



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5529

Introduced 1/31/2022, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-1.6	
720 ILCS 5/24-1.7	
720 ILCS 5/24-2.1	from Ch. 38, par. 24-2.1
720 ILCS 5/24-3.6	

Amends the Criminal Code of 2012. Changes the name of the offense of unlawful use of weapons to unlawful possession of weapons. Makes similar changes to the names of the offenses of aggravated unlawful use of weapons, unlawful use or possession of weapons by felons or persons in the custody of Department of Corrections facilities, unlawful use of firearm projectiles, and unlawful use of a firearm in the shape of a wireless telephone. Makes conforming changes.

LRB102 24514 RLC 33748 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 Criminal Code of 2012 is amended by
5 changing Sections 24-1, 24-1.1, 24-1.6, 24-1.7, 24-2.1, and
6 24-3.6 as follows:

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

8 Sec. 24-1. Unlawful possession ~~use~~ of weapons.

9 (a) A person commits the offense of unlawful possession
10 ~~use~~ of weapons when he knowingly:

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

21 (2) Carries or possesses with intent to use the same
22 unlawfully against another, a dagger, dirk, billy,
23 dangerous knife, razor, stiletto, broken bottle or other

1 piece of glass, stun gun or taser or any other dangerous or
2 deadly weapon or instrument of like character; or

3 (2.5) Carries or possesses with intent to use the same
4 unlawfully against another, any firearm in a church,
5 synagogue, mosque, or other building, structure, or place
6 used for religious worship; or

7 (3) Carries on or about his person or in any vehicle, a
8 tear gas gun projector or bomb or any object containing
9 noxious liquid gas or substance, other than an object
10 containing a non-lethal noxious liquid gas or substance
11 designed solely for personal defense carried by a person
12 18 years of age or older; or

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

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

23 (ii) are not immediately accessible; or

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

1 Owner's Identification Card; or

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

6 (5) Sets a spring gun; or

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

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

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

24 (ii) any rifle having one or more barrels less
25 than 16 inches in length or a shotgun having one or
26 more barrels less than 18 inches in length or any

1 weapon made from a rifle or shotgun, whether by
2 alteration, modification, or otherwise, if such a
3 weapon as modified has an overall length of less than
4 26 inches; or

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

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

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

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

1 (10) 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 land
7 or in his or her own abode, legal dwelling, or fixed place
8 of business, or on the land or in the legal dwelling of
9 another person as an invitee with that person's
10 permission, any pistol, revolver, stun gun, or taser or
11 other firearm, except that this subsection (a) (10) does
12 not apply to or affect transportation of weapons that meet
13 one of the following conditions:

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

15 (ii) are not immediately accessible; or

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

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

24 A "stun gun or taser", as used in this paragraph (a)
25 means (i) any device which is powered by electrical
26 charging units, such as, batteries, and which fires one or

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

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

20 (12) (Blank); or

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

1 officers which is either telescopic or constructed of a
2 solid piece of wood or other man-made material.

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

14 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21.)

15 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

16 Sec. 24-1.1. Unlawful ~~use or~~ possession of weapons by
17 felons or persons in the custody of ~~the~~ Department of
18 Corrections facilities.

19 (a) It is unlawful for a person to knowingly possess on or
20 about his person or on his land or in his own abode or fixed
21 place of business any weapon prohibited under Section 24-1 of
22 this Act or any firearm or any firearm ammunition if the person
23 has been convicted of a felony under the laws of this State or
24 any other jurisdiction. This Section shall not apply if the
25 person has been granted relief by the Director of the Illinois

1 State Police under Section 10 of the Firearm Owners
2 Identification Card Act.

3 (b) It is unlawful for any person confined in a penal
4 institution, which is a facility of the Illinois Department of
5 Corrections, to possess any weapon prohibited under Section
6 24-1 of this Code or any firearm or firearm ammunition,
7 regardless of the intent with which he possesses it.

8 (c) It shall be an affirmative defense to a violation of
9 subsection (b), that such possession was specifically
10 authorized by rule, regulation, or directive of the Illinois
11 Department of Corrections or order issued pursuant thereto.

