

# HB2866



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

**HB2866**

Introduced 2/16/2023, by Rep. Frances Ann Hurley

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning the unlawful use of weapons.

LRB103 30028 RLC 56449 b

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  
5 changing 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 ~~the~~ offense of unlawful use 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  
17 of the knife, or a ballistic knife, which is a device that  
18 propels a knifelike blade as a projectile by means of a  
19 coil 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 (2.5) Carries or possesses with intent to use the same  
3 unlawfully against another, any firearm in a church,  
4 synagogue, mosque, or other building, structure, or place  
5 used for religious worship; or

6 (3) Carries on or about his person or in any vehicle, a  
7 tear gas gun projector or bomb or any object containing  
8 noxious liquid gas or substance, other than an object  
9 containing a non-lethal noxious liquid gas or substance  
10 designed solely for personal defense carried by a person  
11 18 years of age or older; or

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

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

22 (ii) are not immediately accessible; or

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

1 (iv) are carried or possessed in accordance with  
2 the Firearm Concealed Carry Act by a person who has  
3 been issued a currently valid license under the  
4 Firearm Concealed Carry Act; or

5 (5) Sets a spring gun; or

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

9 (7) Sells, manufactures, purchases, possesses or  
10 carries:

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

23 (ii) any rifle having one or more barrels less  
24 than 16 inches in length or a shotgun having one or  
25 more barrels less than 18 inches in length or any  
26 weapon made from a rifle or shotgun, whether by

1 alteration, modification, or otherwise, if such a  
2 weapon as modified has an overall length of less than  
3 26 inches; or

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

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

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

21 (9) Carries or possesses in a vehicle or on or about  
22 his or her person any pistol, revolver, stun gun or taser  
23 or firearm or ballistic knife, when he or she is hooded,  
24 robed or masked in such manner as to conceal his or her  
25 identity; or

26 (10) Carries or possesses on or about his or her

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

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

14 (ii) are not immediately accessible; or

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

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

23 A "stun gun or taser", as used in this paragraph (a)  
24 means (i) any device which is powered by electrical  
25 charging units, such as, batteries, and which fires one or  
26 several barbs attached to a length of wire and which, upon

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

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

21 (12) (Blank); or

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

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

4 (14) Manufactures, possesses, sells, or offers to  
5 sell, purchase, manufacture, import, transfer, or use any  
6 device, part, kit, tool, accessory, or combination of  
7 parts that is designed to and functions to increase the  
8 rate of fire of a semiautomatic firearm above the standard  
9 rate of fire for semiautomatic firearms that is not  
10 equipped with that device, part, or combination of parts;  
11 or

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

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

17 (b) Sentence. A person convicted of a violation of  
18 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
19 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)  
20 commits a Class A misdemeanor. A person convicted of a  
21 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a  
22 Class 4 felony; a person convicted of a violation of  
23 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or  
24 24-1(a)(16) commits a Class 3 felony. A person convicted of a  
25 violation of subsection 24-1(a)(7)(i) commits a Class 2 felony  
26 and shall be sentenced to a term of imprisonment of not less



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

12 (c) Violations in specific places.

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

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

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

1 transportation agency, or on any public way within 1,000  
2 feet of the real property comprising any school, public  
3 park, courthouse, public transportation facility, or  
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  
7 commits a Class 3 felony.

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

1 residential property owned, operated, or managed by a  
2 public housing agency or leased by a public housing agency  
3 as part of a scattered site or mixed-income development  
4 commits a Class 4 felony. "Courthouse" means any building  
5 that is used by the Circuit, Appellate, or Supreme Court  
6 of this State for the conduct of official business.

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

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

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

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

13           (e) Exemptions.

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

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

1           entity engaged in the business of selling or manufacturing  
2           switchblade knives.

3           (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;  
4           102-1116, eff. 1-10-23.)