

1 AN ACT in relation to 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  
5 changing Sections 24-1 and 24-3.3 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  
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, 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  
15 to a button, spring or other device in the handle of the  
16 knife, or a ballistic knife, which is a device that  
17 propels a knifelike blade as a projectile by means of a  
18 coil spring, elastic material or compressed gas; or

19 (2) Carries or possesses with intent to use the  
20 same 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  
23 or deadly weapon or instrument of like character; or

24 (3) Carries on or about his person or in any  
25 vehicle, a tear gas gun projector or bomb or any object  
26 containing noxious liquid gas or substance, other than an  
27 object containing a non-lethal noxious liquid gas or  
28 substance designed solely for personal defense carried by  
29 a person 18 years of age or older; or

30 (4) Carries or possesses in any vehicle or  
31 concealed on or about his person except when on his land

1 or in his own abode or fixed place of business any  
2 pistol, revolver, stun gun or taser or other firearm,  
3 except that this subsection (a) (4) does not apply to or  
4 affect transportation of weapons that meet one of the  
5 following conditions:

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

8 (ii) are not immediately accessible; or

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

14 (5) Sets a spring gun; or

15 (6) Possesses any device or attachment of any kind  
16 designed, used or intended for use in silencing the  
17 report of any firearm; or

18 (7) Sells, manufactures, purchases, possesses or  
19 carries:

20 (i) a machine gun, which shall be defined for  
21 the purposes of this subsection as any weapon, which  
22 shoots, is designed to shoot, or can be readily  
23 restored to shoot, automatically more than one shot  
24 without manually reloading by a single function of  
25 the trigger, including the frame or receiver of any  
26 such weapon, or sells, manufactures, purchases,  
27 possesses, or carries any combination of parts  
28 designed or intended for use in converting any  
29 weapon into a machine gun, or any combination or  
30 parts from which a machine gun can be assembled if  
31 such parts are in the possession or under the  
32 control of a person;

33 (ii) any rifle having one or more barrels less  
34 than 16 inches in length or a shotgun having one or

1 more barrels less than 18 inches in length or any  
2 weapon made from a rifle or shotgun, whether by  
3 alteration, modification, or otherwise, if such a  
4 weapon as modified has an overall length of less  
5 than 26 inches; or

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

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

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

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

27 (10) Carries or possesses on or about his person,  
28 upon any public street, alley, or other public lands  
29 within the corporate limits of a city, village or  
30 incorporated town, except when an invitee thereon or  
31 therein, for the purpose of the display of such weapon or  
32 the lawful commerce in weapons, or except when on his  
33 land or in his own abode or fixed place of business, any  
34 pistol, revolver, stun gun or taser or other firearm,

1       except that this subsection (a) (10) does not apply to or  
2       affect transportation of weapons that meet one of the  
3       following conditions:

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

6               (ii) are not immediately accessible; or

7               (iii) are unloaded and enclosed in a case,  
8       firearm carrying box, shipping box, or other  
9       container by a person who has been issued a  
10       currently valid Firearm 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  
14       or several barbs attached to a length of wire and which,  
15       upon hitting a human, can send out a current capable of  
16       disrupting the person's nervous system in such a manner  
17       as to render him incapable of normal functioning or (ii)  
18       any device which is powered by electrical charging units,  
19       such as batteries, and which, upon contact with a human  
20       or clothing worn by a human, can send out current capable  
21       of disrupting the person's nervous system in such a  
22       manner as to render him incapable of normal functioning;  
23       or

24               (11) Sells, manufactures or purchases any explosive  
25       bullet. For purposes of this paragraph (a) "explosive  
26       bullet" means the projectile portion of an ammunition  
27       cartridge which contains or carries an explosive charge  
28       which will explode upon contact with the flesh of a human  
29       or an animal. "Cartridge" means a tubular metal case  
30       having a projectile affixed at the front thereof and a  
31       cap or primer at the rear end thereof, with the  
32       propellant contained in such tube between the projectile  
33       and the cap; or

