

## **720 ILCS 5/ 24-1(a)(1)**

### UNLAWFUL USE OF WEAPONS

In violation of SECTION 24-1(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> a knife,<sup>2</sup> commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button<sup>3</sup> in the handle of the knife.

<sup>1</sup>or sold, manufactured, purchased or carried; <sup>2</sup>or a bludgeon, blackjack, slungshot, sand club, sandbag, metal knuckles, or throwing star, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; <sup>3</sup>or spring or other device

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** This offense is a Class 4 felony if committed in or near various locations. See Sentencing Guide for details.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1965, p.272; Laws 1965, p.1058; Laws 1965, p.2695; Laws 1967, p.2846; Laws 1967, p.2815; Laws 1968, p.543; P.A.s 76-1936, 77-1683, 77-2638, 78-255, 78-297, 78-1297, 79-877, 79-1029, 79-1454, 80-259, 81-1050, 82-119, 82-317, 82-343, 82-538, 82-783, 83-1056, 84-214, 84-721, 84-1055, 84-1075, 84-1308, 85-268, 86-465, 86-946, 86-1393, 87-524, 87-930, 88-156, 88-467, 91-673, 91-690, 94-72, 94-284, 95-331, 95-809, 95-885, 96-41, 96-328, 96-742 and 96-1000.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 24-1(a)(2)**

### UNLAWFUL USE OF WEAPONS

In violation of SECTION 24-1(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> a dagger<sup>2</sup> with the intent to use it unlawfully against Don Smith.<sup>3</sup>

<sup>1</sup>or carried; <sup>2</sup>or dirk, billy club, dangerous knife, razor, stiletto, broken bottle, or other piece of glass, stun gun or taser, or any other dangerous or deadly weapon or instrument of like character; <sup>3</sup>or another

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** This offense is a Class 4 felony if committed in or near various locations. See Sentencing Guide for details.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A) **BOND:** \$1,500

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**720 ILCS 5/ 24-1(a)(3)**

UNLAWFUL USE OF WEAPONS

In violation of SECTION 24-1(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person under 18 years of age, knowingly carried on or about his person<sup>1</sup> a tear gas gun projector.<sup>2</sup>

<sup>1</sup>or in any vehicle; <sup>2</sup>or tear gas bomb or any object containing a noxious liquid or instrument of like character

**NOTE:** A person 18 years of age or older who carries an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense is exempt from coverage under this section.

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** This offense is a Class 4 felony if committed in or near various locations. See Sentencing Guide for details.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A) **BOND:** \$1,500

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## **720 ILCS 5/ 24-1(a)(4)**

### UNLAWFUL USE OF WEAPONS

**In violation of SECTION 24-1(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly carried concealed on his person<sup>1</sup> a pistol,<sup>2</sup> at a time when he was not on his own land, or in his own abode, or 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.**

<sup>1</sup>or in a motor vehicle (but see 720 ILCS 5/24-1(a)(10) where gun need not be concealed provided that it is within the corporate limits of a city, village or incorporated town); <sup>2</sup>or revolver, stun gun, taser, or other firearm

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** This offense is a Class 3 Felony if committed in or near various locations. See **Sentencing Guide** for details. A second or subsequent offense is a Class 3 Felony. The charging instrument must state prior conviction. See **Appendix A**.

**WARNING:** Public Act 91-690 amended this subsection on April 13, 2000 and included within the provisions of this subsection three additional "exceptions." These exceptions provided that this subsection does not apply to or affect the transportation of weapons that meet one of the following conditions: (1) "are broken down in a non-functioning state; (2) are not immediately accessible; or (3) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card or (4) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act." No Court has yet ruled that the absence of these exceptions must be alleged and proved by the People. However, see the case of *People v. Laubscher*, 183 Ill. 2d 330, 701 N. E. 2d 489, 233 Ill. Dec. 639. (1998). Also consider the following from *People v. Fields*, 24 N. E. 3d 326, Ill. App. 1 Dist. Dec. 31, 2014: The applicable rule to determine whether an exception constitutes an additional element of an offense is well established: " '[I]t is the rule in this State that where an act is made criminal, with exceptions embraced in the enacting clause creating the offense, so as to be descriptive of it, the People must allege and prove that the defendant is not within the exceptions so as to show that the precise crime has been committed. In other words, where the exception is descriptive of the offense it must be negative in order to charge the defendant with the offense. On the other hand, if the exception, instead of being a part of the description of the offense, merely withdraws certain acts or certain persons from the operation of the statute it need not be negative, and its position in the act, whether in the same section or another part of the act, is of no consequence. [Citations.]' " *People v. Close*, 238 Ill.2d 497, 508, 345 Ill.Dec. 620, 939 N.E.2d 463 (2010) (quoting *People ex rel. Courtney v. Prystalski*, 358 Ill. 198, 203-04, 192 N.E. 908 (1934)). You must decide whether the absence of these exceptions must be alleged in this complaint and proven in your case.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

