



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5849

Introduced 2/10/2010, by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1 from Ch. 38, par. 24-1
720 ILCS 5/24-1.6
720 ILCS 5/24-2

Amends the Criminal Code of 1961. Provides that the exemption from violations of the unlawful use of a weapon statutes for carrying firearms applies to portable containers designed for the safe transportation of firearms (rather than any container). Effective immediately.

LRB096 19208 RLC 34599 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 1961 is amended by changing
5 Sections 24-1, 24-1.6, and 24-2 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 firearm case,
20 ~~firearm~~ carrying box, shipping box, or other portable
21 container designed for the safe transportation of
22 firearms by a person who has been issued a currently
23 valid Firearm Owner's Identification Card; or

24 (5) Sets a spring gun; or

25 (6) Possesses any device or attachment of any kind
26 designed, used or intended for use in silencing the report

1 of any firearm; or

2 (7) Sells, manufactures, purchases, possesses or
3 carries:

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

16 (ii) any rifle having one or more barrels less than
17 16 inches in length or a shotgun having one or more
18 barrels less than 18 inches in length or any weapon
19 made from a rifle or shotgun, whether by alteration,
20 modification, or otherwise, if such a weapon as
21 modified has an overall length of less than 26 inches;
22 or

23 (iii) any bomb, bomb-shell, grenade, bottle or
24 other container containing an explosive substance of
25 over one-quarter ounce for like purposes, such as, but
26 not limited to, black powder bombs and Molotov

1 cocktails or artillery projectiles; or

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

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

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

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

1 gun or taser or other firearm, except that this subsection
2 (a) (10) does not apply to or affect transportation of
3 weapons that meet one of the following conditions:

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

5 (ii) are not immediately accessible; or

6 (iii) are unloaded and enclosed in a firearm case,
7 ~~firearm~~ carrying box, shipping box, or other portable
8 container designed for the safe transportation of
9 firearms by a person who has been issued a currently
10 valid Firearm Owner's Identification Card.

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

23 (11) Sells, manufactures or purchases any explosive
24 bullet. For purposes of this paragraph (a) "explosive
25 bullet" means the projectile portion of an ammunition
26 cartridge which contains or carries an explosive charge

1 which will explode upon contact with the flesh of a human
2 or an animal. "Cartridge" means a tubular metal case having
3 a projectile affixed at the front thereof and a cap or
4 primer at the rear end thereof, with the propellant
5 contained in such tube between the projectile and the cap;
6 or

7 (12) (Blank); or

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

16 (b) Sentence. A person convicted of a violation of
17 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
18 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
19 Class A misdemeanor. A person convicted of a violation of
20 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
21 person convicted of a violation of subsection 24-1(a)(6) or
22 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
23 convicted of a violation of subsection 24-1(a)(7)(i) commits a
24 Class 2 felony and shall be sentenced to a term of imprisonment
25 of not less than 3 years and not more than 7 years, unless the
26 weapon is possessed in the passenger compartment of a motor

1 vehicle as defined in Section 1-146 of the Illinois Vehicle
2 Code, or on the person, while the weapon is loaded, in which
3 case it shall be a Class X felony. A person convicted of a
4 second or subsequent violation of subsection 24-1(a)(4),
5 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
6 felony. The possession of each weapon in violation of this
7 Section constitutes a single and separate violation.

8 (c) Violations in specific places.

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

1 transportation facility, or residential property owned,
2 operated, or managed by a public housing agency or leased
3 by a public housing agency as part of a scattered site or
4 mixed-income development commits a Class 2 felony and shall
5 be sentenced to a term of imprisonment of not less than 3
6 years and not more than 7 years.

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

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development
3 commits a Class 3 felony.

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

1 that is used by the Circuit, Appellate, or Supreme Court of
2 this State for the conduct of official business.

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

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

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

23 (d) The presence in an automobile other than a public
24 omnibus of any weapon, instrument or substance referred to in
25 subsection (a)(7) is prima facie evidence that it is in the
26 possession of, and is being carried by, all persons occupying

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

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

13 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
14 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
15 96-742, eff. 8-25-09; revised 10-9-09.)

16 (720 ILCS 5/24-1.6)

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

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

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

1 taser or other firearm; or

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

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

14 (A) the firearm possessed was uncased, loaded and
15 immediately accessible at the time of the offense; or

16 (B) the firearm possessed was uncased, unloaded
17 and the ammunition for the weapon was immediately
18 accessible at the time of the offense; or

19 (C) the person possessing the firearm has not been
20 issued a currently valid Firearm Owner's
21 Identification Card; or

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

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

1 a misdemeanor violation of the Cannabis Control Act, in
2 a misdemeanor violation of the Illinois Controlled
3 Substances Act, or in a misdemeanor violation of the
4 Methamphetamine Control and Community Protection Act;
5 or

6 (F) (blank); or

7 (G) the person possessing the weapon had a order of
8 protection issued against him or her within the
9 previous 2 years; or

10 (H) the person possessing the weapon was engaged in
11 the commission or attempted commission of a
12 misdemeanor involving the use or threat of violence
13 against the person or property of another; or

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

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

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

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a firearm case,

1 ~~firearm~~ carrying box, shipping box, or other portable
2 container designed for the safe transportation of
3 firearms by a person who has been issued a currently
4 valid Firearm Owner's Identification Card.