34               (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  
4 person convicted of a violation of subsection 24-1(a)(8) or  
5 24-1(a)(9) commits a Class 4 felony; a person convicted of a  
6 violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii)  
7 commits a Class 3 felony. A person convicted of a violation  
8 of subsection 24-1(a)(7)(i) commits a Class 2 felony, unless  
9 the weapon is possessed in the passenger compartment of a  
10 motor vehicle as defined in Section 1-146 of the Illinois  
11 Vehicle Code, or on the person, while the weapon is loaded,  
12 in which case it shall be a Class X felony. A person  
13 convicted of a second or subsequent violation of subsection  
14 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a  
15 Class 3 felony.

16           (c) Violations in specific places.

17           (1) A person who violates subsection 24-1(a)(6) or  
18 24-1(a)(7) in any school, regardless of the time of day  
19 or the time of year, in residential property owned,  
20 operated or managed by a public housing agency or leased  
21 by a public housing agency as part of a scattered site or  
22 mixed-income development, in a public park, in a  
23 courthouse, in a medical facility, on the real property  
24 comprising any school, regardless of the time of day or  
25 the time of year, on residential property owned,  
26 operated or managed by a public housing agency or leased  
27 by a public housing agency as part of a scattered site or  
28 mixed-income development, on the real property comprising  
29 any public park, on the real property comprising any  
30 courthouse, on the real property comprising a medical  
31 facility, in any conveyance owned, leased or contracted  
32 by a school to transport students to or from school or a  
33 school related activity, or on any public way within  
34 1,000 feet of the real property comprising any school,

1 public park, courthouse, medical facility, or residential  
2 property owned, operated, or managed by a public housing  
3 agency or leased by a public housing agency as part of a  
4 scattered site or mixed-income development commits a  
5 Class 2 felony.

6 (1.5) A person who violates subsection 24-1(a)(4),  
7 24-1(a)(9), or 24-1(a)(10) in any school, regardless of  
8 the time of day or the time of year, in residential  
9 property owned, operated, or managed by a public housing  
10 agency or leased by a public housing agency as part of a  
11 scattered site or mixed-income development, in a public  
12 park, in a courthouse, in a medical facility, on the real  
13 property comprising any school, regardless of the time of  
14 day or the time of year, on residential property owned,  
15 operated, or managed by a public housing agency or leased  
16 by a public housing agency as part of a scattered site or  
17 mixed-income development, on the real property comprising  
18 any public park, on the real property comprising any  
19 courthouse, on the real property comprising a medical  
20 facility, in any conveyance owned, leased, or contracted  
21 by a school to transport students to or from school or a  
22 school related activity, or on any public way within  
23 1,000 feet of the real property comprising any school,  
24 public park, courthouse, medical facility, or residential  
25 property owned, operated, or managed by a public housing  
26 agency or leased by a public housing agency as part of a  
27 scattered site or mixed-income development commits a  
28 Class 3 felony.

29 (2) A person who violates subsection 24-1(a)(1),  
30 24-1(a)(2), or 24-1(a)(3) in any school, regardless of  
31 the time of day or the time of year, in residential  
32 property owned, operated or managed by a public housing  
33 agency or leased by a public housing agency as part of a  
34 scattered site or mixed-income development, in a public

1 park, in a courthouse, in a medical facility, on the  
2 real property comprising any school, regardless of the  
3 time of day or the time of year, on residential property  
4 owned, operated or managed by a public housing agency or  
5 leased by a public housing agency as part of a scattered  
6 site or mixed-income development, on the real property  
7 comprising any public park, on the real property  
8 comprising any courthouse, on the real property  
9 comprising a medical facility, in any conveyance owned,  
10 leased or contracted by a school to transport students to  
11 or from school or a school related activity, or on any  
12 public way within 1,000 feet of the real property  
13 comprising any school, public park, courthouse, medical  
14 facility, or residential property owned, operated, or  
15 managed by a public housing agency or leased by a public  
16 housing agency as part of a scattered site or  
17 mixed-income development commits a Class 4 felony.  
18 "Courthouse" means any building that is used by the  
19 Circuit, Appellate, or Supreme Court of this State for  
20 the conduct of official business. "Medical facility"  
21 means a public or private hospital, clinic, center,  
22 medical school, medical training institution, health care  
23 facility, physician's office, infirmary, dispensary,  
24 ambulatory surgical treatment center, or other  
25 institution or location where medical care is provided to  
26 a person.

