



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4607

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

720 ILCS 5/33F-1	from Ch. 38, par. 33F-1
720 ILCS 5/33F-2	from Ch. 38, par. 33F-2
720 ILCS 5/33F-3	from Ch. 38, par. 33F-3

Amends the Criminal Code of 2012. Provides that a person also commits unlawful use of body armor when he or she knowingly purchases, owns, or possesses body armor, if that person has been convicted of a felony that is a crime of violence. Establishes exceptions. Provides that a violation is a Class 4 felony.

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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 2012 is amended by changing
5 Sections 33F-1, 33F-2, and 33F-3 as follows:

6 (720 ILCS 5/33F-1) (from Ch. 38, par. 33F-1)

7 Sec. 33F-1. Definitions. For purposes of this Article:

8 (a) "Body Armor" means any one of the following:

9 (1) A military style flak or tactical assault vest
10 which is made of Kevlar or any other similar material or
11 metal, fiberglass, plastic, and nylon plates and designed
12 to be worn over one's clothing for the intended purpose of
13 stopping not only missile fragmentation from mines,
14 grenades, mortar shells and artillery fire but also fire
15 from rifles, machine guns, and small arms.

16 (2) Soft body armor which is made of Kevlar or any
17 other similar material or metal or any other type of insert
18 and which is lightweight and pliable and which can be
19 easily concealed under a shirt.

20 (3) A military style recon/surveillance vest which is
21 made of Kevlar or any other similar material and which is
22 lightweight and designed to be worn over one's clothing.

23 (4) Protective casual clothing which is made of Kevlar

1 or any other similar material and which was originally
2 intended to be used by undercover law enforcement officers
3 or dignitaries and is designed to look like jackets, coats,
4 raincoats, quilted or three piece suit vests.

5 (a-5) "Crime of violence" means a felony offense that is
6 defined as a crime of violence in Section 2 of the Crime
7 Victims Compensation Act.

8 (b) "Dangerous weapon" means a Category I, Category II, or
9 Category III weapon as defined in Section 33A-1 of this Code.
10 (Source: P.A. 91-696, eff. 4-13-00.)

11 (720 ILCS 5/33F-2) (from Ch. 38, par. 33F-2)
12 Sec. 33F-2. Unlawful use of body armor.

13 (a) A person commits ~~the offense of~~ unlawful use of body
14 armor when he or she knowingly wears body armor and is in
15 possession of a dangerous weapon, other than a firearm, in the
16 commission or attempted commission of any offense.

17 (b) A person commits unlawful use of body armor when he or
18 she knowingly purchases, owns, or possesses body armor, if that
19 person has been convicted of a felony that is a crime of
20 violence.

21 (c) It is an affirmative defense to a violation under
22 subsection (b) that the defendant obtained prior written
23 certification from his or her employer that the defendant's
24 purchase, use, or possession of body armor was necessary for
25 the safe performance of lawful business activity. It is also an

1 affirmative defense to a violation under subsection (b) for a
2 confidential informant or witness with a conviction for a crime
3 of violence to possess body armor when that person is engaged
4 or reasonably believes that he or she is engaged by a law
5 enforcement agency, for a legitimate law enforcement purpose,
6 and is under the direct supervision and acting under the direct
7 authorization of the chief of police of that law enforcement
8 agency or a law enforcement officer designated by the chief of
9 police.

10 (Source: P.A. 93-906, eff. 8-11-04.)

11 (720 ILCS 5/33F-3) (from Ch. 38, par. 33F-3)

12 Sec. 33F-3. Sentence. A person convicted of unlawful use of
13 body armor under subsection (a) for a first offense is ~~shall be~~
14 guilty of a Class A misdemeanor and for a second or subsequent
15 offense is ~~shall be~~ guilty of a Class 4 felony. A person
16 convicted of unlawful use of body armor under subsection (b) is
17 guilty of a Class 4 felony.

18 (Source: P.A. 87-521.)