5 (d) Sentence. Aggravated unlawful use of a weapon is a
6 Class 4 felony; a second or subsequent offense is a Class 2
7 felony for which the person shall be sentenced to a term of
8 imprisonment of not less than 3 years and not more than 7
9 years. Aggravated unlawful use of a weapon by a person who has
10 been previously convicted of a felony in this State or another
11 jurisdiction is a Class 2 felony for which the person shall be
12 sentenced to a term of imprisonment of not less than 3 years
13 and not more than 7 years. Aggravated unlawful use of a weapon
14 while wearing or in possession of body armor as defined in
15 Section 33F-1 by a person who has not been issued a valid
16 Firearms Owner's Identification Card in accordance with
17 Section 5 of the Firearm Owners Identification Card Act is a
18 Class X felony. The possession of each firearm in violation of
19 this Section constitutes a single and separate violation.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
21 96-829, eff. 12-3-09.)

22 (720 ILCS 5/24-2)

23 Sec. 24-2. Exemptions.

24 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
25 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of

1 the following:

2 (1) Peace officers, and any person summoned by a peace
3 officer to assist in making arrests or preserving the
4 peace, while actually engaged in assisting such officer.

5 (2) Wardens, superintendents and keepers of prisons,
6 penitentiaries, jails and other institutions for the
7 detention of persons accused or convicted of an offense,
8 while in the performance of their official duty, or while
9 commuting between their homes and places of employment.

10 (3) Members of the Armed Services or Reserve Forces of
11 the United States or the Illinois National Guard or the
12 Reserve Officers Training Corps, while in the performance
13 of their official duty.

14 (4) Special agents employed by a railroad or a public
15 utility to perform police functions, and guards of armored
16 car companies, while actually engaged in the performance of
17 the duties of their employment or commuting between their
18 homes and places of employment; and watchmen while actually
19 engaged in the performance of the duties of their
20 employment.

21 (5) Persons licensed as private security contractors,
22 private detectives, or private alarm contractors, or
23 employed by an agency certified by the Department of
24 Professional Regulation, if their duties include the
25 carrying of a weapon under the provisions of the Private
26 Detective, Private Alarm, Private Security, Fingerprint

1 Vendor, and Locksmith Act of 2004, while actually engaged
2 in the performance of the duties of their employment or
3 commuting between their homes and places of employment,
4 provided that such commuting is accomplished within one
5 hour from departure from home or place of employment, as
6 the case may be. Persons exempted under this subdivision
7 (a)(5) shall be required to have completed a course of
8 study in firearms handling and training approved and
9 supervised by the Department of Professional Regulation as
10 prescribed by Section 28 of the Private Detective, Private
11 Alarm, Private Security, Fingerprint Vendor, and Locksmith
12 Act of 2004, prior to becoming eligible for this exemption.
13 The Department of Professional Regulation shall provide
14 suitable documentation demonstrating the successful
15 completion of the prescribed firearms training. Such
16 documentation shall be carried at all times when such
17 persons are in possession of a concealable weapon.

18 (6) Any person regularly employed in a commercial or
19 industrial operation as a security guard for the protection
20 of persons employed and private property related to such
21 commercial or industrial operation, while actually engaged
22 in the performance of his or her duty or traveling between
23 sites or properties belonging to the employer, and who, as
24 a security guard, is a member of a security force of at
25 least 5 persons registered with the Department of
26 Professional Regulation; provided that such security guard

1 has successfully completed a course of study, approved by
2 and supervised by the Department of Professional
3 Regulation, consisting of not less than 40 hours of
4 training that includes the theory of law enforcement,
5 liability for acts, and the handling of weapons. A person
6 shall be considered eligible for this exemption if he or
7 she has completed the required 20 hours of training for a
8 security officer and 20 hours of required firearm training,
9 and has been issued a firearm control card by the
10 Department of Professional Regulation. Conditions for the
11 renewal of firearm control cards issued under the
12 provisions of this Section shall be the same as for those
13 cards issued under the provisions of the Private Detective,
14 Private Alarm, Private Security, Fingerprint Vendor, and
15 Locksmith Act of 2004. Such firearm control card shall be
16 carried by the security guard at all times when he or she
17 is in possession of a concealable weapon.

