

# SB0022



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB0022

Introduced 1/30/2009, by Sen. John J. Cullerton

#### 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.

LRB096 07580 RCE 17675 b

A BILL FOR

1 AN ACT concerning criminal offenses.

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 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 or fixed place of business any pistol, revolver, stun  
11 gun or taser or other firearm, except that this subsection  
12 (a) (4) does not apply to or affect transportation of  
13 weapons that meet one of the following conditions:

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

15 (ii) are not immediately accessible; or

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

20 (5) Sets a spring gun; or

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

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

26 (i) a machine gun, which shall be defined for the

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

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

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

24 (8) Carries or possesses any firearm, stun gun or taser  
25 or other deadly weapon in any place which is licensed to  
26 sell intoxicating beverages, or at any public gathering

1 held pursuant to a license issued by any governmental body  
2 or any public gathering at which an admission is charged,  
3 excluding a place where a showing, demonstration or lecture  
4 involving the exhibition of unloaded firearms is  
5 conducted.

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

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

14 (10) Carries or possesses on or about his person, upon  
15 any public street, alley, or other public lands within the  
16 corporate limits of a city, village or incorporated town,  
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, stun gun or  
21 taser or other firearm, except that this subsection (a)  
22 (10) does not apply to or affect transportation of weapons  
23 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); or

1           (13) Carries or possesses on or about his or her person  
2           while in a building occupied by a unit of government, a  
3           billy club, other weapon of like character, or other  
4           instrument of like character intended for use as a weapon.  
5           For the purposes of this Section, "billy club" means a  
6           short stick or club commonly carried by police officers  
7           which is either telescopic or constructed of a solid piece  
8           of wood or other man-made material.

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

1 (c) Violations in specific places.

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

24 (1.5) A person who violates subsection 24-1(a)(4),  
25 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
26 time of day or the time of year, in residential property



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

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

25 (4) For the purposes of this subsection (c), "school"  
26 means any public or private elementary or secondary school,

1 community college, college, or university.

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

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

18 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; 95-331,  
19 eff. 8-21-07; 95-809, eff. 1-1-09; 95-885, eff. 1-1-09; revised  
20 9-5-08.)