



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4023

by Rep. Deborah Conroy

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/14	from Ch. 38, par. 83-14
430 ILCS 66/70	
720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.6	

Amends the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, and the Criminal Code of 2012. Provides that a person convicted of various violations concerning the unlawful carrying or possession of a firearm, stun gun, or taser shall, in addition to any penalties provided for the violation, be subject to a mental health evaluation by a physician, qualified examiner, psychiatrist, or clinical psychologist to determine whether the person may be diagnosed with a mental health disorder, verified by a diagnosis contained in the Diagnostic and Statistical Manual of Mental Disorders-Fourth Edition published by the American Psychiatric Association (DSM-IV), or its successor, or International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM), or its successor, that substantially impairs a person's cognitive, emotional, or behavioral functioning, or any combination of those.

LRB099 08145 RLC 31626 b

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 Firearm Owners Identification Card Act is  
5 amended by changing Section 14 as follows:

6 (430 ILCS 65/14) (from Ch. 38, par. 83-14)  
7 Sec. 14. Sentence.

8 (a) Except as provided in subsection (a-5), a violation of  
9 paragraph (1) of subsection (a) of Section 2, when the person's  
10 Firearm Owner's Identification Card is expired but the person  
11 is not otherwise disqualified from renewing the card, is a  
12 Class A misdemeanor.

13 (a-5) A violation of paragraph (1) of subsection (a) of  
14 Section 2, when the person's Firearm Owner's Identification  
15 Card is expired but the person is not otherwise disqualified  
16 from owning, purchasing, or possessing firearms, is a petty  
17 offense if the card was expired for 6 months or less from the  
18 date of expiration.

19 (b) Except as provided in subsection (a) with respect to an  
20 expired card, a violation of paragraph (1) of subsection (a) of  
21 Section 2 is a Class A misdemeanor when the person does not  
22 possess a currently valid Firearm Owner's Identification Card,  
23 but is otherwise eligible under this Act. A second or

1 subsequent violation is a Class 4 felony.

2 (c) A violation of paragraph (1) of subsection (a) of  
3 Section 2 is a Class 3 felony when:

4 (1) the person's Firearm Owner's Identification Card  
5 is revoked or subject to revocation under Section 8; or

6 (2) the person's Firearm Owner's Identification Card  
7 is expired and not otherwise eligible for renewal under  
8 this Act; or

9 (3) the person does not possess a currently valid  
10 Firearm Owner's Identification Card, and the person is not  
11 otherwise eligible under this Act.

12 In addition to any penalties under this Section, a person  
13 convicted of a violation of paragraph (1) of subsection (a) of  
14 Section 2 of this Act and at the time of the offense carries  
15 any firearm, stun gun, or taser in any prohibited area under  
16 Section 65 of the Firearm Concealed Carry Act, shall be subject  
17 to a mental health evaluation by a physician, qualified  
18 examiner, psychiatrist, or clinical psychologist to determine  
19 whether the person may be diagnosed with a mental health  
20 disorder, verified by a diagnosis contained in the Diagnostic  
21 and Statistical Manual of Mental Disorders-Fourth Edition  
22 published by the American Psychiatric Association (DSM-IV), or  
23 its successor, or International Classification of Diseases,  
24 9th Revision, Clinical Modification (ICD-9-CM), or its  
25 successor, that substantially impairs a person's cognitive,  
26 emotional, or behavioral functioning, or any combination of

1 those.

2 (d) A violation of subsection (a) of Section 3 is a Class 4  
3 felony. A third or subsequent conviction is a Class 1 felony.

4 (d-5) Any person who knowingly enters false information on  
5 an application for a Firearm Owner's Identification Card, who  
6 knowingly gives a false answer to any question on the  
7 application, or who knowingly submits false evidence in  
8 connection with an application is guilty of a Class 2 felony.

9 (e) Except as provided by Section 6.1 of this Act, any  
10 other violation of this Act is a Class A misdemeanor.

11 (Source: P.A. 97-1131, eff. 1-1-13.)

