

HB3396



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3396

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. Provides that the offense of unlawful use of weapons concerning the carrying or possession of firearms in any vehicle or concealed on or about one's person or 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 does not apply to or affect transportation of weapons that are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act. Effective immediately.

LRB099 07645 RLC 27776 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 2012 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 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, legal dwelling, or fixed place of business, or on
11 the land or in the legal dwelling of another person as an
12 invitee with that person's permission, any pistol,
13 revolver, stun gun or taser or other firearm, except that
14 this subsection (a) (4) does not apply to or affect
15 transportation of weapons that meet one of the following
16 conditions:

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

18 (ii) are not immediately accessible; or

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

23 (iv) are carried or possessed in accordance with
24 the Firearm Concealed Carry Act by a person who has
25 been issued a currently valid license under the Firearm
26 Concealed Carry Act; or

1 (5) Sets a spring gun; or

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

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

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

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

26 (iii) any bomb, bomb-shell, grenade, bottle or

1 other container containing an explosive substance of
2 over one-quarter ounce for like purposes, such as, but
3 not limited to, black powder bombs and Molotov
4 cocktails or artillery projectiles; or

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

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

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

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

1 legal dwelling, or fixed place of business, or on the land
2 or in the legal dwelling of another person as an invitee
3 with that person's permission, any pistol, revolver, stun
4 gun or taser or other firearm, except that this subsection
5 (a) (10) does not apply to or affect transportation of
6 weapons that meet one of the following conditions:

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

8 (ii) are not immediately accessible; or

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

13 (iv) are carried or possessed in accordance with
14 the Firearm Concealed Carry Act by a person who has
15 been issued a currently valid license under the Firearm
16 Concealed Carry Act.

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

1 disrupting the person's nervous system in such a manner as
2 to render him incapable of normal functioning; or

3 (11) Sells, manufactures or purchases any explosive
4 bullet. For purposes of this paragraph (a) "explosive
5 bullet" means the projectile portion of an ammunition
6 cartridge which contains or carries an explosive charge
7 which will explode upon contact with the flesh of a human
8 or an animal. "Cartridge" means a tubular metal case having
9 a projectile affixed at the front thereof and a cap or
10 primer at the rear end thereof, with the propellant
11 contained in such tube between the projectile and the cap;
12 or

13 (12) (Blank); or

14 (13) Carries or possesses on or about his or her person
15 while in a building occupied by a unit of government, a
16 billy club, other weapon of like character, or other
17 instrument of like character intended for use as a weapon.
18 For the purposes of this Section, "billy club" means a
19 short stick or club commonly carried by police officers
20 which is either telescopic or constructed of a solid piece
21 of wood or other man-made material.

22 (b) Sentence. A person convicted of a violation of
23 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
24 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
25 Class A misdemeanor. A person convicted of a violation of
26 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a

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

14 (c) Violations in specific places.

15 (1) A person who violates subsection 24-1(a)(6) or
16 24-1(a)(7) in any school, regardless of the time of day or
17 the time of year, in residential property owned, operated
18 or managed by a public housing agency or leased by a public
19 housing agency as part of a scattered site or mixed-income
20 development, in a public park, in a courthouse, on the real
21 property comprising any school, regardless of the time of
22 day or the time of year, on residential property owned,
23 operated or managed by a public housing agency or leased by
24 a public housing agency as part of a scattered site or
25 mixed-income development, on the real property comprising
26 any public park, on the real property comprising any

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

13 (1.5) A person who violates subsection 24-1(a)(4),
14 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
15 time of day or the time of year, in residential property
16 owned, operated, or managed by a public housing agency or
17 leased by a public housing agency as part of a scattered
18 site or mixed-income development, in a public park, in a
19 courthouse, on the real property comprising any school,
20 regardless of the time of day or the time of year, on
21 residential property owned, operated, or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development, on
24 the real property comprising any public park, on the real
25 property comprising any courthouse, in any conveyance
26 owned, leased, or contracted by a school to transport

1 students to or from school or a school related activity, in
2 any conveyance owned, leased, or contracted by a public
3 transportation agency, or on any public way within 1,000
4 feet of the real property comprising any school, public
5 park, courthouse, public transportation facility, 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, in
25 any conveyance owned, leased, or contracted by a public
26 transportation agency, or on any public way within 1,000

1 feet of the real property comprising any school, public
2 park, courthouse, public transportation facility, or
3 residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development
6 commits a Class 4 felony. "Courthouse" means any building
7 that is used by the Circuit, Appellate, or Supreme Court of
8 this State for the conduct of official business.

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

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

21 (5) For the purposes of this subsection (c), "public
22 transportation agency" means a public or private agency
23 that provides for the transportation or conveyance of
24 persons by means available to the general public, except
25 for transportation by automobiles not used for conveyance
26 of the general public as passengers; and "public

1 transportation facility" means a terminal or other place
2 where one may obtain public transportation.

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

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

19 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
20 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
21 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.