

# HB1160



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1160

by Rep. Jack D. Franks

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning the unlawful use of weapons.

LRB095 08012 RLC 28174 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 1961 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 ~~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, throwing star, or any knife,  
13 commonly referred to as a switchblade knife, which has a  
14 blade that opens automatically by hand pressure applied to  
15 a button, spring or other device in the handle of the  
16 knife, or a ballistic knife, which is a device that propels  
17 a knifelike blade as a projectile by means of a coil  
18 spring, elastic material or compressed gas; or

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

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

7           (4) Carries or possesses in any vehicle or concealed on  
8           or about his person except when on his land or in his own  
9           abode or fixed place of business any pistol, revolver, stun  
10          gun or taser or other firearm, except that this subsection  
11          (a) (4) does not apply to or affect transportation of  
12          weapons that meet 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          (5) Sets a spring gun; or

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

23          (7) Sells, manufactures, purchases, possesses or  
24          carries:

25                   (i) a machine gun, which shall be defined for the  
26          purposes of this subsection as any weapon, which

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

11 (ii) any rifle having one or more barrels less than  
12 16 inches in length or a shotgun having one or more  
13 barrels less than 18 inches in length or any weapon  
14 made from a rifle or shotgun, whether by alteration,  
15 modification, or otherwise, if such a weapon as  
16 modified has an overall length of less than 26 inches;  
17 or

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

23 (8) Carries or possesses any firearm, stun gun or taser  
24 or other deadly weapon in any place which is licensed to  
25 sell intoxicating beverages, or at any public gathering  
26 held pursuant to a license issued by any governmental body

1 or any public gathering at which an admission is charged,  
2 excluding a place where a showing, demonstration or lecture  
3 involving the exhibition of unloaded firearms is  
4 conducted.

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

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

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

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

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm  
26 carrying box, shipping box, or other container by a

1 person who has been issued a currently valid Firearm  
2 Owner's Identification Card.

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

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

25 (12) (Blank).

26 (b) Sentence. A person convicted of a violation of

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

17 (c) Violations in specific places.

18 (1) A person who violates subsection 24-1(a) (6) or  
19 24-1(a) (7) in any school, regardless of the time of day or  
20 the time of year, in residential property owned, operated  
21 or managed by a public housing agency or leased by a public  
22 housing agency as part of a scattered site or mixed-income  
23 development, in a public park, in a courthouse, on the real  
24 property comprising any school, regardless of the time of  
25 day or the time of year, on residential property owned,  
26 operated or managed by a public housing agency or leased by

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

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



1 owned, leased, or contracted by a school to transport  
2 students to or from school or a school related activity, or  
3 on any public way within 1,000 feet of the real property  
4 comprising any school, public park, courthouse, or  
5 residential property owned, operated, or managed by a  
6 public housing agency or leased by a public housing agency  
7 as part of a scattered site or mixed-income development  
8 commits a Class 3 felony.

9 (2) A person who violates subsection 24-1(a)(1),  
10 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
11 time of day or the time of year, in residential property  
12 owned, operated or managed by a public housing agency or  
13 leased by a public housing agency as part of a scattered  
14 site or mixed-income development, in a public park, in a  
15 courthouse, on the real property comprising any school,  
16 regardless of the time of day or the time of year, on  
17 residential property owned, operated or managed by a public  
18 housing agency or leased by a public housing agency as part  
19 of a scattered site or mixed-income development, on the  
20 real property comprising any public park, on the real  
21 property comprising any courthouse, in any conveyance  
22 owned, leased or contracted by a school to transport  
23 students to or from school or a school related activity, or  
24 on any public way within 1,000 feet of the real property  
25 comprising any school, public park, courthouse, or  
26 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 commits a Class 4 felony. "Courthouse" means any building  
4 that is used by the Circuit, Appellate, or Supreme Court of  
5 this State for the conduct of official business.

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

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

18 (d) The presence in an automobile other than a public  
19 omnibus of any weapon, instrument or substance referred to in  
20 subsection (a)(7) is prima facie evidence that it is in the  
21 possession of, and is being carried by, all persons occupying  
22 such automobile at the time such weapon, instrument or  
23 substance is found, except under the following circumstances:  
24 (i) if such weapon, instrument or instrumentality is found upon  
25 the person of one of the occupants therein; or (ii) if such  
26 weapon, instrument or substance is found in an automobile

1 operated for hire by a duly licensed driver in the due, lawful  
2 and proper pursuit of his trade, then such presumption shall  
3 not apply to the driver.

4 (e) Exemptions. Crossbows, Common or Compound bows and  
5 Underwater Spearguns are exempted from the definition of  
6 ballistic knife as defined in paragraph (1) of subsection (a)  
7 of this Section.

8 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised  
9 8-19-05.)