



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2653

by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.6	
720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1

Amends the Criminal Code of 2012. Increases penalties by one class for unlawful use of weapons when a person knowingly: (1) carries or possesses in any vehicle or concealed on or about his or her person except when on his or her land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun, taser, or other firearm; or (2) carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a municipality except when an invitee in or on the public street, alley, or other public lands, for the purpose of the display of the weapon or the lawful commerce in weapons, or except when on his or her land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun, taser, or other firearm. Provides that a first offense of aggravated unlawful use of a weapon committed with a firearm by a person 18 years of age or older where certain factors exist is a Class 3 felony (rather than a Class 4 felony), for which the person shall be sentenced to a term of imprisonment of not less than 2 years and not more than 5 years. Increases the penalty by one class for unlawful possession of firearms. Makes other changes.

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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 24-1, 24-1.6, and 24-3.1 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 or she 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 or her person or in any
3 vehicle, a tear gas gun projector or bomb or any object
4 containing noxious liquid gas or substance, other than an
5 object containing a non-lethal noxious liquid gas or
6 substance designed solely for personal defense carried by a
7 person 18 years of age or older; or

8 (4) Carries or possesses in any vehicle or concealed on
9 or about his or her person except when on his or her land
10 or in his or her own abode, legal dwelling, or fixed place
11 of business, or on the land or in the legal dwelling of
12 another person as an invitee with that person's permission,
13 any pistol, revolver, stun gun or taser or other firearm,
14 except that this subsection (a) (4) does not apply to or
15 affect transportation of weapons that meet one of the
16 following 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 or her person any pistol, revolver, stun gun or taser
19 or firearm or ballistic knife, when he or she is hooded,
20 robed or masked in such manner as to conceal his or her
21 identity; or

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

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

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

10 (ii) are not immediately accessible; or

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

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

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

1 as batteries, and which, upon contact with a human or
2 clothing worn by a human, can send out current capable of
3 disrupting the person's nervous system in such a manner as
4 to render him incapable of normal functioning; or

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

15 (12) (Blank); or

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

24 (b) Sentence. A person convicted of a violation of
25 subsection 24-1(a)(1), subsection 24-1(a)(2), subsection
26 24-1(a)(3), subsection 24-1(a)(5), through (5), subsection

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

18 (c) Violations in specific places.

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

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

17 (1.5) A person who violates subsection 24-1(a)(4),
18 24-1(a)(9), or 24-1(a)(10) 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
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development, on
2 the 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, in
6 any conveyance owned, leased, or contracted by a public
7 transportation agency, or on any public way within 1,000
8 feet of the real property comprising any school, public
9 park, courthouse, public transportation facility, 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 3 felony.

14 (2) A person who violates subsection 24-1(a)(1),
15 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
16 time of day or the time of year, in residential property
17 owned, operated or managed by a public housing agency or
18 leased by a public housing agency as part of a scattered
19 site or mixed-income development, in a public park, in a
20 courthouse, on the real property comprising any school,
21 regardless of the time of day or the time of year, on
22 residential property owned, operated or managed by a public
23 housing agency or leased by a public housing agency as part
24 of a scattered site or mixed-income development, on the
25 real property comprising any public park, on the real
26 property comprising any courthouse, in any conveyance

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

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

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

25 (5) For the purposes of this subsection (c), "public
26 transportation agency" means a public or private agency

1 that provides for the transportation or conveyance of
2 persons by means available to the general public, except
3 for transportation by automobiles not used for conveyance
4 of the general public as passengers; and "public
5 transportation facility" means a terminal or other place
6 where one may obtain public transportation.

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

19 (e) Exemptions.

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

24 (2) The provision of paragraph (1) of subsection (a) of
25 this Section prohibiting the sale, manufacture, purchase,
26 possession, or carrying of any knife, commonly referred to

1 as a switchblade knife, which has a blade that opens
2 automatically by hand pressure applied to a button, spring
3 or other device in the handle of the knife, does not apply
4 to a person who possesses a currently valid Firearm Owner's
5 Identification Card previously issued in his or her name by
6 the Department of State Police or to a person or an entity
7 engaged in the business of selling or manufacturing
8 switchblade knives.

9 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)

10 (720 ILCS 5/24-1.6)

11 Sec. 24-1.6. Aggravated unlawful use of a weapon.

12 (a) A person commits the offense of aggravated unlawful use
13 of a weapon when he or she knowingly:

14 (1) Carries on or about his or her person or in any
15 vehicle or concealed on or about his or her person except
16 when on his or her land or in his or her abode, legal
17 dwelling, or fixed place of business, or on the land or in
18 the legal dwelling of another person as an invitee with
19 that person's permission, any pistol, revolver, stun gun or
20 taser or other firearm; or

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

1 commerce in weapons, or except when on his or her own land
2 or in his or her own abode, legal dwelling, or fixed place
3 of business, or on the land or in the legal dwelling of
4 another person as an invitee with that person's permission,
5 any pistol, revolver, stun gun or taser or other firearm;
6 and

7 (3) One of the following factors is present:

8 (A) the firearm, other than a pistol, revolver, or
9 handgun, possessed was uncased, loaded, and
10 immediately accessible at the time of the offense; or

11 (A-5) the pistol, revolver, or handgun possessed
12 was uncased, loaded, and immediately accessible at the
13 time of the offense and the person possessing the
14 pistol, revolver, or handgun has not been issued a
15 currently valid license under the Firearm Concealed
16 Carry Act; or

17 (B) the firearm, other than a pistol, revolver, or
18 handgun, possessed was uncased, unloaded, and the
19 ammunition for the weapon was immediately accessible
20 at the time of the offense; or