18 (7) Agents and investigators of the Illinois
19 Legislative Investigating Commission authorized by the
20 Commission to carry the weapons specified in subsections
21 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
22 any investigation for the Commission.

23 (8) Persons employed by a financial institution for the
24 protection of other employees and property related to such
25 financial institution, while actually engaged in the
26 performance of their duties, commuting between their homes

1 and places of employment, or traveling between sites or
2 properties owned or operated by such financial
3 institution, provided that any person so employed has
4 successfully completed a course of study, approved by and
5 supervised by the Department of Professional Regulation,
6 consisting of not less than 40 hours of training which
7 includes theory of law enforcement, liability for acts, and
8 the handling of weapons. A person shall be considered to be
9 eligible for this exemption if he or she has completed the
10 required 20 hours of training for a security officer and 20
11 hours of required firearm training, and has been issued a
12 firearm control card by the Department of Professional
13 Regulation. Conditions for renewal of firearm control
14 cards issued under the provisions of this Section shall be
15 the same as for those issued under the provisions of the
16 Private Detective, Private Alarm, Private Security,
17 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
18 control card shall be carried by the person so trained at
19 all times when such person is in possession of a
20 concealable weapon. For purposes of this subsection,
21 "financial institution" means a bank, savings and loan
22 association, credit union or company providing armored car
23 services.

24 (9) Any person employed by an armored car company to
25 drive an armored car, while actually engaged in the
26 performance of his duties.

1 (10) Persons who have been classified as peace officers
2 pursuant to the Peace Officer Fire Investigation Act.

3 (11) Investigators of the Office of the State's
4 Attorneys Appellate Prosecutor authorized by the board of
5 governors of the Office of the State's Attorneys Appellate
6 Prosecutor to carry weapons pursuant to Section 7.06 of the
7 State's Attorneys Appellate Prosecutor's Act.

8 (12) Special investigators appointed by a State's
9 Attorney under Section 3-9005 of the Counties Code.

10 (12.5) Probation officers while in the performance of
11 their duties, or while commuting between their homes,
12 places of employment or specific locations that are part of
13 their assigned duties, with the consent of the chief judge
14 of the circuit for which they are employed.

15 (13) Court Security Officers while in the performance
16 of their official duties, or while commuting between their
17 homes and places of employment, with the consent of the
18 Sheriff.

19 (13.5) A person employed as an armed security guard at
20 a nuclear energy, storage, weapons or development site or
21 facility regulated by the Nuclear Regulatory Commission
22 who has completed the background screening and training
23 mandated by the rules and regulations of the Nuclear
24 Regulatory Commission.

25 (14) Manufacture, transportation, or sale of weapons
26 to persons authorized under subdivisions (1) through

1 (13.5) of this subsection to possess those weapons.

2 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
3 24-1.6 do not apply to or affect any of the following:

4 (1) Members of any club or organization organized for
5 the purpose of practicing shooting at targets upon
6 established target ranges, whether public or private, and
7 patrons of such ranges, while such members or patrons are
8 using their firearms on those target ranges.

9 (2) Duly authorized military or civil organizations
10 while parading, with the special permission of the
11 Governor.

12 (3) Hunters, trappers or fishermen with a license or
13 permit while engaged in hunting, trapping or fishing.

14 (4) Transportation of weapons that are broken down in a
15 non-functioning state or are not immediately accessible.

16 (5) Carrying or possessing any pistol, revolver, stun
17 gun or taser or other firearm on the land or in the legal
18 dwelling of another person as an invitee with that person's
19 permission.

20 (c) Subsection 24-1(a)(7) does not apply to or affect any
21 of the following:

22 (1) Peace officers while in performance of their
23 official duties.

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

1 (3) Members of the Armed Services or Reserve Forces of
2 the United States or the Illinois National Guard, while in
3 the performance of their official duty.

4 (4) Manufacture, transportation, or sale of machine
5 guns to persons authorized under subdivisions (1) through
6 (3) of this subsection to possess machine guns, if the
7 machine guns are broken down in a non-functioning state or
8 are not immediately accessible.

9 (5) Persons licensed under federal law to manufacture
10 any weapon from which 8 or more shots or bullets can be
11 discharged by a single function of the firing device, or
12 ammunition for such weapons, and actually engaged in the
13 business of manufacturing such weapons or ammunition, but
14 only with respect to activities which are within the lawful
15 scope of such business, such as the manufacture,
16 transportation, or testing of such weapons or ammunition.
17 This exemption does not authorize the general private
18 possession of any weapon from which 8 or more shots or
19 bullets can be discharged by a single function of the
20 firing device, but only such possession and activities as
21 are within the lawful scope of a licensed manufacturing
22 business described in this paragraph.

23 During transportation, such weapons shall be broken
24 down in a non-functioning state or not immediately
25 accessible.