12 (d) The defense of necessity is not available to a person
13 who is charged with a violation of subsection (b) of this
14 Section.

15 (e) Sentence. Violation of this Section by a person not
16 confined in a penal institution shall be a Class 3 felony for
17 which the person shall be sentenced to no less than 2 years and
18 no more than 10 years. A second or subsequent violation of this
19 Section shall be a Class 2 felony for which the person shall be
20 sentenced to a term of imprisonment of not less than 3 years
21 and not more than 14 years, except as provided for in Section
22 5-4.5-110 of the Unified Code of Corrections. Violation of
23 this Section by a person not confined in a penal institution
24 who has been convicted of a forcible felony, a felony
25 violation of Article 24 of this Code or of the Firearm Owners
26 Identification Card Act, stalking or aggravated stalking, or a

1 Class 2 or greater felony under the Illinois Controlled
2 Substances Act, the Cannabis Control Act, or the
3 Methamphetamine Control and Community Protection Act is a
4 Class 2 felony for which the person shall be sentenced to not
5 less than 3 years and not more than 14 years, except as
6 provided for in Section 5-4.5-110 of the Unified Code of
7 Corrections. Violation of this Section by a person who is on
8 parole or mandatory supervised release is a Class 2 felony for
9 which the person shall be sentenced to not less than 3 years
10 and not more than 14 years, except as provided for in Section
11 5-4.5-110 of the Unified Code of Corrections. Violation of
12 this Section by a person not confined in a penal institution is
13 a Class X felony when the firearm possessed is a machine gun.
14 Any person who violates this Section while confined in a penal
15 institution, which is a facility of the Illinois Department of
16 Corrections, is guilty of a Class 1 felony, if he possesses any
17 weapon prohibited under Section 24-1 of this Code regardless
18 of the intent with which he possesses it, a Class X felony if
19 he possesses any firearm, firearm ammunition or explosive, and
20 a Class X felony for which the offender shall be sentenced to
21 not less than 12 years and not more than 50 years when the
22 firearm possessed is a machine gun. A violation of this
23 Section while wearing or in possession of body armor as
24 defined in Section 33F-1 is a Class X felony punishable by a
25 term of imprisonment of not less than 10 years and not more
26 than 40 years. The possession of each firearm or firearm

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

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (720 ILCS 5/24-1.6)

5 Sec. 24-1.6. Aggravated unlawful possession ~~use~~ of a
6 weapon.

7 (a) A person commits the offense of aggravated unlawful
8 possession ~~use~~ of a weapon when he or she knowingly:

9 (1) Carries on or about his or her person or in any
10 vehicle or concealed on or about his or her person except
11 when on his or her land or in his or her abode, legal
12 dwelling, or fixed place of business, or on the land or in
13 the legal dwelling of another person as an invitee with
14 that person's permission, any pistol, revolver, stun gun
15 or taser or other firearm; or

16 (2) Carries or possesses on or about his or her
17 person, upon any public street, alley, or other public
18 lands within the corporate limits of a city, village or
19 incorporated town, except when an invitee thereon or
20 therein, for the purpose of the display of such weapon or
21 the lawful commerce in weapons, or except when on his or
22 her own land or in his or her own abode, legal dwelling, or
23 fixed place of business, or on the land or in the legal
24 dwelling of another person as an invitee with that
25 person's permission, any pistol, revolver, stun gun or

1 taser or other firearm; and

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

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

6 (A-5) the pistol, revolver, or handgun possessed
7 was uncased, loaded, and immediately accessible at the
8 time of the offense and the person possessing the
9 pistol, revolver, or handgun has not been issued a
10 currently valid license under the Firearm Concealed
11 Carry Act; or

12 (B) the firearm, other than a pistol, revolver, or
13 handgun, possessed was uncased, unloaded, and the
14 ammunition for the weapon was immediately accessible
15 at the time of the offense; or

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

23 (C) the person possessing the firearm has not been
24 issued a currently valid Firearm Owner's
25 Identification Card; or

