

HB5888



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5888

by Rep. David S. Olsen

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. Provides that it is an unlawful use of weapons violation for a person to knowingly sell, manufacture, purchase, possess, or carry, beginning 90 days after the effective date of the amendatory Act, a bump stock or trigger crank. Establishes penalties. Defines "bump stock" and "trigger crank". Effective immediately.

LRB100 22093 RLC 40375 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 10-20. The Criminal Code of 2012 is amended by
5 changing 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 (i-5) beginning 90 days after the effective date of
20 this amendatory Act of the 100th General Assembly, a
21 bump stock or trigger crank. As used in this clause
22 (i-5):

23 "Bump stock" means any device for a weapon that
24 increases the rate of fire achievable with the weapon
25 by using energy from the recoil of the weapon to
26 generate a reciprocating action that facilitates

1 repeated activation of the trigger of the weapon.

2 "Trigger crank" means any device to be attached to
3 a weapon that repeatedly activates the trigger of the
4 weapon through the use of a lever or other part that is
5 turned in a circular motion;

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

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

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

26 This subsection (a) (8) does not apply to any auction or

1 raffle of a firearm held pursuant to a license or permit
2 issued by a governmental body, nor does it apply to persons
3 engaged in firearm safety training courses; or

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

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

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

21 (ii) are not immediately accessible; or

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

26 (iv) are carried or possessed in accordance with

1 the Firearm Concealed Carry Act by a person who has
2 been issued a currently valid license under the Firearm
3 Concealed Carry Act.

4 A "stun gun or taser", as used in this paragraph (a)
5 means (i) any device which is powered by electrical
6 charging units, such as, batteries, and which fires one or
7 several barbs attached to a length of wire and which, upon
8 hitting a human, can send out a current capable of
9 disrupting the person's nervous system in such a manner as
10 to render him incapable of normal functioning or (ii) any
11 device which is powered by electrical charging units, such
12 as batteries, and which, upon contact with a human or
13 clothing worn by a human, can send out current capable of
14 disrupting the person's nervous system in such a manner as
15 to render him incapable of normal functioning; or

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

26 (12) (Blank); or

1 (13) Carries or possesses on or about his or her person
2 while in a building occupied by a unit of government, a
3 billy club, other weapon of like character, or other
4 instrument of like character intended for use as a weapon.
5 For the purposes of this Section, "billy club" means a
6 short stick or club commonly carried by police officers
7 which is either telescopic or constructed of a solid piece
8 of wood or other man-made material.

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

1 violation of this Section constitutes a single and separate
2 violation.

3 (c) Violations in specific places.

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

1 years and not more than 7 years.

2 (1.5) A person who violates subsection 24-1(a)(4),
3 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
4 time of day or the time of year, in residential property
5 owned, operated, or managed by a public housing agency or
6 leased by a public housing agency as part of a scattered
7 site or mixed-income development, in a public park, in a
8 courthouse, on the real property comprising any school,
9 regardless of the time of day or the time of year, on
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, on
13 the real property comprising any public park, on the real
14 property comprising any courthouse, in any conveyance
15 owned, leased, or contracted by a school to transport
16 students to or from school or a school related activity, in
17 any conveyance owned, leased, or contracted by a public
18 transportation agency, or on any public way within 1,000
19 feet of the real property comprising any school, public
20 park, courthouse, public transportation facility, or
21 residential property owned, operated, or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development
24 commits a Class 3 felony.

25 (2) A person who violates subsection 24-1(a)(1),
26 24-1(a)(2), or 24-1(a)(3) 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 public
8 housing agency or leased by a public housing agency as part
9 of a scattered site or mixed-income development, on the
10 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 4 felony. "Courthouse" means any building
22 that is used by the Circuit, Appellate, or Supreme Court of
23 this State for the conduct of official business.

24 (3) Paragraphs (1), (1.5), and (2) of this subsection
25 (c) shall not apply to law enforcement officers or security
26 officers of such school, college, or university or to

1 students carrying or possessing firearms for use in
2 training courses, parades, hunting, target shooting on
3 school ranges, or otherwise with the consent of school
4 authorities and which firearms are transported unloaded
5 enclosed in a suitable case, box, or transportation
6 package.

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

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

18 (d) The presence in an automobile other than a public
19 omnibus of any weapon, instrument or substance referred to in
20 subsection (a)(7) is prima facie evidence that it is in the
21 possession of, and is being carried by, all persons occupying
22 such automobile at the time such weapon, instrument or
23 substance is found, except under the following circumstances:
24 (i) if such weapon, instrument or instrumentality is found upon
25 the person of one of the occupants therein; or (ii) if such
26 weapon, instrument or substance is found in an automobile

1 operated for hire by a duly licensed driver in the due, lawful
2 and proper pursuit of his trade, then such presumption shall
3 not apply to the driver.

4 (e) Exemptions.

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

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.