

HB0892



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0892

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. Provides that a person commits the offense of unlawful use of weapons when he knowingly sells, manufactures, purchases, possesses, or carries a firearm with: (1) a major component of which, if subjected to inspection by common metal detection devices, would not be detectable; or (2) a major component of which, if subjected to inspection by common imaging detection devices, would not generate an image that accurately depicts the shape of the component. Provides that this offense is a Class 2 felony. Creates exemptions. Effective immediately.

LRB101 06873 SLF 51905 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 24-1 as follows:

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

20 (2) Carries or possesses with intent to use the same
21 unlawfully against another, a dagger, dirk, billy,
22 dangerous knife, razor, stiletto, broken bottle or other
23 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

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

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

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

18 (ii) are not immediately accessible; or

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

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

1 (5) Sets a spring gun; or

2 (6) Possesses any device or attachment of any kind
3 designed, used or intended for use in silencing the report
4 of any firearm; or

5 (7) Sells, manufactures, purchases, possesses or
6 carries:

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

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

26 (iii) any bomb, bomb-shell, grenade, bottle or

1 other container containing an explosive substance of
2 over one-quarter ounce for like purposes, such as, but
3 not limited to, black powder bombs and Molotov
4 cocktails or artillery projectiles; or

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

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

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

21 (10) Carries or possesses on or about his person, upon
22 any public street, alley, or other public lands within the
23 corporate limits of a city, village or incorporated town,
24 except when an invitee thereon or therein, for the purpose
25 of the display of such weapon or the lawful commerce in
26 weapons, or except when on his land or in his own abode,

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

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

8 (ii) are not immediately accessible; or

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

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

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

1 disrupting the person's nervous system in such a manner as
2 to render him incapable of normal functioning; or

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

13 (11.5) Sells, manufactures, purchases, possesses, or
14 carries a firearm with:

15 (i) a major component of which, if subjected to
16 inspection by common metal detection devices, would
17 not be detectable; or

18 (ii) a major component of which, if subjected to
19 inspection by common imaging detection devices, would
20 not generate an image that accurately depicts the shape
21 of the component.

22 This paragraph (11.5) does not not apply to:

23 (1) a firearm received by, in the possession of, or
24 under the control of the United States federal
25 government;

26 (2) the manufacture, importation, possession,

1 transfer, receipt, shipment, or delivery of a firearm
2 by a licensed manufacturer or licensed importer under
3 an existing contract with the United States federal
4 government;

5 (3) the manufacture, possession, transfer,
6 receipt, shipment, or delivery of a firearm by a
7 licensed manufacturer or any person acting under a
8 contract with a licensed manufacturer, for the purpose
9 of examining and testing a firearm to determine whether
10 a firearm is detectable by common metal detection
11 devices or common image detection devices; or

12 (4) a firearm manufactured in, imported into, or
13 possessed in the United States before the date of the
14 enactment of the Undetectable Firearms Act of 1988.

15 In this paragraph (11.5), "major component" includes,
16 but is not limited to, the slide, cylinder, barrel, frame,
17 or receiver of the firearm, and does not include any item
18 attached to the major component that is capable of being
19 removed or that is unnecessary for the functioning of the
20 firearm; 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)(11.5) commits a
12 Class 2 felony. A person convicted of a violation of subsection
13 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced
14 to a term of imprisonment of not less than 3 years and not more
15 than 7 years, unless the weapon is possessed in the passenger
16 compartment of a motor vehicle as defined in Section 1-146 of
17 the Illinois Vehicle Code, or on the person, while the weapon
18 is loaded, in which case it shall be a Class X felony. A person
19 convicted of a second or subsequent violation of subsection
20 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a
21 Class 3 felony. The possession of each weapon in violation of
22 this Section constitutes a single and separate violation.

23 (c) Violations in specific places.

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

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

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

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

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

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

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

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

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

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

24 (e) Exemptions.

25 (1) Crossbows, Common or Compound bows and Underwater
26 Spearguns are exempted from the definition of ballistic

1 knife as defined in paragraph (1) of subsection (a) of this
2 Section.

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

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

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