26 (D) the person possessing the weapon was

1 previously adjudicated a delinquent minor under the
2 Juvenile Court Act of 1987 for an act that if committed
3 by an adult would be a felony; or

4 (E) the person possessing the weapon was engaged
5 in a misdemeanor violation of the Cannabis Control
6 Act, in a misdemeanor violation of the Illinois
7 Controlled Substances Act, or in a misdemeanor
8 violation of the Methamphetamine Control and Community
9 Protection Act; or

10 (F) (blank); or

11 (G) the person possessing the weapon had an order
12 of protection issued against him or her within the
13 previous 2 years; or

14 (H) the person possessing the weapon was engaged
15 in the commission or attempted commission of a
16 misdemeanor involving the use or threat of violence
17 against the person or property of another; or

18 (I) the person possessing the weapon was under 21
19 years of age and in possession of a handgun, unless the
20 person under 21 is engaged in lawful activities under
21 the Wildlife Code or described in subsection
22 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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

4 (ii) are not immediately accessible; or

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

9 (d) Sentence.

10 (1) Aggravated unlawful possession ~~use~~ of a weapon is
11 a Class 4 felony; a second or subsequent offense is a Class
12 2 felony for which the person shall be sentenced to a term
13 of imprisonment of not less than 3 years and not more than
14 7 years, except as provided for in Section 5-4.5-110 of
15 the Unified Code of Corrections.

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

25 (3) Aggravated unlawful possession ~~use~~ of a weapon by
26 a person who has been previously convicted of a felony in

1 this State or another jurisdiction is a Class 2 felony for
2 which the person shall be sentenced to a term of
3 imprisonment of not less than 3 years and not more than 7
4 years, except as provided for in Section 5-4.5-110 of the
5 Unified Code of Corrections.

6 (4) Aggravated unlawful possession ~~use~~ of a weapon
7 while wearing or in possession of body armor as defined in
8 Section 33F-1 by a person who has not been issued a valid
9 Firearms Owner's Identification Card in accordance with
10 Section 5 of the Firearm Owners Identification Card Act is
11 a Class X felony.

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

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

15 (720 ILCS 5/24-1.7)

16 Sec. 24-1.7. Armed habitual criminal.

17 (a) A person commits the offense of being an armed
18 habitual criminal if he or she receives, sells, possesses, or
19 transfers any firearm after having been convicted a total of 2
20 or more times of any combination of the following offenses:

21 (1) a forcible felony as defined in Section 2-8 of
22 this Code;

23 (2) unlawful possession ~~use~~ of a weapon by a felon;
24 aggravated unlawful possession ~~use~~ of a weapon; aggravated
25 discharge of a firearm; vehicular hijacking; aggravated

1 vehicular hijacking; aggravated battery of a child as
2 described in Section 12-4.3 or subdivision (b)(1) of
3 Section 12-3.05; intimidation; aggravated intimidation;
4 gunrunning; home invasion; or aggravated battery with a
5 firearm as described in Section 12-4.2 or subdivision
6 (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05; or
7 (3) any violation of the Illinois Controlled
8 Substances Act or the Cannabis Control Act that is
9 punishable as a Class 3 felony or higher.

10 (b) Sentence. Being an armed habitual criminal is a Class
11 X felony.

12 (Source: P.A. 96-1551, eff. 7-1-11.)

13 (720 ILCS 5/24-2.1) (from Ch. 38, par. 24-2.1)

14 Sec. 24-2.1. Unlawful possession ~~use~~ of firearm
15 projectiles.

16 (a) A person commits the offense of unlawful possession
17 ~~use~~ of firearm projectiles when he or she knowingly
18 manufactures, sells, purchases, possesses, or carries any
19 armor piercing bullet, dragon's breath shotgun shell, bolo
20 shell, or flechette shell.

