



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3562

Introduced 2/22/2021, 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.

LRB102 11668 KMF 17002 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
5 changing 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
9 weapons 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
14 knife, commonly referred to as a switchblade knife, which
15 has a blade that opens automatically by hand pressure
16 applied to a button, spring or other device in the handle
17 of the knife, or a ballistic knife, which is a device that
18 propels a knifelike blade as a projectile by means of a
19 coil 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 (2.5) Carries or possesses with intent to use the same
3 unlawfully against another, any firearm in a church,
4 synagogue, mosque, or other building, structure, or place
5 used for religious worship; or

6 (3) Carries on or about his person or in any vehicle, a
7 tear gas gun projector or bomb or any object containing
8 noxious liquid gas or substance, other than an object
9 containing a non-lethal noxious liquid gas or substance
10 designed solely for personal defense carried by a person
11 18 years of age or older; or

12 (4) Carries or possesses in any vehicle or concealed
13 on or about his or her person except when on his or her
14 land or in his or her own abode, legal dwelling, or fixed
15 place of business, or on the land or in the legal dwelling
16 of another person as an invitee with that person's
17 permission, any pistol, revolver, stun gun or taser or
18 other firearm, except that this subsection (a) (4) does
19 not apply to or affect transportation of weapons that meet
20 one of the following conditions:

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

22 (ii) are not immediately accessible; or

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

1 (iv) are carried or possessed in accordance with
2 the Firearm Concealed Carry Act by a person who has
3 been issued a currently valid license under the
4 Firearm Concealed Carry Act; or

5 (5) Sets a spring gun; or

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

9 (7) Sells, manufactures, purchases, possesses or
10 carries:

11 (i) a machine gun, which shall be defined for the
12 purposes of this subsection as any weapon, which
13 shoots, is designed to shoot, or can be readily
14 restored to shoot, automatically more than one shot
15 without manually reloading by a single function of the
16 trigger, including the frame or receiver of any such
17 weapon, or sells, manufactures, purchases, possesses,
18 or carries any combination of parts designed or
19 intended for use in converting any weapon into a
20 machine gun, or any combination or parts from which a
21 machine gun can be assembled if such parts are in the
22 possession or under the control of a person;

23 (ii) any rifle having one or more barrels less
24 than 16 inches in length or a shotgun having one or
25 more barrels less than 18 inches in length or any
26 weapon made from a rifle or shotgun, whether by

1 alteration, modification, or otherwise, if such a
2 weapon as modified has an overall length of less than
3 26 inches; or

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

9 (8) Carries or possesses any firearm, stun gun or
10 taser or other deadly weapon in any place which is
11 licensed to sell intoxicating beverages, or at any public
12 gathering held pursuant to a license issued by any
13 governmental body or any public gathering at which an
14 admission is charged, excluding a place where a showing,
15 demonstration or lecture involving the exhibition of
16 unloaded firearms is conducted.

17 This subsection (a) (8) does not apply to any auction
18 or raffle of a firearm held pursuant to a license or permit
19 issued by a governmental body, nor does it apply to
20 persons engaged in firearm safety training courses; or

21 (9) Carries or possesses in a vehicle or on or about
22 his or her person any pistol, revolver, stun gun or taser
23 or firearm or ballistic knife, when he or she is hooded,
24 robed or masked in such manner as to conceal his or her
25 identity; or

26 (10) Carries or possesses on or about his or her

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

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

14 (ii) are not immediately accessible; or

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

19 (iv) are carried or possessed in accordance with
20 the Firearm Concealed Carry Act by a person who has
21 been issued a currently valid license under the
22 Firearm Concealed Carry Act.

23 A "stun gun or taser", as used in this paragraph (a)
24 means (i) any device which is powered by electrical
25 charging units, such as, batteries, and which fires one or
26 several barbs attached to a length of wire and which, upon

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

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

19 (12) (Blank); or

20 (13) Carries or possesses on or about his or her
21 person while in a building occupied by a unit of
22 government, a billy club, other weapon of like character,
23 or other instrument of like character intended for use as
24 a weapon. For the purposes of this Section, "billy club"
25 means a short stick or club commonly carried by police
26 officers which is either telescopic or constructed of a

1 solid piece of wood or other man-made material.