This subsection was amended by Public Act 99-0029. Effective: 7-10-15.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

**720 ILCS 5/ 24-1(a)(5)**

UNLAWFUL USE OF WEAPONS

**In violation of SECTION 24-1(a)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly set a spring gun in the inner doorway of a residence located at 777 May Street, Union City, Union County, Illinois.**

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

**720 ILCS 5/ 24-1(a)(6)**

UNLAWFUL USE OF WEAPONS

**In violation of SECTION 24-1(a)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed a device<sup>1</sup> designed<sup>2</sup> for use in silencing the report of a .22 caliber pistol.<sup>3</sup>**

<sup>1</sup>or attachment; <sup>2</sup>or used or intended for use; <sup>3</sup>any firearm (specify type of firearm if possible)

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** This offense is a Class 2 Felony if committed in or near various locations. See Sentencing Guide for details.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-1(a)(7)(i)**

UNLAWFUL USE OF WEAPONS

In violation of SECTION 24-1(a)(7)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly carried<sup>1</sup> a Thompson machine gun<sup>2</sup> which is designed to shoot<sup>3</sup> automatically more than one shot without manually reloading by a single function of the trigger.<sup>4</sup>

<sup>1</sup>or sold, manufactured, purchased, or possessed; <sup>2</sup>any weapon; <sup>3</sup>or can be readily restored to shoot; <sup>4</sup>including the frame or receiver of any such weapon, or any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of the defendant

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING AND SENTENCING NOTE:** A person convicted of a violation of this subsection commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, unless the weapon is possessed in the passenger compartment of a motor vehicle or on the person, while the weapon is loaded, in which case it shall be a Class X felony. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-1(a)(7)(ii)**

UNLAWFUL USE OF WEAPONS

In violation of SECTION 24-1(a)(7)(ii) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly carried<sup>1</sup> a Remington .16 gauge shotgun<sup>2</sup> with a barrel less than 18 inches in length (OR) knowingly carried<sup>1</sup> a Remington .16 gauge shotgun<sup>2</sup> which was modified so that its overall length was less than 26 inches.

<sup>1</sup>or sold, manufactured, purchased, or possessed; <sup>2</sup>Section 24-1(a)(7) provides: Any rifle having one or more barrels less than 16 inches in length or any shotgun having one or more barrels less than 18 inches in length, or any weapon made from a rifle or a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** This offense is a Class 2 Felony if committed in or near various locations. See Sentencing Guide for details.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-1(a)(7)(iii)**

### UNLAWFUL USE OF WEAPONS

In violation of **SECTION 24-1(a)(7)(iii)** of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly carried<sup>1</sup> a grenade<sup>2</sup> which contained an explosive substance.

<sup>1</sup>or sold, manufactured, purchased, or possessed; <sup>2</sup>or any bomb, bomb shell, bottle, or other container containing an explosive substance of over one quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** This offense is a Class 2 Felony if committed in or near various locations. See Sentencing Guide for details.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-1(a)(8)**

### UNLAWFUL USE OF WEAPONS

In violation of SECTION 24-1(a)(8) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> a .38 caliber pistol<sup>2</sup> in Joe's Tap and Lounge, located at 777 May Street, Union City, Union County, Illinois, which place is licensed by the municipality of Union City to sell intoxicating beverages.<sup>3</sup>

<sup>1</sup>or carried; <sup>2</sup>any firearm, stun gun, or taser, or other deadly weapon (specify type of firearm if possible); <sup>3</sup>at any public gathering held pursuant to a license issued by any governmental body, or any public gathering at which an admission is charged (excluding a place where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is conducted)

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** A second or subsequent offense is a Class 3 felony. The charging instrument must state prior conviction. See Appendix A.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-1(a)(9)**

### UNLAWFUL USE OF WEAPONS

In violation of SECTION 24-1(a)(9) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> on or about his person<sup>2</sup> a .22 caliber pistol<sup>3</sup> while he was hooded<sup>4</sup> in such a manner as to conceal his identity.

