 jurisdiction, while engaged in the performance ~~operation~~ of
13 their official duties.

14 (c-5) The provisions of paragraphs (1) and (2) of
15 subsection (a) of this Section regarding the possession of
16 firearms and firearm ammunition do not apply to the holder of a
17 valid concealed carry license issued under the Firearm
18 Concealed Carry Act who is in physical possession of the
19 concealed carry license.

20 (c-10) The provisions of paragraph (1) of subsection (a) of
21 this Section regarding the acquisition and possession of
22 pre-packaged explosive components do not apply to:

23 (1) Members of the Armed Services or Reserves
24 Forces of the United States or the Illinois National Guard
25 while in the performance of their official duty.

26 (2) Persons licensed under State and federal law to

1 manufacture, import, or sell pre-packaged explosive
2 components, and actually engaged in that business, but only
3 with respect to activities which are within the lawful
4 scope of the business, including the manufacture,
5 transportation, or testing of pre-packaged explosive
6 components.

7 (3) Contractors or subcontractors engaged in the
8 manufacture, transport, testing, delivery, transfer or
9 sale, and lawful experimental activities under a contract
10 or subcontract for the development and supply of the
11 product to the United States government or any branch of
12 the Armed Forces of the United States, when those
13 activities are necessary and incident to fulfilling the
14 terms of the contract. The exemption granted under this
15 paragraph (3) shall also apply to any authorized agent of
16 any contractor or subcontractor described in this
17 paragraph (3) who is operating within the scope of his or
18 her employment, when the activities involving the
19 pre-packaged explosive components are necessary and
20 incident to fulfilling the terms of the contract.

21 (4) Sales clerks or retail merchants selling or
22 transferring pre-packaged explosive components.

23 (d) Any person who becomes a resident of this State, who is
24 not otherwise prohibited from obtaining, possessing, or using a
25 firearm or firearm ammunition, shall not be required to have a
26 Firearm Owner's Identification Card to possess firearms or

1 firearms ammunition until 60 calendar days after he or she
2 obtains an Illinois driver's license or Illinois
3 Identification Card.

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

5 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

6 Sec. 3. (a) Except as provided in Section 3a, no person may
7 knowingly transfer, or cause to be transferred, any firearm,
8 pre-packaged explosive components, firearm ammunition, stun
9 gun, or taser to any person within this State unless the
10 transferee with whom he deals displays either: (1) a currently
11 valid Firearm Owner's Identification Card which has previously
12 been issued in his or her name by the Department of State
13 Police under the provisions of this Act; or (2) a currently
14 valid license to carry a concealed firearm which has previously
15 been issued in his or her name by the Department of State
16 Police under the Firearm Concealed Carry Act. In addition, all
17 firearm, stun gun, and taser transfers by federally licensed
18 firearm dealers are subject to Section 3.1.

19 (a-5) Any person who is not a federally licensed firearm
20 dealer and who desires to transfer or sell a firearm while that
21 person is on the grounds of a gun show must, before selling or
22 transferring the firearm, request the Department of State
23 Police to conduct a background check on the prospective
24 recipient of the firearm in accordance with Section 3.1.

25 (a-10) Notwithstanding item (2) of subsection (a) of this

1 Section, any person who is not a federally licensed firearm
2 dealer and who desires to transfer or sell a firearm or
3 firearms to any person who is not a federally licensed firearm
4 dealer shall, before selling or transferring the firearms,
5 contact the Department of State Police with the transferee's or
6 purchaser's Firearm Owner's Identification Card number to
7 determine the validity of the transferee's or purchaser's
8 Firearm Owner's Identification Card. This subsection shall not
9 be effective until January 1, 2014. The Department of State
10 Police may adopt rules concerning the implementation of this
11 subsection. The Department of State Police shall provide the
12 seller or transferor an approval number if the purchaser's
13 Firearm Owner's Identification Card is valid. Approvals issued
14 by the Department for the purchase of a firearm pursuant to
15 this subsection are valid for 30 days from the date of issue.