2 (b) Sentence. A person convicted of a violation of
3 subsection 24-1(a)(1), subsection 24-1(a)(2), subsection
4 24-1(a)(3), subsection 24-1(a)(5), through (5), subsection
5 24-1(a)(10), subsection 24-1(a)(11), or subsection 24-1(a)(13)
6 commits a Class A misdemeanor. A person convicted of a
7 violation of subsection 24-1(a)(4), 24-1(a)(10), 24-1(a)(8) or
8 24-1(a)(9) commits a Class 4 felony; a person convicted of a
9 violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii)
10 commits a Class 3 felony. A person convicted of a violation of
11 subsection 24-1(a)(7)(i) commits a Class 2 felony and shall be
12 sentenced to a term of imprisonment of not less than 3 years
13 and not more than 7 years, unless the weapon is possessed in
14 the passenger compartment of a motor vehicle as defined in
15 Section 1-146 of the Illinois Vehicle Code, or on the person,
16 while the weapon is loaded, in which case it shall be a Class X
17 felony. A person convicted of a second or subsequent violation
18 of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or
19 24-1(a)(10) commits a Class 3 felony. A person convicted of a
20 violation of subsection 24-1(a)(2.5) commits a Class 2 felony.
21 The possession of each weapon in violation of this Section
22 constitutes a single and separate violation.

23 (c) Violations in specific places.

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

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

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

1 scattered site or mixed-income development, in a public
2 park, in a courthouse, on the real property comprising any
3 school, regardless of the time of day or the time of year,
4 on residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development,
7 on the real property comprising any public park, on the
8 real 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,
11 in 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 3 felony.

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

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

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

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

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

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

24 (e) Exemptions.

25 (1) Crossbows, Common or Compound bows and Underwater
26 Spearguns are exempted from the definition of ballistic

1 knife as defined in paragraph (1) of subsection (a) of
2 this Section.

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

14 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)

15 (720 ILCS 5/24-1.6)

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

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

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

1 (2) Carries or possesses on or about his or her
2 person, upon any public street, alley, or other public
3 lands within the corporate limits of a city, village or
4 incorporated town, except when an invitee thereon or
5 therein, for the purpose of the display of such weapon or
6 the lawful commerce in weapons, or except when on his or
7 her own land or in his or her own abode, legal dwelling, or
8 fixed place of business, or on the land or in the legal
9 dwelling of another person as an invitee with that
10 person's permission, any pistol, revolver, stun gun or
11 taser or other firearm; and

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

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

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

22 (B) the firearm, other than a pistol, revolver, or
23 handgun, possessed was uncased, unloaded, and the
24 ammunition for the weapon was immediately accessible
25 at the time of the offense; or

26 (B-5) the pistol, revolver, or handgun possessed

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

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

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

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

20 (F) (blank); or

21 (G) the person possessing the weapon had an order
22 of protection issued against him or her within the
23 previous 2 years; or

24 (H) the person possessing the weapon was engaged
25 in the commission or attempted commission of a
26 misdemeanor involving the use or threat of violence

1 against the person or property of another; or

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

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

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

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

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

14 (ii) are not immediately accessible; or

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

19 (d) Sentence.

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

26 (2) Except as otherwise provided in paragraphs (3) and

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

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

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

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

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

25 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

1 Sec. 24-3.1. Unlawful possession of firearms and firearm
2 ammunition.

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

5 (1) He or she is under 18 years of age and has in his
6 or her possession any firearm of a size which may be
7 concealed upon the person; or

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

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

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

18 "Mental institution" means any hospital,
19 institution, clinic, evaluation facility, mental
20 health center, or part thereof, which is used
21 primarily for the care or treatment of persons with
22 mental illness.

23 "Patient in a mental institution" means the person
24 was admitted, either voluntarily or involuntarily, to
25 a mental institution for mental health treatment,
26 unless the treatment was voluntary and solely for an

1 alcohol abuse disorder and no other secondary
2 substance abuse disorder or mental illness; or

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

6 (6) He or she has in his or her possession any
7 explosive bullet.

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

16 (b) Sentence.

17 Unlawful possession of ~~firearms, other than handguns, and~~
18 firearm ammunition is a Class A misdemeanor. Unlawful
19 possession of firearms ~~handguns~~ is a Class 4 felony. The
20 possession of each firearm or firearm ammunition in violation
21 of this Section constitutes a single and separate violation.

22 (c) Nothing in paragraph (1) of subsection (a) of this
23 Section prohibits a person under 18 years of age from
24 participating in any lawful recreational activity with a
25 firearm such as, but not limited to, practice shooting at
26 targets upon established public or private target ranges or

1 hunting, trapping, or fishing in accordance with the Wildlife
2 Code or the Fish and Aquatic Life Code.
3 (Source: P.A. 99-143, eff. 7-27-15.)