



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3169

by Rep. Grant Wehrli

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012 concerning unlawful use of weapons. Provides that 120 days after the effective date of the amendatory Act, it is unlawful for a person to knowingly import, sell, manufacture, transfer, or possess, in this State, a bump-fire stock for a semi-automatic firearm that does not convert the semi-automatic firearm into a machine gun. Defines "bump-fire stock" as a butt stock designed to be attached to a semi-automatic firearm and designed, made, or altered, and intended to increase the rate of fire achievable with the firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger. Provides that a violation is a Class 4 felony. Effective immediately.

LRB101 04616 SLF 49624 b

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 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; or

22 (14) 120 days after the effective date of this
23 amendatory Act of the 101st General Assembly, imports,
24 sells, manufactures, transfers, or possesses, in this
25 State, a bump-fire stock for a semi-automatic firearm that
26 does not convert the semi-automatic firearm into a machine

1 gun. In this paragraph (14), "bump-fire stock" means a butt
2 stock designed to be attached to a semi-automatic firearm
3 and designed, made, or altered, and intended to increase
4 the rate of fire achievable with the firearm to that of a
5 fully automatic firearm by using the energy from the recoil
6 of the firearm to generate reciprocating action that
7 facilitates repeated activation of the trigger.

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

26 (c) Violations in specific places.

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

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

1 time of day or the time of year, in residential property
2 owned, operated, or managed by a public housing agency or
3 leased by a public housing agency as part of a scattered
4 site or mixed-income development, in a public park, in a
5 courthouse, on the real property comprising any school,
6 regardless of the time of day or the time of year, on
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, on
10 the real property comprising any public park, on the real
11 property comprising any courthouse, in any conveyance
12 owned, leased, or contracted by a school to transport
13 students to or from school or a school related activity, in
14 any conveyance owned, leased, or contracted by a public
15 transportation agency, or on any public way within 1,000
16 feet of the real property comprising any school, public
17 park, courthouse, public transportation facility, or
18 residential property owned, operated, or managed by a
19 public housing agency or leased by a public housing agency
20 as part of a scattered site or mixed-income development
21 commits a Class 3 felony.

22 (2) A person who violates subsection 24-1(a)(1),
23 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
24 time of day or the time of year, in residential property
25 owned, operated or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered

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

21 (3) Paragraphs (1), (1.5), and (2) of this subsection
22 (c) shall not apply to law enforcement officers or security
23 officers of such school, college, or university or to
24 students carrying or possessing firearms for use in
25 training courses, parades, hunting, target shooting on
26 school ranges, or otherwise with the consent of school

1 authorities and which firearms are transported unloaded
2 enclosed in a suitable case, box, or transportation
3 package.

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

7 (5) For the purposes of this subsection (c), "public
8 transportation agency" means a public or private agency
9 that provides for the transportation or conveyance of
10 persons by means available to the general public, except
11 for transportation by automobiles not used for conveyance
12 of the general public as passengers; and "public
13 transportation facility" means a terminal or other place
14 where one may obtain public transportation.

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

1 (e) Exemptions.

2 (1) Crossbows, Common or Compound bows and Underwater
3 Spearguns are exempted from the definition of ballistic
4 knife as defined in paragraph (1) of subsection (a) of this
5 Section.

6 (2) The provision of paragraph (1) of subsection (a) of
7 this Section prohibiting the sale, manufacture, purchase,
8 possession, or carrying of any knife, commonly referred to
9 as a switchblade knife, which has a blade that opens
10 automatically by hand pressure applied to a button, spring
11 or other device in the handle of the knife, does not apply
12 to a person who possesses a currently valid Firearm Owner's
13 Identification Card previously issued in his or her name by
14 the Department of State Police or to a person or an entity
15 engaged in the business of selling or manufacturing
16 switchblade knives.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.