



Judiciary II - Criminal Law Committee

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LRB095 06267 RLC 36953 a

1 AMENDMENT TO SENATE BILL 62

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 62 on page 1, line  
3 5, by replacing "and 12-4" with ", 12-4, and 24-1"; and

4 on page 14, by replacing lines 12 through 20 with the  
5 following:

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

1 a knifelike blade as a projectile by means of a coil  
2 spring, elastic material or compressed gas; or

3 (2) Carries or possesses with intent to use the same  
4 unlawfully against another, a dagger, dirk, ~~billy,~~  
5 dangerous knife, razor, stiletto, broken bottle or other  
6 piece of glass, stun gun or taser or any other dangerous or  
7 deadly weapon or instrument of like character; or

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

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

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

21 (ii) are not immediately accessible; or

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

26 (5) Sets a spring gun; or

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

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

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

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

25          (iii) any bomb, bomb-shell, grenade, bottle or  
26          other container containing an explosive substance of

1 over one-quarter ounce for like purposes, such as, but  
2 not limited to, black powder bombs and Molotov  
3 cocktails or artillery projectiles; or

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

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

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

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

1       stun gun or taser or other firearm, except that this  
2       subsection (a) (10) does not apply to or affect  
3       transportation of weapons that meet one of the following  
4       conditions:

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

6               (ii) are not immediately accessible; or

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

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

23       (11) Sells, manufactures or purchases any explosive  
24      bullet. For purposes of this paragraph (a) "explosive  
25      bullet" means the projectile portion of an ammunition  
26      cartridge which contains or carries an explosive charge

1           which will explode upon contact with the flesh of a human  
2           or an animal. "Cartridge" means a tubular metal case having  
3           a projectile affixed at the front thereof and a cap or  
4           primer at the rear end thereof, with the propellant  
5           contained in such tube between the projectile and the cap;  
6           or

7           (12) (Blank).

8           (b) Sentence. A person convicted of a violation of  
9           subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or  
10          subsection 24-1(a)(11) commits a Class A misdemeanor. A person  
11          convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)  
12          commits a Class 4 felony; a person convicted of a violation of  
13          subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a  
14          Class 3 felony. A person convicted of a violation of subsection  
15          24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced  
16          to a term of imprisonment of not less than 3 years and not more  
17          than 7 years, unless the weapon is possessed in the passenger  
18          compartment of a motor vehicle as defined in Section 1-146 of  
19          the Illinois Vehicle Code, or on the person, while the weapon  
20          is loaded, in which case it shall be a Class X felony. A person  
21          convicted of a second or subsequent violation of subsection  
22          24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a  
23          Class 3 felony. The possession of each weapon in violation of  
24          this Section constitutes a single and separate violation.

25          (c) Violations in specific places.

26          (1) A person who violates subsection 24-1(a)(6) or

1 24-1(a)(7) in any school, regardless of the time of day or  
2 the time of year, in residential property owned, operated  
3 or managed by a public housing agency or leased by a public  
4 housing agency as part of a scattered site or mixed-income  
5 development, in a public park, in a courthouse, on the real  
6 property comprising any school, regardless of the time of  
7 day or the time of year, on residential property owned,  
8 operated or managed by a public housing agency or leased by  
9 a public housing agency as part of a scattered site or  
10 mixed-income development, on the real property comprising  
11 any public park, on the real property comprising any  
12 courthouse, in any conveyance owned, leased or contracted  
13 by a school to transport students to or from school or a  
14 school related activity, or on any public way within 1,000  
15 feet of the real property comprising any school, public  
16 park, courthouse, or residential property owned, operated,  
17 or managed by a public housing agency or leased by a public  
18 housing agency as part of a scattered site or mixed-income  
19 development commits a Class 2 felony and shall be sentenced  
20 to a term of imprisonment of not less than 3 years and not  
21 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, or  
11 on any public way within 1,000 feet of the real property  
12 comprising any school, public park, courthouse, or  
13 residential property owned, operated, or managed by a  
14 public housing agency or leased by a public housing agency  
15 as part of a scattered site or mixed-income development  
16 commits a Class 3 felony.

