

# HB2723



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2723

by Rep. John D. Anthony

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/33A-1

from Ch. 38, par. 33A-1

Amends the Criminal Code of 2012 concerning armed violence. Defines a "Category III weapon" as a bludgeon, black-jack, slungshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon or instrument of like character used by the defendant in a similar manner. Effective immediately.

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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 changing  
5 Section 33A-1 as follows:

6 (720 ILCS 5/33A-1) (from Ch. 38, par. 33A-1)

7 Sec. 33A-1. Legislative intent and definitions.

8 (a) Legislative findings. The legislature finds and  
9 declares the following:

10 (1) The use of a dangerous weapon in the commission of  
11 a felony offense poses a much greater threat to the public  
12 health, safety, and general welfare, than when a weapon is  
13 not used in the commission of the offense.

14 (2) Further, the use of a firearm greatly facilitates  
15 the commission of a criminal offense because of the more  
16 lethal nature of a firearm and the greater perceived threat  
17 produced in those confronted by a person wielding a  
18 firearm. Unlike other dangerous weapons such as knives and  
19 clubs, the use of a firearm in the commission of a criminal  
20 felony offense significantly escalates the threat and the  
21 potential for bodily harm, and the greater range of the  
22 firearm increases the potential for harm to more persons.  
23 Not only are the victims and bystanders at greater risk

1 when a firearm is used, but also the law enforcement  
2 officers whose duty is to confront and apprehend the armed  
3 suspect.

4 (3) Current law does contain offenses involving the use  
5 or discharge of a gun toward or against a person, such as  
6 aggravated battery with a firearm, aggravated discharge of  
7 a firearm, and reckless discharge of a firearm; however,  
8 the General Assembly has legislated greater penalties for  
9 the commission of a felony while in possession of a firearm  
10 because it deems such acts as more serious.

11 (b) Legislative intent.

12 (1) In order to deter the use of firearms in the  
13 commission of a felony offense, the General Assembly deems  
14 it appropriate for a greater penalty to be imposed when a  
15 firearm is used or discharged in the commission of an  
16 offense than the penalty imposed for using other types of  
17 weapons and for the penalty to increase on more serious  
18 offenses.

19 (2) With the additional elements of the discharge of a  
20 firearm and great bodily harm inflicted by a firearm being  
21 added to armed violence and other serious felony offenses,  
22 it is the intent of the General Assembly to punish those  
23 elements more severely during commission of a felony  
24 offense than when those elements stand alone as the act of  
25 the offender.

26 (3) It is the intent of the 91st General Assembly that

1 should Public Act 88-680 be declared unconstitutional for a  
2 violation of Article 4, Section 8 of the 1970 Constitution  
3 of the State of Illinois, the amendatory changes made by  
4 Public Act 88-680 to Article 33A of the Criminal Code of  
5 1961 and which are set forth as law in this amendatory Act  
6 of the 91st General Assembly are hereby reenacted by this  
7 amendatory Act of the 91st General Assembly.

8 (c) Definitions.

9 (1) "Armed with a dangerous weapon". A person is  
10 considered armed with a dangerous weapon for purposes of  
11 this Article, when he or she carries on or about his or her  
12 person or is otherwise armed with a Category I, Category  
13 II, or Category III weapon.

14 (2) A Category I weapon is a handgun, sawed-off  
15 shotgun, sawed-off rifle, any other firearm small enough to  
16 be concealed upon the person, semiautomatic firearm, or  
17 machine gun. A Category II weapon is any other rifle,  
18 shotgun, spring gun, other firearm, stun gun or taser as  
19 defined in paragraph (a) of Section 24-1 of this Code,  
20 knife with a blade of at least 3 inches in length, dagger,  
21 dirk, switchblade knife, stiletto, axe, hatchet, or other  
22 deadly or dangerous weapon or instrument of like character.  
23 As used in this subsection (b) "semiautomatic firearm"  
24 means a repeating firearm that utilizes a portion of the  
25 energy of a firing cartridge to extract the fired cartridge  
26 case and chamber the next round and that requires a

1 separate pull of the trigger to fire each cartridge.

2 (3) A Category III weapon is a bludgeon, black-jack,  
3 slungshot, sand-bag, sand-club, metal knuckles, billy, or  
4 other dangerous weapon or instrument of like character used  
5 by the defendant in a similar manner.

6 (Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.