21 (B-5) the pistol, revolver, or handgun possessed
22 was uncased, unloaded, and the ammunition for the
23 weapon was immediately accessible at the time of the
24 offense and the person possessing the pistol,
25 revolver, or handgun has not been issued a currently
26 valid license under the Firearm Concealed Carry Act; or

1 (C) the person possessing the firearm has not been
2 issued a currently valid Firearm Owner's
3 Identification Card; or

4 (D) the person possessing the weapon was
5 previously adjudicated a delinquent minor under the
6 Juvenile Court Act of 1987 for an act that if committed
7 by an adult would be a felony; or

8 (E) the person possessing the weapon was engaged in
9 a misdemeanor violation of the Cannabis Control Act, in
10 a misdemeanor violation of the Illinois Controlled
11 Substances Act, or in a misdemeanor violation of the
12 Methamphetamine Control and Community Protection Act;
13 or

14 (F) (blank); or

15 (G) the person possessing the weapon had an order
16 of protection issued against him or her within the
17 previous 2 years; or

18 (H) the person possessing the weapon was engaged in
19 the commission or attempted commission of a
20 misdemeanor involving the use or threat of violence
21 against the person or property of another; or

22 (I) the person possessing the weapon was under 21
23 years of age and in possession of a handgun, unless the
24 person under 21 is engaged in lawful activities under
25 the Wildlife Code or described in subsection
26 24-2(b) (1), (b) (3), or 24-2(f).

1 (a-5) "Handgun" as used in this Section has the meaning
2 given to it in Section 5 of the Firearm Concealed Carry Act.

3 (b) "Stun gun or taser" as used in this Section has the
4 same definition given to it in Section 24-1 of this Code.

5 (c) This Section does not apply to or affect the
6 transportation or possession of weapons that:

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 person
11 who has been issued a currently valid Firearm Owner's
12 Identification Card.

13 (d) Sentence.

14 (1) Aggravated unlawful use of a weapon is a Class 3 4
15 felony; a second or subsequent offense is a Class 2 felony
16 for which the person shall be sentenced to a term of
17 imprisonment of not less than 3 years and not more than 7
18 years, except as provided for in Section 5-4.5-110 of the
19 Unified Code of Corrections.

20 (2) Except as otherwise provided in paragraphs (3) and
21 (4) of this subsection (d), a first offense of aggravated
22 unlawful use of a weapon committed with a firearm by a
23 person 18 years of age or older where the factors listed in
24 both items (A) and (C) or both items (A-5) and (C) of
25 paragraph (3) of subsection (a) are present is a Class 3 4
26 felony, for which the person shall be sentenced to a term

1 of imprisonment of not less than 2 ~~one~~ year and not more
2 than 5 ~~3~~ years.

3 (3) Aggravated unlawful use of a weapon by a person who
4 has been previously convicted of a felony in this State or
5 another jurisdiction is a Class 2 felony for which the
6 person shall be sentenced to a term of imprisonment of not
7 less than 3 years and not more than 7 years, except as
8 provided for in Section 5-4.5-110 of the Unified Code of
9 Corrections.

10 (4) Aggravated unlawful use of a weapon while wearing
11 or in possession of body armor as defined in Section 33F-1
12 by a person who has not been issued a valid Firearms
13 Owner's Identification Card in accordance with Section 5 of
14 the Firearm Owners Identification Card Act is a Class X
15 felony.

16 (e) The possession of each firearm in violation of this
17 Section constitutes a single and separate violation.

18 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

19 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

20 Sec. 24-3.1. Unlawful possession of firearms and firearm
21 ammunition.

22 (a) A person commits the offense of unlawful possession of
23 firearms or firearm ammunition when:

24 (1) He or she is under 18 years of age and has in his or
25 her possession any firearm of a size which may be concealed

1 upon the person; or

2 (2) He or she is under 21 years of age, has been
3 convicted of a misdemeanor other than a traffic offense or
4 adjudged delinquent and has any firearms or firearm
5 ammunition in his or her possession; or

6 (3) He or she is a narcotic addict and has any firearms
7 or firearm ammunition in his or her possession; or

8 (4) He or she has been a patient in a mental
9 institution within the past 5 years and has any firearms or
10 firearm ammunition in his or her possession. For purposes
11 of this paragraph (4):

12 "Mental institution" means any hospital,
13 institution, clinic, evaluation facility, mental
14 health center, or part thereof, which is used primarily
15 for the care or treatment of persons with mental
16 illness.

17 "Patient in a mental institution" means the person
18 was admitted, either voluntarily or involuntarily, to
19 a mental institution for mental health treatment,
20 unless the treatment was voluntary and solely for an
21 alcohol abuse disorder and no other secondary
22 substance abuse disorder or mental illness; or

23 (5) He or she is a person with an intellectual
24 disability and has any firearms or firearm ammunition in
25 his or her possession; or

26 (6) He or she has in his or her possession any

1 explosive bullet.

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

10 (b) Sentence.

11 Unlawful possession of ~~firearms, other than handguns, and~~
12 firearm ammunition is a Class A misdemeanor. Unlawful
13 possession of firearms ~~handguns~~ is a Class 4 felony. The
14 possession of each firearm or firearm ammunition in violation
15 of this Section constitutes a single and separate violation.

16 (c) Nothing in paragraph (1) of subsection (a) of this
17 Section prohibits a person under 18 years of age from
18 participating in any lawful recreational activity with a
19 firearm such as, but not limited to, practice shooting at
20 targets upon established public or private target ranges or
21 hunting, trapping, or fishing in accordance with the Wildlife
22 Code or the Fish and Aquatic Life Code.

23 (Source: P.A. 99-143, eff. 7-27-15.)