



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1503

Introduced 2/22/2007, by Rep. Milton Patterson

SYNOPSIS AS INTRODUCED:

720 ILCS 535/Act title	
720 ILCS 535/0.01	from Ch. 38, par. 82
720 ILCS 535/1	from Ch. 38, par. 82-1
720 ILCS 535/1.1 new	
720 ILCS 535/2	from Ch. 38, par. 82-2
720 ILCS 535/3	from Ch. 38, par. 82-3
720 ILCS 535/4	from Ch. 38, par. 82-4
720 ILCS 535/5	from Ch. 38, par. 82-5
720 ILCS 535/6	from Ch. 38, par. 82-6
720 ILCS 535/7	from Ch. 38, par. 82-7
720 ILCS 535/8	from Ch. 38, par. 82-8

Amends the Air Rifle Act. Changes the short title to the Air Gun Act. Retains existing regulation and penalties for paintball guns. Provides that a person may not sell, exhibit for sale, give away, transfer, possess, or discharge an air gun (with an exception for carnivals) and makes violation a Class B misdemeanor.

LRB095 10149 RLC 30363 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 Air Rifle Act is amended by changing the
5 title of the Act and Sections 0.01, 1, 2, 3, 4, 5, 6, 7, and 8
6 and by adding Section 1.1 as follows:

7 (720 ILCS 535/Act title)

8 An Act concerning air guns ~~providing protection for the~~
9 ~~public safety by regulating the sale, offering or exposing for~~
10 ~~sale at retail and the use of air rifles, defining air rifles,~~
11 ~~and imposing duties on the State Police, sheriffs and police~~
12 ~~officers and providing penalties.~~

13 (720 ILCS 535/0.01) (from Ch. 38, par. 82)

14 Sec. 0.01. Short title. This Act may be cited as the Air
15 Gun Rifle Act.

16 (Source: P.A. 86-1324.)

17 (720 ILCS 535/1) (from Ch. 38, par. 82-1)

18 Sec. 1. As used in this Act:

19 ~~(1)~~ "Air gun ~~rifle~~" means and includes any air gun, air
20 pistol, air rifle, spring gun, spring pistol, BB gun, pellet
21 gun, or any other implement that a person could reasonably

1 perceive as an actual firearm but that is not a firearm, and
2 that is capable of firing or discharging a projectile
3 constructed of hard plastic, steel, lead, or other hard
4 materials with a force that reasonably is expected to cause
5 bodily harm ~~spring gun, spring pistol, B B gun, paint ball gun,~~
6 ~~pellet gun or any implement that is not a firearm which impels~~
7 ~~a breakable paint ball containing washable marking colors or, a~~
8 ~~pellet constructed of hard plastic, steel, lead or other hard~~
9 ~~materials with a force that reasonably is expected to cause~~
10 ~~bodily harm.~~

11 "Paintball gun" means a barrelled implement designed to
12 expel a breakable ball containing washable marking colors.

13 ~~(2)~~ "Municipalities" include cities, villages,
14 incorporated towns and townships.

15 ~~(3)~~ "Dealer" means any person, copartnership, association
16 or corporation engaged in the business of selling at retail or
17 renting any of the articles included in the definition of "air
18 gun" or "paintball gun" rifle".

19 (Source: P.A. 86-349.)

20 (720 ILCS 535/1.1 new)

21 Sec. 1.1. Air guns.

22 (a) A person may not sell, exhibit for sale, give away,
23 transfer, possess, or discharge an air gun.

24 (b) Subsection (a) does not apply to the acquisition,
25 possession, and discharge of air guns that are in the

1 possession and control of a carnival and are offered for use to
2 carnival customers on a temporary basis. As used in this
3 Section, "carnival" has the meaning ascribed to that term in
4 the Carnival Regulation Act.

5 (720 ILCS 535/2) (from Ch. 38, par. 82-2)

6 Sec. 2. It is unlawful for any dealer to sell, lend, rent,
7 give or otherwise transfer a paintball gun ~~an air rifle~~ to any
8 person under the age of 13 years where the dealer knows or has
9 cause to believe the person to be under 13 years of age or
10 where such dealer has failed to make reasonable inquiry
11 relative to the age of such person and such person is under 13
12 years of age.