26 (6) The manufacture, transport, testing, delivery,

1 transfer or sale, and all lawful commercial or experimental
2 activities necessary thereto, of rifles, shotguns, and
3 weapons made from rifles or shotguns, or ammunition for
4 such rifles, shotguns or weapons, where engaged in by a
5 person operating as a contractor or subcontractor pursuant
6 to a contract or subcontract for the development and supply
7 of such rifles, shotguns, weapons or ammunition to the
8 United States government or any branch of the Armed Forces
9 of the United States, when such activities are necessary
10 and incident to fulfilling the terms of such contract.

11 The exemption granted under this subdivision (c)(6)
12 shall also apply to any authorized agent of any such
13 contractor or subcontractor who is operating within the
14 scope of his employment, where such activities involving
15 such weapon, weapons or ammunition are necessary and
16 incident to fulfilling the terms of such contract.

17 During transportation, any such weapon shall be broken
18 down in a non-functioning state, or not immediately
19 accessible.

20 (d) Subsection 24-1(a)(1) does not apply to the purchase,
21 possession or carrying of a black-jack or slung-shot by a peace
22 officer.

23 (e) Subsection 24-1(a)(8) does not apply to any owner,
24 manager or authorized employee of any place specified in that
25 subsection nor to any law enforcement officer.

26 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and

1 Section 24-1.6 do not apply to members of any club or
2 organization organized for the purpose of practicing shooting
3 at targets upon established target ranges, whether public or
4 private, while using their firearms on those target ranges.

5 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
6 to:

7 (1) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard, while in
9 the performance of their official duty.

10 (2) Bonafide collectors of antique or surplus military
11 ordinance.

12 (3) Laboratories having a department of forensic
13 ballistics, or specializing in the development of
14 ammunition or explosive ordinance.

15 (4) Commerce, preparation, assembly or possession of
16 explosive bullets by manufacturers of ammunition licensed
17 by the federal government, in connection with the supply of
18 those organizations and persons exempted by subdivision
19 (g)(1) of this Section, or like organizations and persons
20 outside this State, or the transportation of explosive
21 bullets to any organization or person exempted in this
22 Section by a common carrier or by a vehicle owned or leased
23 by an exempted manufacturer.

24 (g-5) Subsection 24-1(a)(6) does not apply to or affect
25 persons licensed under federal law to manufacture any device or
26 attachment of any kind designed, used, or intended for use in

1 silencing the report of any firearm, firearms, or ammunition
2 for those firearms equipped with those devices, and actually
3 engaged in the business of manufacturing those devices,
4 firearms, or ammunition, but only with respect to activities
5 that are within the lawful scope of that business, such as the
6 manufacture, transportation, or testing of those devices,
7 firearms, or ammunition. This exemption does not authorize the
8 general private possession of any device or attachment of any
9 kind designed, used, or intended for use in silencing the
10 report of any firearm, but only such possession and activities
11 as are within the lawful scope of a licensed manufacturing
12 business described in this subsection (g-5). During
13 transportation, those devices shall be detached from any weapon
14 or not immediately accessible.

15 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
16 24-1.6 do not apply to or affect any parole agent or parole
17 supervisor who meets the qualifications and conditions
18 prescribed in Section 3-14-1.5 of the Unified Code of
19 Corrections.

20 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
21 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
22 athlete's possession, transport on official Olympic and
23 Paralympic transit systems established for athletes, or use of
24 competition firearms sanctioned by the International Olympic
25 Committee, the International Paralympic Committee, the
26 International Shooting Sport Federation, or USA Shooting in

1 connection with such athlete's training for and participation
2 in shooting competitions at the 2016 Olympic and Paralympic
3 Games and sanctioned test events leading up to the 2016 Olympic
4 and Paralympic Games.

5 (h) An information or indictment based upon a violation of
6 any subsection of this Article need not negative any exemptions
7 contained in this Article. The defendant shall have the burden
8 of proving such an exemption.

9 (i) Nothing in this Article shall prohibit, apply to, or
10 affect the transportation, carrying, or possession, of any
11 pistol or revolver, stun gun, taser, or other firearm consigned
12 to a common carrier operating under license of the State of
13 Illinois or the federal government, where such transportation,
14 carrying, or possession is incident to the lawful
15 transportation in which such common carrier is engaged; and
16 nothing in this Article shall prohibit, apply to, or affect the
17 transportation, carrying, or possession of any pistol,
18 revolver, stun gun, taser, or other firearm, not the subject of
19 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
20 this Article, which is unloaded and enclosed in a firearm case,
21 ~~firearm~~ carrying box, shipping box, or other portable container
22 designed for the safe transportation of firearms, by the
23 possessor of a valid Firearm Owners Identification Card.

24 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
25 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
26 96-742, eff. 8-25-09; revised 10-9-09.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.