12 Section 10. The Firearm Concealed Carry Act is amended by  
13 changing Section 70 as follows:

14 (430 ILCS 66/70)

15 Sec. 70. Violations.

16 (a) A license issued or renewed under this Act shall be  
17 revoked if, at any time, the licensee is found to be ineligible  
18 for a license under this Act or the licensee no longer meets  
19 the eligibility requirements of the Firearm Owners  
20 Identification Card Act.

21 (b) A license shall be suspended if an order of protection,  
22 including an emergency order of protection, plenary order of  
23 protection, or interim order of protection under Article 112A  
24 of the Code of Criminal Procedure of 1963 or under the Illinois

1 Domestic Violence Act of 1986, is issued against a licensee for  
2 the duration of the order, or if the Department is made aware  
3 of a similar order issued against the licensee in any other  
4 jurisdiction. If an order of protection is issued against a  
5 licensee, the licensee shall surrender the license, as  
6 applicable, to the court at the time the order is entered or to  
7 the law enforcement agency or entity serving process at the  
8 time the licensee is served the order. The court, law  
9 enforcement agency, or entity responsible for serving the order  
10 of protection shall notify the Department within 7 days and  
11 transmit the license to the Department.

12 (c) A license is invalid upon expiration of the license,  
13 unless the licensee has submitted an application to renew the  
14 license, and the applicant is otherwise eligible to possess a  
15 license under this Act.

16 (d) A licensee shall not carry a concealed firearm while  
17 under the influence of alcohol, other drug or drugs,  
18 intoxicating compound or combination of compounds, or any  
19 combination thereof, under the standards set forth in  
20 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

21 A licensee in violation of this subsection (d) shall be  
22 guilty of a Class A misdemeanor for a first or second violation  
23 and a Class 4 felony for a third violation. The Department may  
24 suspend a license for up to 6 months for a second violation and  
25 shall permanently revoke a license for a third violation.

26 (e) Except as otherwise provided, a licensee in violation

1 of this Act shall be guilty of a Class B misdemeanor. A second  
2 or subsequent violation is a Class A misdemeanor. The  
3 Department may suspend a license for up to 6 months for a  
4 second violation and shall permanently revoke a license for 3  
5 or more violations of Section 65 of this Act. Any person  
6 convicted of a violation under this Section shall pay a \$150  
7 fee to be deposited into the Mental Health Reporting Fund, plus  
8 any applicable court costs or fees.

9 (f) A licensee convicted or found guilty of a violation of  
10 this Act who has a valid license and is otherwise eligible to  
11 carry a concealed firearm shall only be subject to the  
12 penalties under this Section and shall not be subject to the  
13 penalties under Section 21-6, paragraph (4), (8), or (10) of  
14 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)  
15 of paragraph (3) of subsection (a) of Section 24-1.6 of the  
16 Criminal Code of 2012. Except as otherwise provided in this  
17 subsection, nothing in this subsection prohibits the licensee  
18 from being subjected to penalties for violations other than  
19 those specified in this Act.

20 (g) A licensee whose license is revoked, suspended, or  
21 denied shall, within 48 hours of receiving notice of the  
22 revocation, suspension, or denial, surrender his or her  
23 concealed carry license to the local law enforcement agency  
24 where the person resides. The local law enforcement agency  
25 shall provide the licensee a receipt and transmit the concealed  
26 carry license to the Department of State Police. If the

1 licensee whose concealed carry license has been revoked,  
2 suspended, or denied fails to comply with the requirements of  
3 this subsection, the law enforcement agency where the person  
4 resides may petition the circuit court to issue a warrant to  
5 search for and seize the concealed carry license in the  
6 possession and under the custody or control of the licensee  
7 whose concealed carry license has been revoked, suspended, or  
8 denied. The observation of a concealed carry license in the  
9 possession of a person whose license has been revoked,  
10 suspended, or denied constitutes a sufficient basis for the  
11 arrest of that person for violation of this subsection. A  
12 violation of this subsection is a Class A misdemeanor.

13 (h) A license issued or renewed under this Act shall be  
14 revoked if, at any time, the licensee is found ineligible for a  
15 Firearm Owner's Identification Card, or the licensee no longer  
16 possesses a valid Firearm Owner's Identification Card. A  
17 licensee whose license is revoked under this subsection (h)  
18 shall surrender his or her concealed carry license as provided  
19 for in subsection (g) of this Section.