16 (a-15) The provisions of subsection (a-10) of this Section
17 do not apply to:

18 (1) transfers that occur at the place of business of a
19 federally licensed firearm dealer, if the federally
20 licensed firearm dealer conducts a background check on the
21 prospective recipient of the firearm in accordance with
22 Section 3.1 of this Act and follows all other applicable
23 federal, State, and local laws as if he or she were the
24 seller or transferor of the firearm, although the dealer is
25 not required to accept the firearm into his or her
26 inventory. The purchaser or transferee may be required by

1 the federally licensed firearm dealer to pay a fee not to
2 exceed \$10 per firearm, which the dealer may retain as
3 compensation for performing the functions required under
4 this paragraph, plus the applicable fees authorized by
5 Section 3.1;

6 (2) transfers as a bona fide gift to the transferor's
7 husband, wife, son, daughter, stepson, stepdaughter,
8 father, mother, stepfather, stepmother, brother, sister,
9 nephew, niece, uncle, aunt, grandfather, grandmother,
10 grandson, granddaughter, father-in-law, mother-in-law,
11 son-in-law, or daughter-in-law;

12 (3) transfers by persons acting pursuant to operation
13 of law or a court order;

14 (4) transfers on the grounds of a gun show under
15 subsection (a-5) of this Section;

16 (5) the delivery of a firearm by its owner to a
17 gunsmith for service or repair, the return of the firearm
18 to its owner by the gunsmith, or the delivery of a firearm
19 by a gunsmith to a federally licensed firearms dealer for
20 service or repair and the return of the firearm to the
21 gunsmith;

22 (6) temporary transfers that occur while in the home of
23 the unlicensed transferee, if the unlicensed transferee is
24 not otherwise prohibited from possessing firearms and the
25 unlicensed transferee reasonably believes that possession
26 of the firearm is necessary to prevent imminent death or

1 great bodily harm to the unlicensed transferee;

2 (7) transfers to a law enforcement or corrections
3 agency or a law enforcement or corrections officer acting
4 within the course and scope of his or her official duties;

5 (8) transfers of firearms that have been rendered
6 permanently inoperable to a nonprofit historical society,
7 museum, or institutional collection; and

8 (9) transfers to a person who is exempt from the
9 requirement of possessing a Firearm Owner's Identification
10 Card under Section 2 of this Act.

11 (a-20) The Department of State Police shall develop an
12 Internet-based system for individuals to determine the
13 validity of a Firearm Owner's Identification Card prior to the
14 sale or transfer of a firearm. The Department shall have the
15 Internet-based system completed and available for use by July
16 1, 2015. The Department shall adopt rules not inconsistent with
17 this Section to implement this system.

18 (b) Any person within this State who transfers or causes to
19 be transferred any firearm, pre-packaged explosive components,
20 stun gun, or taser shall keep a record of the ~~such~~ transfer for
21 a period of 10 years from the date of transfer. The ~~Such~~ record
22 shall contain the date of the transfer; the description, serial
23 number or other information identifying the firearm,
24 pre-packaged explosive components, stun gun, or taser if no
25 serial number is available; and, if the transfer was completed
26 within this State, the transferee's Firearm Owner's

1 Identification Card number and any approval number or
2 documentation provided by the Department of State Police under
3 ~~pursuant to~~ subsection (a-10) of this Section. On or after
4 January 1, 2006, the record shall contain the date of
5 application for transfer of the firearm. On demand of a peace
6 officer the ~~such~~ transferor shall produce for inspection the
7 ~~such~~ record of transfer. If the transfer or sale took place at
8 a gun show, the record shall include the unique identification
9 number. Failure to record the unique identification number or
10 approval number is a petty offense.

11 (b-5) Any resident may purchase ammunition from a person
12 within or outside of Illinois if shipment is by United States
13 mail or by a private express carrier authorized by federal law
14 to ship ammunition. Any resident purchasing ammunition within
15 or outside the State of Illinois must provide the seller with a
16 copy of his or her valid Firearm Owner's Identification Card or
17 valid concealed carry license and either his or her Illinois
18 driver's license or Illinois State Identification Card prior to
19 the shipment of the ammunition. The ammunition may be shipped
20 only to an address on either of those 2 documents.

21 (c) The provisions of this Section regarding the transfer
22 of firearm ammunition shall not apply to those persons
23 specified in paragraph (b) of Section 2 of this Act.

24 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15.)

