



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4206**

by Rep. Robert W. Pritchard

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 1961. Provides that it is unlawful to carry or possess a billy on or about one's person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business (rather than to carry or possess a billy with the intent to use the billy unlawfully against another person). Also prohibits the carrying or possession of a billy, pistol, revolver, stun gun, or taser in a building owned or operated by a county government.

LRB095 15078 RLC 41039 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 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 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, 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 or  
16 in a building owned or operated by a county government,  
17 except when an invitee thereon or therein, for the purpose  
18 of the display of such weapon or the lawful commerce in  
19 weapons, or except when on his land or in his own abode or  
20 fixed place of business, any pistol, revolver, billy, stun  
21 gun or taser or other firearm, except that this subsection  
22 (a) (10) does not apply to or affect transportation of  
23 weapons that meet one of the following conditions:

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a  
2 person who has been issued a currently valid Firearm  
3 Owner's Identification Card.

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

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

26 (12) (Blank).

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

18           (c) Violations in specific places.

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

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

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



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

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

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

1     weapon, instrument or substance is found in an automobile  
2     operated for hire by a duly licensed driver in the due, lawful  
3     and proper pursuit of his trade, then such presumption shall  
4     not apply to the driver.

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

9     (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; 95-331,  
10    eff. 8-21-07.)