20 This subsection shall not apply to a person who has filed  
21 an application with the State Police for renewal of a Firearm  
22 Owner's Identification Card and who is not otherwise ineligible  
23 to obtain a Firearm Owner's Identification Card.

24 (i) A certified firearms instructor who knowingly provides  
25 or offers to provide a false certification that an applicant  
26 has completed firearms training as required under this Act is

1 guilty of a Class A misdemeanor. A person guilty of a violation  
2 of this subsection (i) is not eligible for court supervision.  
3 The Department shall permanently revoke the firearms  
4 instructor certification of a person convicted under this  
5 subsection (i).

6 (j) In addition to any penalties under this Section, a  
7 person convicted of a violation under Section 65 of this Act  
8 shall be subject to a mental health evaluation by a physician,  
9 qualified examiner, psychiatrist, or clinical psychologist to  
10 determine whether the person may be diagnosed with a mental  
11 health disorder, verified by a diagnosis contained in the  
12 Diagnostic and Statistical Manual of Mental Disorders-Fourth  
13 Edition published by the American Psychiatric Association  
14 (DSM-IV), or its successor, or International Classification of  
15 Diseases, 9th Revision, Clinical Modification (ICD-9-CM), or  
16 its successor, that substantially impairs a person's  
17 cognitive, emotional, or behavioral functioning, or any  
18 combination of those.

19 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,  
20 eff. 8-15-14.)

21 Section 15. The Criminal Code of 2012 is amended by  
22 changing Sections 24-1 and 24-1.6 as follows:

23 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

24 Sec. 24-1. Unlawful Use of Weapons.

1 (a) A person commits the offense of unlawful use of weapons  
2 when he knowingly:

3 (1) Sells, manufactures, purchases, possesses or  
4 carries any bludgeon, black-jack, slung-shot, sand-club,  
5 sand-bag, metal knuckles or other knuckle weapon  
6 regardless of its composition, throwing star, or any knife,  
7 commonly referred to as a switchblade knife, which has a  
8 blade that opens automatically by hand pressure applied to  
9 a button, spring or other device in the handle of the  
10 knife, or a ballistic knife, which is a device that propels  
11 a knifelike blade as a projectile by means of a coil  
12 spring, elastic material or compressed gas; or

13 (2) Carries or possesses with intent to use the same  
14 unlawfully against another, a dagger, dirk, billy,  
15 dangerous knife, razor, stiletto, broken bottle or other  
16 piece of glass, stun gun or taser or any other dangerous or  
17 deadly weapon or instrument of like character; or

18 (3) Carries on or about his person or in any vehicle, a  
19 tear gas gun projector or bomb or any object containing  
20 noxious liquid gas or substance, other than an object  
21 containing a non-lethal noxious liquid gas or substance  
22 designed solely for personal defense carried by a person 18  
23 years of age or older; or

24 (4) Carries or possesses in any vehicle or concealed on  
25 or about his person except when on his land or in his own  
26 abode, legal dwelling, or fixed place of business, or on

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

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

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

19 (i) a machine gun, which shall be defined for the  
20 purposes of this subsection as any weapon, which  
21 shoots, is designed to shoot, or can be readily  
22 restored to shoot, automatically more than one shot  
23 without manually reloading by a single function of the  
24 trigger, including the frame or receiver of any such  
25 weapon, or sells, manufactures, purchases, possesses,  
26 or carries any combination of parts designed or

1 intended for use in converting any weapon into a  
2 machine gun, or any combination or parts from which a  
3 machine gun can be assembled if such parts are in the  
4 possession or under the control of a person;

5 (ii) any rifle having one or more barrels less than  
6 16 inches in length or a shotgun having one or more  
7 barrels less than 18 inches in length or any weapon  
8 made from a rifle or shotgun, whether by alteration,  
9 modification, or otherwise, if such a weapon as  
10 modified has an overall length of less than 26 inches;  
11 or

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

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

25 This subsection (a) (8) does not apply to any auction or  
26 raffle of a firearm held pursuant to a license or permit