25 Section 10. The Criminal Code of 2012 is amended by

1 changing Section 24-1 and by adding Section 24-4.3 as follows:

2 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

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

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

1 years of age or older; or

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

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

12 (ii) are not immediately accessible; or

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

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

21 (5) Sets a spring gun; or

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

25 (7) Sells, manufactures, purchases, possesses or
26 carries:

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

13 (i-5) a trigger modification device. For purposes
14 of this clause (i-5), "trigger modification device"
15 means any part, or combination of parts, designed or
16 intended to accelerate the rate of fire of a firearm,
17 but does not convert the firearm into a machine gun,
18 including, but not limited to:

19 (A) any part, or combination of parts,
20 designed or intended for use in modifying a firearm
21 to use the recoil of the firearm to produce a rapid
22 succession of trigger functions; or

23 (B) any part, or combination of parts,
24 designed or intended for use in modifying a firearm
25 to produce multiple trigger functions through the
26 use of an external mechanism;

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

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

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

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

25 (9) Carries or possesses in a vehicle or on or about
26 his person any pistol, revolver, stun gun or taser or

1 firearm or ballistic knife, when he is hooded, robed or
2 masked in such manner as to conceal his identity; or

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

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

16 (ii) are not immediately accessible; or

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

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

25 A "stun gun or taser", as used in this paragraph (a)
26 means (i) any device which is powered by electrical

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

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

21 (12) (Blank); or

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

1 short stick or club commonly carried by police officers
2 which is either telescopic or constructed of a solid piece
3 of wood or other man-made material.

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

22 (c) Violations in specific places.

23 (1) A person who violates subsection 24-1(a)(6) or
24 24-1(a)(7) in any school, regardless of the time of day or
25 the time of year, in residential property owned, operated
26 or managed by a public housing agency or leased by a public

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

21 (1.5) A person who violates subsection 24-1(a)(4),
22 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
23 time of day or the time of year, in residential property
24 owned, operated, or managed by a public housing agency or
25 leased by a public housing agency as part of a scattered
26 site or mixed-income development, in a public park, in a

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

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

26 (4) For the purposes of this subsection (c), "school"

1 means any public or private elementary or secondary school,
2 community college, college, or university.

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

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

23 (e) Exemptions.

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

1 Section.

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

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

14 (720 ILCS 5/24-4.3 new)

15 Sec. 24-4.3. Unlawful sale or delivery of pre-packaged
16 explosive components.

17 (a) A person commits unlawful sale or delivery of
18 pre-packaged explosive components when he or she knowingly does
19 any of the following:

20 (1) Sells or gives pre-packaged explosive components
21 to a person who is disqualified under the Firearm Owners
22 Identification Card Act.

23 (2) Sells or transfers pre-packaged explosive
24 components to a person who does not display to the seller
25 or transferor of the pre-packaged explosive components a

1 currently valid Firearm Owner's Identification Card that
2 has previously been issued in the transferee's name by the
3 Department of State Police under the Firearm Owners
4 Identification Card Act. This paragraph (2) does not apply
5 to the transfer of pre-packaged explosive components to a
6 person who is exempt from the requirement of possessing a
7 Firearm Owner's Identification Card under Section 2 of the
8 Firearm Owners Identification Card Act. For the purposes of
9 this Section, a currently valid Firearm Owner's
10 Identification Card means a Firearm Owner's Identification
11 Card that has not expired.

12 (3) Sells or gives pre-packaged explosive components
13 while engaged in the business of selling pre-packaged
14 explosive components at wholesale or retail without being
15 licensed as a federal firearms dealer under Section 923 of
16 the federal Gun Control Act of 1968 (18 U.S.C. 923). In
17 this paragraph (3), a person "engaged in the business"
18 means a person who devotes time, attention, and labor to
19 engaging in the activity as a regular course of trade or
20 business with the principal objective of livelihood and
21 profit.

22 (b) For the purposes of this Section, "pre-packaged
23 explosive components" means a pre-packaged product containing
24 2 or more unmixed, commercially manufactured chemical
25 substances that are not independently classified as explosives
26 but which when mixed or combined, results in an explosive

1 material subject to regulation by the federal Bureau of
2 Alcohol, Tobacco, Firearms, and Explosives under Title 27 CFR
3 Part 555.

4 (c) All sellers or transferors who have complied with the
5 requirements of this Section shall not be liable for damages in
6 any civil action arising from the use or misuse by the
7 transferee of the pre-packaged explosive components
8 transferred, except for willful or wanton misconduct on the
9 part of the seller or transferor.

10 (d) Sentence. Any person who is convicted of unlawful sale
11 or delivery of pre-packaged explosive components commits a
12 Class 4 felony.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.

1

INDEX

2

Statutes amended in order of appearance

3

430 ILCS 65/1 from Ch. 38, par. 83-1

4

430 ILCS 65/1.1 from Ch. 38, par. 83-1.1

5

430 ILCS 65/2 from Ch. 38, par. 83-2

6

430 ILCS 65/3 from Ch. 38, par. 83-3

7

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

8

720 ILCS 5/24-4.3 new