27 (3) Paragraphs (1), (1.5), and (2) of this  
28 subsection (c) shall not apply to law enforcement  
29 officers or security officers of such school, college, or  
30 university or to students carrying or possessing firearms  
31 for use in training courses, parades, hunting, target  
32 shooting on school ranges, or otherwise with the consent  
33 of school authorities and which firearms are transported  
34 unloaded enclosed in a suitable case, box, or

1 transportation package.

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

6 (d) The presence in an automobile other than a public  
7 omnibus of any weapon, instrument or substance referred to in  
8 subsection (a)(7) is prima facie evidence that it is in the  
9 possession of, and is being carried by, all persons occupying  
10 such automobile at the time such weapon, instrument or  
11 substance is found, except under the following circumstances:

12 (i) if such weapon, instrument or instrumentality is found  
13 upon the person of one of the occupants therein; or (ii) if  
14 such weapon, instrument or substance is found in an  
15 automobile operated for hire by a duly licensed driver in the  
16 due, lawful and proper pursuit of his trade, then such  
17 presumption shall not apply to the driver.

18 (e) Exemptions.

19 (1) Crossbows, Common or Compound bows and  
20 Underwater Spearguns are exempted from the definition of  
21 ballistic knife as defined in paragraph (1) of subsection  
22 (a) of this Section.

23 (2) Paragraph (3) of subsection (a) of this Section  
24 does not prohibit a person 18 years of age or older from  
25 carrying on or about his or her person or in a vehicle an  
26 object containing a non-lethal noxious liquid gas or  
27 substance designed solely for personal defense.

28 (Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99;  
29 91-690, eff. 4-13-00.)

30 (720 ILCS 5/24-3.3) (from Ch. 38, par. 24-3.3)

31 Sec. 24-3.3. Unlawful Sale or Delivery of Firearms in  
32 specific places on-the-Premises-of-Any-School,-regardless-of  
33 the-time-of-day-or-the-time-of-year,-or-any-conveyance-owned,-



1 leased-or-contracted-by-a-school-to-transport-students-to--or  
2 from--school--or--a--school--related-activity,-or-residential  
3 property-owned,-operated--or--managed--by--a--public--housing  
4 agency. Any person 18 years of age or older who sells, gives  
5 or delivers any firearm to any person under 18 years of age  
6 in any school, regardless of the time of day or the time of  
7 year, in or residential property owned, operated or managed  
8 by a public housing agency or leased by a public housing  
9 agency as part of a scattered site or mixed-income  
10 development, in a medical facility, on the real property  
11 comprising any school, regardless of the time of day or the  
12 time of year, on or residential property owned, operated or  
13 managed by a public housing agency or leased by a public  
14 housing agency as part of a scattered site or mixed-income  
15 development, or on the real property comprising a medical  
16 facility commits a Class 3 felony. School is defined, for  
17 the purposes of this Section, as any public or private  
18 elementary or secondary school, community college, college or  
19 university. "Medical facility" has the meaning ascribed to it  
20 in Section 24-1. This does not apply to peace officers or to  
21 students carrying or possessing firearms for use in school  
22 training courses, parades, target shooting on school ranges,  
23 or otherwise with the consent of school authorities and which  
24 firearms are transported unloaded and enclosed in a suitable  
25 case, box or transportation package.

26 (Source: P.A. 91-673, eff. 12-22-99.)