<sup>1</sup>or carried; <sup>2</sup>or in a vehicle; <sup>3</sup>or revolver, stun gun, taser, or firearm (specify type of firearm if possible); <sup>4</sup>or robed or masked

**NOTE:** A stun gun or taser, as used in this paragraph, means (1) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or (ii) any device which is powered by electrical charging units, such as batteries, and which upon contact with a human or clothing worn by a human, can send out a current capable of disrupting that person's nervous system in such a manner as to render him incapable of normal functioning. (Chapter 720, Act 5, Section 24-1(a)(10))

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** This offense is a Class 3 Felony if committed in or near various locations. See Sentencing Guide for details.

**CHARGING NOTE:** A second or subsequent offense is a Class 3 Felony. The charging instrument must state prior conviction. See Appendix A.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

**720 ILCS 5/ 24-1(a)(10)**

UNLAWFUL USE OF WEAPONS

In violation of SECTION 24-1(a)(10) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly carried<sup>1</sup> on <sup>2</sup> his person upon May Street, a public street<sup>3</sup> within the corporate limits of the City of Union City, Union County, Illinois, a firearm, a .38 caliber pistol,<sup>4</sup> at a time when he was not on his own land or in his own abode, or 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 and when he was not an invitee thereon for the purpose of display of such weapon or the lawful commerce in weapons.

<sup>1</sup>or possessed; <sup>2</sup>or about his person; <sup>3</sup>or alley or other public land; <sup>4</sup>or revolver, stun gun, taser, or other firearm (specify type of firearm if possible)

**NOTE:** Under this Section, concealment of the firearm is not an element of the offense. This Section no longer applies to vehicles and the firearm need not be loaded.

**NOTE:** For definition of "stun gun or taser" see Appendix C.

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** This offense is a Class 3 Felony if committed in or near various locations. See Sentencing Guide for details. A second or subsequent offense is a Class 3 Felony. The charging instrument must state prior conviction. See Appendix A.

**WARNING:** Public Act 91-690 amended this subsection on April 13, 2000 and included within the provisions of this subsection three additional "exceptions." These exceptions provided that this subsection does not apply to or affect the transportation of weapons that meet one of the following conditions: (1) "are broken down in a non-functioning state; (2) are not immediately



accessible; or (3) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card or (4) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act." No Court has yet ruled that the absence of these exceptions must be alleged and proved by the People. However, see the case of People v. Laubscher, 183 Ill. 2d 330, 701 N. E. 2d 489, 233 Ill. Dec. 639. (1998). Also consider the following from People v. Fields, 24 N. E. 3d 326, Ill. App. 1 Dist. Dec. 31, 2014: The applicable rule to determine whether an exception constitutes an additional element of an offense is well established: " '[I]t is the rule in this State that where an act is made criminal, with exceptions embraced in the enacting clause creating the offense, so as to be descriptive of it, the People must allege and prove that the defendant is not within the exceptions so as to show that the precise crime has been committed. In other words, where the exception is descriptive of the offense it must be negative in order to charge the defendant with the offense. On the other hand, if the exception, instead of being a part of the description of the offense, merely withdraws certain acts or certain persons from the operation of the statute it need not be negative, and its position in the act, whether in the same section or another part of the act, is of no consequence. [Citations.]' " People v. Close, 238 Ill.2d 497, 508, 345 Ill.Dec. 620, 939 N.E.2d 463 (2010) (quoting People ex rel. Courtney v. Prystalski, 358 Ill. 198, 203-04, 192 N.E. 908 (1934)). You must decide whether the absence of these exceptions must be alleged in this complaint and proven in your case.

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide.**

This subsection was amended by Public Act 99-0029. Effective: 7-10-15.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 24-1(a)(11)**

### UNLAWFUL USE OF WEAPONS

In violation of SECTION **24-1(a)(11)** of ACT **5** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of **\_\_\_\_\_**, defendant, **(defendant's name)**, knowingly sold<sup>1</sup> an explosive bullet to Don Smith.