17 (2) A person who violates subsection 24-1(a)(1),  
18 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
19 time of day or the time of year, in residential property  
20 owned, operated or managed by a public housing agency or  
21 leased by a public housing agency as part of a scattered  
22 site or mixed-income development, in a public park, in a  
23 courthouse, on the real property comprising any school,  
24 regardless of the time of day or the time of year, on  
25 residential property owned, operated or managed by a public  
26 housing agency or leased by a public housing agency as part



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

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

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

26 (d) The presence in an automobile other than a public

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

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

16 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised  
17 8-19-05.)

18 Section 10. The Air Rifle Act is amended by changing  
19 Sections 2, 3, 4, and 7 and by adding Section 3.1 as follows:

20 (720 ILCS 535/2) (from Ch. 38, par. 82-2)

21 Sec. 2. It is unlawful for any dealer to sell, lend, rent,  
22 give or otherwise transfer an air rifle to any person under the  
23 age of 18 ~~13~~ years where the dealer knows or has cause to  
24 believe the person to be under 18 ~~13~~ years of age or where such

1 dealer has failed to make reasonable inquiry relative to the  
2 age of such person and such person is under 18 ~~13~~ years of age.

3 It is unlawful for any person to sell, give, lend or  
4 otherwise transfer any air rifle to any person under 18 ~~13~~  
5 years of age except where the relationship of parent and child,  
6 guardian and ward or adult instructor and pupil, exists between  
7 such person and the person under 18 ~~13~~ years of age, or where  
8 such person stands in loco parentis to the person under 18 ~~13~~  
9 years of age.

10 (Source: Laws 1965, p. 2977.)

11 (720 ILCS 535/3) (from Ch. 38, par. 82-3)

12 Sec. 3. It is unlawful for any person under 18 ~~13~~ years of  
13 age to carry any air rifle on the public streets, roads,  
14 highways or public lands within this State, ~~unless such person~~  
15 ~~under 13 years of age carries such rifle unloaded.~~

16 It is unlawful for any person to discharge any air rifle  
17 from or across any street, sidewalk, road, highway or public  
18 land or any public place except on a safely constructed target  
19 range.

20 (Source: Laws 1965, p. 2977.)

21 (720 ILCS 535/3.1 new)

22 Sec. 3.1. Carrying or possessing air rifle in school and  
23 property comprising school property or on any conveyance used  
24 by a school for the transportation of students. It is unlawful

1 for any person under 18 years of age to carry or possess any  
2 air rifle while located in any building used as a school and  
3 property comprising school property or on any conveyance used  
4 by a school for the transportation of students. This Section  
5 does not apply to school sanctioned events or activities that  
6 have received the prior approval of the school principal.

7 (720 ILCS 535/4) (from Ch. 38, par. 82-4)

8 Sec. 4. Notwithstanding any provision of this Act, it is  
9 lawful for any person under 18 ~~13~~ years of age to have in his  
10 possession any air rifle if it is:

11 (1) Kept within his house of residence or other private  
12 enclosure;

13 (2) Used by the person under 18 ~~13~~ years of age and he is a  
14 duly enrolled member of any club, team or society organized for  
15 educational purposes and maintaining as part of its facilities  
16 or having written permission to use an indoor or outdoor rifle  
17 range under the supervision guidance and instruction of a  
18 responsible adult and then only if said air rifle is actually  
19 being used in connection with the activities of said club team  
20 or society under the supervision of a responsible adult; or

21 (3) Used in or on any private grounds or residence under  
22 circumstances when such air rifle is fired, discharged or  
23 operated in such a manner as not to endanger persons or  
24 property and then only if it is used in such manner as to  
25 prevent the projectile from passing over any grounds or space

1 outside the limits of such grounds or residence.

2 (Source: Laws 1965, p. 2977.)

3 (720 ILCS 535/7) (from Ch. 38, par. 82-7)

4 Sec. 7. Sentence.

5 (a) Any dealer violating any provision of Section 2 of this  
6 Act commits a petty offense.

7 (b) Except as otherwise provided in this Section, any ~~Any~~  
8 person violating any other provision of this Act commits a  
9 petty offense ~~and shall pay a fine not to exceed \$50.~~

10 (c) A violation of Section 3.1 is a Class A misdemeanor.

11 (Source: P.A. 77-2815.)".