13 It is unlawful for any person to sell, give, lend or
14 otherwise transfer any paintball gun ~~air rifle~~ to any person
15 under 13 years of age except where the relationship of parent
16 and child, guardian and ward or adult instructor and pupil,
17 exists between such person and the person under 13 years of
18 age, or where such person stands in loco parentis to the person
19 under 13 years of age.

20 (Source: Laws 1965, p. 2977.)

21 (720 ILCS 535/3) (from Ch. 38, par. 82-3)

22 Sec. 3. It is unlawful for any person under 13 years of age
23 to carry any paintball gun ~~air rifle~~ on the public streets,
24 roads, highways or public lands within this State, unless such

1 person under 13 years of age carries such paintball gun ~~rifle~~
2 unloaded.

3 It is unlawful for any person to discharge any paintball
4 gun ~~air-rifle~~ from or across any street, sidewalk, road,
5 highway or public land or any public place except on a safely
6 constructed target range.

7 (Source: Laws 1965, p. 2977.)

8 (720 ILCS 535/4) (from Ch. 38, par. 82-4)

9 Sec. 4. Notwithstanding any provision of this Act, it is
10 lawful for any person under 13 years of age to have in his
11 possession any paintball gun ~~air-rifle~~ if it is:

12 (1) Kept within his house of residence or other private
13 enclosure;

14 (2) Used by the person under 13 years of age and he is a
15 duly enrolled member of any club, team or society organized for
16 educational purposes and maintaining as part of its facilities
17 or having written permission to use an indoor or outdoor ~~rifle~~
18 range under the supervision, guidance and instruction of a
19 responsible adult and then only if said paintball gun ~~air-rifle~~
20 is actually being used in connection with the activities of
21 said club team or society under the supervision of a
22 responsible adult; or

23 (3) Used in or on any private grounds or residence under
24 circumstances when such paintball gun ~~air-rifle~~ is fired,
25 discharged or operated in such a manner as not to endanger

1 persons or property and then only if it is used in such manner
2 as to prevent the projectile from passing over any grounds or
3 space outside the limits of such grounds or residence.

4 (Source: Laws 1965, p. 2977.)

5 (720 ILCS 535/5) (from Ch. 38, par. 82-5)

6 Sec. 5. The provisions of this Act do not prohibit sales of
7 air guns or paintball guns by ~~rifles~~.

8 ~~(1) By~~ wholesale dealers or jobbers or to

9 ~~(2) To~~ be shipped out of the State. The provisions of this
10 Act do not prohibit sales of paintball guns to

11 ~~(3) To~~ be used ~~at a target range operated~~ in accordance
12 with Section 4 of this Act or by members of the Armed Services
13 of the United States or Veterans' organizations.

14 (Source: Laws 1965, p. 2977.)

15 (720 ILCS 535/6) (from Ch. 38, par. 82-6)

16 Sec. 6.

17 The State Police or any sheriff or police officer shall
18 seize, take, remove or cause to be removed at the expense of
19 the owner, any air gun or paintball gun ~~rifle~~ sold or used in
20 any manner in violation of this Act.

21 (Source: P.A. 77-577.)

22 (720 ILCS 535/7) (from Ch. 38, par. 82-7)

23 Sec. 7. Sentence.

1 Any person violating Section 1.1 of this Act commits a
2 Class B misdemeanor.

3 Any dealer violating any provision of Section 2 of this Act
4 commits a petty offense.

5 Any person violating any other provision of this Act
6 commits a petty offense and shall pay a fine not to exceed \$50.

7 (Source: P.A. 77-2815.)

8 (720 ILCS 535/8) (from Ch. 38, par. 82-8)

9 Sec. 8. The provisions of any ordinance enacted by any
10 municipality which impose greater restrictions or limitations
11 in respect to such sale and purchase, use or possession of air
12 guns or paintball guns ~~rifles~~ as herein defined than are
13 imposed by this Act, are not invalidated nor affected by this
14 Act.

15 (Source: Laws 1965, p. 2977.)