<sup>1</sup>or manufactured or purchased

**NOTE:** "Explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or animal.

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 24-1(a)(13)**

UNLAWFUL USE OF WEAPONS

In violation of SECTION 24-1(a)(13) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), while in the Straton Building located at 777 May Street, Union City, Illinois, a building occupied by a unit of government, knowingly possessed<sup>1</sup> on<sup>2</sup> his<sup>3</sup> person a billy club.<sup>4</sup>

<sup>1</sup>or carried; <sup>2</sup>or about; <sup>3</sup>or her; <sup>4</sup>or other weapon of like character, or other instrument of like character intended for use as a weapon

**NOTE:** For purposes of this Section, “billy club” means a short stick or club commonly carried by police officers which is either telescopic or constructed of a solid piece of wood or other man-made material.

**CAVEAT:** Note the use of the phrase “intended for use as a weapon” following the list of alternative objects in footnote<sup>4</sup> noted above. Note that I have not included this phrase within the text of the above complaint. This phrase could be interpreted as modifying the term “billy club”. If you believe that it does, then include this phrase in your complaint. If you believe that it does not, then omit it.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 24-1.1(a)**

UNLAWFUL POSSESSION OF WEAPONS BY FELONS

In violation of SECTION 24-1.1(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), a person who has been convicted of a felony under the law of Illinois,<sup>1</sup> knowingly possessed a switchblade knife<sup>2</sup>.

<sup>1</sup>or any other jurisdiction; <sup>2</sup>or any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition

**NOTE:** In People v. Gonzalez (1992), 151 Ill. 2d 79, the Illinois Supreme Court ruled that the location of the weapon is not a relevant consideration for this offense.

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING AND SENTENCING NOTE:** Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person shall be sentenced to no less than 2 years and no more than 10 years and any second or subsequent violation shall be a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 14 years.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This subsection was created by Public Act: 97-0237 (Eff: 1-1-12).

**CHARGE:** Felony (Class 3) **BOND:** Must be Set by Judge

**720 ILCS 5/ 24-1.1(b)**

UNLAWFUL POSSESSION OF WEAPONS BY FELONS

In violation of SECTION 24-1.1(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), possessed a switchblade knife,<sup>1</sup> while confined in the Union City State Prison, a penal institution which is a facility of the Illinois Department of Corrections.

<sup>1</sup>or any other weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition

**NOTE:** Possession of Weapons by Felons in prison. In People v. Ryan, (1987), 117 Ill.2d 28, cert. denied 108 S. Ct. 186, the Illinois Supreme Court ruled that no unlawful intent is required with respect to imprisoned felon's convictions of possession of weapons by felons while imprisoned. Therefore, when charging the offense of the unlawful possession of weapons by felons who were in prison at the time of the offense, the decision concerning whether to allege a mental state on the part of the defendant must be considered. Ryan would seem to hold that no actual mental state need be alleged. However, no decision has yet been reached which specifically holds that this Class 1 felony is actually a strict-liability offense. In People v. Terry, (1st Dist. 1988) 126 Ill. Dec. 372, 176 Ill. App. 3rd 974, 531 N.E. 2d 999, the appellate court held that this paragraph was not overbroad for encompassing wholly innocent activity.

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING AND SENTENCING NOTE:** Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person shall be sentenced to no less than 2 years and no more than 10 years. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, and a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**ADDITIONAL CASE AUTHORITY** - - The constitutionality of this subsection was upheld in the following cases: People v. Carmichael, 343 Ill. App. 3d 855, 799 N. E. 2d 401, 278 Ill. Dec. 683 (1st Dist., 2003); People v. Harris, 323 Ill. App. 3d 1014, 798 N. E. 2d 1259, 278 Ill. Dec. 502 (4th Dist., 2003); People v. Kelley, 347 Ill. App. 3d 163, 807 N. E. 2d 512, 282 Ill. Dec. 888 (1st Dist., March 4, 2004)

**Legislative History:** This subsection was amended by Public Act: 97-0237 (Eff: 1-1-12).

**CHARGE:** Felony (Class 1)

**BOND:** Must be Set by Judge

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**(Amended Note)**

## **720 ILCS 5/ 24-1.2(a)(1)**

### AGGRAVATED DISCHARGE OF A FIREARM

In violation of SECTION 24-1.2(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), while outside the building located at 777 May Main Street in Union City, Illinois, and with the knowledge that building was occupied,<sup>1</sup> knowingly<sup>2</sup> discharged a firearm at<sup>3</sup> that building.