21 For the purposes of this Section:

22 "Armor piercing bullet" means any handgun bullet or
23 handgun ammunition with projectiles or projectile cores
24 constructed entirely (excluding the presence of traces of
25 other substances) from tungsten alloys, steel, iron, brass,

1 bronze, beryllium copper or depleted uranium, or fully
2 jacketed bullets larger than 22 caliber designed and intended
3 for use in a handgun and whose jacket has a weight of more than
4 25% of the total weight of the projectile, and excluding those
5 handgun projectiles whose cores are composed of soft materials
6 such as lead or lead alloys, zinc or zinc alloys, frangible
7 projectiles designed primarily for sporting purposes, and any
8 other projectiles or projectile cores that the U. S. Secretary
9 of the Treasury finds to be primarily intended to be used for
10 sporting purposes or industrial purposes or that otherwise
11 does not constitute "armor piercing ammunition" as that term
12 is defined by federal law.

13 The definition contained herein shall not be construed to
14 include shotgun shells.

15 "Dragon's breath shotgun shell" means any shotgun shell
16 that contains exothermic pyrophoric mesh metal as the
17 projectile and is designed for the purpose of throwing or
18 spewing a flame or fireball to simulate a flame-thrower.

19 "Bolo shell" means any shell that can be fired in a firearm
20 and expels as projectiles 2 or more metal balls connected by
21 solid metal wire.

22 "Flechette shell" means any shell that can be fired in a
23 firearm and expels 2 or more pieces of fin-stabilized solid
24 metal wire or 2 or more solid dart-type projectiles.

25 (b) Exemptions. This Section does not apply to or affect
26 any of the following:

1 (1) Peace officers.

2 (2) Wardens, superintendents and keepers of prisons,
3 penitentiaries, jails and other institutions for the
4 detention of persons accused or convicted of an offense.

5 (3) Members of the Armed Services or Reserve Forces of
6 the United States or the Illinois National Guard while in
7 the performance of their official duties.

8 (4) Federal officials required to carry firearms,
9 while engaged in the performance of their official duties.

10 (5) United States Marshals, while engaged in the
11 performance of their official duties.

12 (6) Persons licensed under federal law to manufacture,
13 import, or sell firearms and firearm ammunition, and
14 actually engaged in any such business, but only with
15 respect to activities which are within the lawful scope of
16 such business, such as the manufacture, transportation, or
17 testing of such bullets or ammunition.

18 This exemption does not authorize the general private
19 possession of any armor piercing bullet, dragon's breath
20 shotgun shell, bolo shell, or flechette shell, but only
21 such possession and activities which are within the lawful
22 scope of a licensed business described in this paragraph.

23 (7) Laboratories having a department of forensic
24 ballistics or specializing in the development of
25 ammunition or explosive ordnance.

26 (8) Manufacture, transportation, or sale of armor

1 piercing bullets, dragon's breath shotgun shells, bolo
2 shells, or flechette shells to persons specifically
3 authorized under paragraphs (1) through (7) of this
4 subsection to possess such bullets or shells.

5 (c) An information or indictment based upon a violation of
6 this Section need not negate any exemption herein contained.
7 The defendant shall have the burden of proving such an
8 exemption.

9 (d) Sentence. A person convicted of unlawful possession
10 ~~use~~ of armor piercing bullets shall be guilty of a Class 3
11 felony.

12 (Source: P.A. 92-423, eff. 1-1-02.)

13 (720 ILCS 5/24-3.6)

14 Sec. 24-3.6. Unlawful possession ~~use~~ of a firearm in the
15 shape of a wireless telephone.

16 (a) For the purposes of this Section, "wireless telephone"
17 means a device that is capable of transmitting or receiving
18 telephonic communications without a wire connecting the device
19 to the telephone network.

20 (b) A person commits the offense of unlawful possession
21 ~~use~~ of a firearm in the shape of a wireless telephone when he
22 or she manufactures, sells, transfers, purchases, possesses,
23 or carries a firearm shaped or designed to appear as a wireless
24 telephone.

25 (c) This Section does not apply to or affect the sale to or

1 possession of a firearm in the shape of a wireless telephone by
2 a peace officer.

3 (d) Sentence. Unlawful possession ~~use~~ of a firearm in the
4 shape of a wireless telephone is a Class 4 felony.

5 (Source: P.A. 92-155, eff. 1-1-02.)