1 issued by a governmental body, nor does it apply to persons  
2 engaged in firearm safety training courses; or

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

7 (10) Carries or possesses on or about his person, upon  
8 any public street, alley, or other public lands within the  
9 corporate limits of a city, village or incorporated town,  
10 except when an invitee thereon or therein, for the purpose  
11 of the display of such weapon or the lawful commerce in  
12 weapons, or except when on his land or in his own abode,  
13 legal dwelling, or fixed place of business, or on the land  
14 or in the legal dwelling of another person as an invitee  
15 with that person's permission, any pistol, revolver, stun  
16 gun or taser or other firearm, except that this subsection  
17 (a) (10) does not apply to or affect transportation of  
18 weapons that meet one of the following conditions:

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

20 (ii) are not immediately accessible; or

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

25 A "stun gun or taser", as used in this paragraph (a)  
26 means (i) any device which is powered by electrical

1 charging units, such as, batteries, and which fires one or  
2 several barbs attached to a length of wire and which, upon  
3 hitting a human, can send out a current capable of  
4 disrupting the person's nervous system in such a manner as  
5 to render him incapable of normal functioning or (ii) any  
6 device which is powered by electrical charging units, such  
7 as batteries, and which, upon contact with a human or  
8 clothing worn by a human, can send out current capable of  
9 disrupting the person's nervous system in such a manner as  
10 to render him incapable of normal functioning; or

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

21 (12) (Blank); or

22 (13) Carries or possesses on or about his or her person  
23 while in a building occupied by a unit of government, a  
24 billy club, other weapon of like character, or other  
25 instrument of like character intended for use as a weapon.  
26 For the purposes of this Section, "billy club" means a

1 short stick or club commonly carried by police officers  
2 which is either telescopic or constructed of a solid piece  
3 of wood or other man-made material.

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

22 (c) Violations in specific places.

23 (1) A person who violates subsection 24-1(a)(6) or  
24 24-1(a)(7) in any school, regardless of the time of day or  
25 the time of year, in residential property owned, operated  
26 or managed by a public housing agency or leased by a public

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

21 (1.5) A person who violates subsection 24-1(a)(4),  
22 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
23 time of day or the time of year, in residential property  
24 owned, operated, or managed by a public housing agency or  
25 leased by a public housing agency as part of a scattered  
26 site or mixed-income development, in a public park, in a

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

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

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

17 (2.5) A person convicted of a violation of subsection  
18 24-1(a)(4) or 24-1(a)(10) shall, in addition to any  
19 penalties under this Section, be subject to a mental health  
20 evaluation by a physician, qualified examiner,  
21 psychiatrist, or clinical psychologist to determine  
22 whether the person may be diagnosed with a mental health  
23 disorder, verified by a diagnosis contained in the  
24 Diagnostic and Statistical Manual of Mental  
25 Disorders-Fourth Edition published by the American  
26 Psychiatric Association (DSM-IV), or its successor, or

1 International Classification of Diseases, 9th Revision,  
2 Clinical Modification (ICD-9-CM), or its successor, that  
3 substantially impairs a person's cognitive, emotional, or  
4 behavioral functioning, or any combination of those.

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

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

17 (5) For the purposes of this subsection (c), "public  
18 transportation agency" means a public or private agency  
19 that provides for the transportation or conveyance of  
20 persons by means available to the general public, except  
21 for transportation by automobiles not used for conveyance  
22 of the general public as passengers; and "public  
23 transportation facility" means a terminal or other place  
24 where one may obtain public transportation.

25 (d) The presence in an automobile other than a public  
26 omnibus of any weapon, instrument or substance referred to in

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

11 (e) Exemptions. Crossbows, Common or Compound bows and  
12 Underwater Spearguns are exempted from the definition of  
13 ballistic knife as defined in paragraph (1) of subsection (a)  
14 of this Section.

15 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
16 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
17 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

18 (720 ILCS 5/24-1.6)

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

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

22 (1) Carries on or about his or her person or in any  
23 vehicle or concealed on or about his or her person except  
24 when on his or her land or in his or her abode, legal  
25 dwelling, or fixed place of business, or on the land or in

1 the legal dwelling of another person as an invitee with  
2 that person's permission, any pistol, revolver, stun gun or  
3 taser or other firearm; or

4 (2) Carries or possesses on or about his or her person,  
5 upon any public street, alley, or other public lands within  
6 the corporate limits of a city, village or incorporated  
7 town, except when an invitee thereon or therein, for the  
8 purpose of the display of such weapon or the lawful  
9 commerce in weapons, or except when on his or her own 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 and

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

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

19 (A-5) the pistol, revolver, or handgun possessed  
20 was uncased, loaded, and immediately accessible at the  
21 time of the offense and the person possessing the  
22 pistol, revolver, or handgun has not been issued a  
23 currently valid license under the Firearm Concealed  
24 Carry Act; or

25 (B) the firearm, other than a pistol, revolver, or  
26 handgun, possessed was uncased, unloaded, and the

1 ammunition for the weapon was immediately accessible  
2 at the time of the offense; or

3 (B-5) the pistol, revolver, or handgun possessed  
4 was uncased, unloaded, and the ammunition for the  
5 weapon was immediately accessible at the time of the  
6 offense and the person possessing the pistol,  
7 revolver, or handgun has not been issued a currently  
8 valid license under the Firearm Concealed Carry Act; or

9 (C) the person possessing the firearm has not been  
10 issued a currently valid Firearm Owner's  
11 Identification Card; or

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

16 (E) the person possessing the weapon was engaged in  
17 a misdemeanor violation of the Cannabis Control Act, in  
18 a misdemeanor violation of the Illinois Controlled  
19 Substances Act, or in a misdemeanor violation of the  
20 Methamphetamine Control and Community Protection Act;  
21 or

22 (F) (blank); or

23 (G) the person possessing the weapon had a order of  
24 protection issued against him or her within the  
25 previous 2 years; or

26 (H) the person possessing the weapon was engaged in

1 the commission or attempted commission of a  
2 misdemeanor involving the use or threat of violence  
3 against the person or property of another; or

4 (I) the person possessing the weapon was under 21  
5 years of age and in possession of a handgun, unless the  
6 person under 21 is engaged in lawful activities under  
7 the Wildlife Code or described in subsection  
8 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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

16 (ii) are not immediately accessible; or

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

21 (d) Sentence.

22 (1) Aggravated unlawful use of a weapon is a Class 4  
23 felony; a second or subsequent offense is a Class 2 felony  
24 for which the person shall be sentenced to a term of  
25 imprisonment of not less than 3 years and not more than 7  
26 years.

1           (2) Except as otherwise provided in paragraphs (3) and  
2           (4) of this subsection (d), a first offense of aggravated  
3           unlawful use of a weapon committed with a firearm by a  
4           person 18 years of age or older where the factors listed in  
5           both items (A) and (C) or both items (A-5) and (C) of  
6           paragraph (3) of subsection (a) are present is a Class 4  
7           felony, for which the person shall be sentenced to a term  
8           of imprisonment of not less than one year and not more than  
9           3 years.

10           (3) Aggravated unlawful use of a weapon by a person who  
11           has been previously convicted of a felony in this State or  
12           another jurisdiction is a Class 2 felony for which the  
13           person shall be sentenced to a term of imprisonment of not  
14           less than 3 years and not more than 7 years.

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

21           (5) A person convicted of a violation of this Section  
22           shall, in addition to any penalties under this Section, be  
23           subject to a mental health evaluation by a physician,  
24           qualified examiner, psychiatrist, or clinical psychologist  
25           to determine whether the person may be diagnosed with a  
26           mental health disorder, verified by a diagnosis contained

1       in the Diagnostic and Statistical Manual of Mental  
2       Disorders-Fourth Edition published by the American  
3       Psychiatric Association (DSM-IV), or its successor, or  
4       International Classification of Diseases, 9th Revision,  
5       Clinical Modification (ICD-9-CM), or its successor, that  
6       substantially impairs a person's cognitive, emotional, or  
7       behavioral functioning, or any combination of those.

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

10      (Source: P.A. 98-63, eff. 7-9-13.)