<sup>1</sup>or under circumstances where the defendant reasonably should have known that the building was occupied; <sup>2</sup>or intentionally; <sup>3</sup>or into

**NOTE:** The following are alternative methods of charging this offense: (a)(2) Discharges a firearm in the direction of another person or in the direction of a vehicle he knows to be occupied; (a)(3) Discharges a firearm in the direction of a person he knows to be a peace officer, a community policing volunteer, a correctional institution employee, or a fireman while the officer, volunteer, employee or fireman is engaged in the execution of any of his official duties, or to prevent the officer, volunteer, employee or fireman from performing his official duties, or in retaliation for the officer, employee, volunteer or fireman performing his official duties; (a)(4) Discharges a firearm in the direction of a vehicle he knows to be occupied by a peace officer, a person summoned or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee, or fireman is engaged in the execution of any of his official duties, or to prevent the officer, employee or fireman from performing his official duties, or in retaliation for the officer, employee, or fireman performing his official duties; (a)(5) Discharges a firearm in the direction of a person he knows to be ~~an~~ emergency medical services personnel ~~who technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel~~ is engaged in the execution of any of his official duties, or to prevent the emergency medical services personnel ~~technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel~~ from performing his official duties, or in retaliation for the emergency medical services personnel ~~technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel~~ performing his official duties; or (a)(6) Discharges a firearm in the direction of a vehicle he knows to be occupied by ~~an~~ emergency medical services personnel ~~who technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel~~ is engaged in the execution of any of his official duties, or to prevent the emergency medical services personnel ~~technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel~~ from performing his official duties, or in retaliation for the emergency medical services personnel ~~technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel~~ performing his official duties; (a)(7) Discharges a firearm in the direction of a person he or she knows to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes; (a)(8) Discharges a firearm in the direction of a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties; (a)(9) Discharges a

firearm in the direction of a vehicle he or she knows to be occupied by an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties. (For a definition of "Emergency Management Worker" see Appendix C.

**CHARGING AND SENTENCING NOTE:** A violation of subsection (a)(1) or subsection (a)(2) of this Section is a Class 1 felony. A violation of subsection (a)(1) or (a)(2) of this Section committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, regardless of the time of day or time of year that the offense was committed is a Class X felony. A violation of subsection (a)(3), (a)(4), (a)(5), (a)(6), (a)(7),(a)(8) or (a)(9) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 10 years and not more than 45 years.

**NOTE:** *“Emergency medical services personnel” has the meaning specified in Section 3.5 of the Emergency Medical Services (EMS) Systems Act and shall include all ambulance crew members, including drivers or pilots.*

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 86-1393 (September 10, 1990); Amended - P.A.s 87-921, 88-433, 90-651, 91-12 and 91-434, 94-71, ~~and~~ 94-243) and by Public Act 99-816; (Eff: 8-15-16).

**CHARGE:** Felony (Class 1) **BOND:** Must be Set by Judge

**(Amended Note)**

**720 ILCS 5/ 24-1.2-5(a)(2)**

**AGGRAVATED DISCHARGE OF A MACHINE GUN<sup>1</sup>**

**In violation of SECTION 24-1.2-5(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), knowingly<sup>2</sup> discharged a machine gun<sup>1</sup> in the direction of Don Smith.<sup>3</sup>**

<sup>1</sup>or a firearm equipped with a device designed or used for silencing the report of a firearm;  
<sup>2</sup>or intentionally; <sup>3</sup>or in the direction of a vehicle the defendant knew to be occupied

**NOTE:** A machine gun has the meaning ascribed to it in clause (I) of paragraph (7) of subsection (a) of Section 24-1 of this Code.

**NOTE:** The following are alternative methods of charging this offense: (a)(1) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm at or into a building he or she knows to be occupied and the machine gun or the firearm equipped with a device designed or used for silencing the report of a firearm is discharged from a place or position outside that building; (a)(3) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be a peace officer, a person summoned or directed by a peace officer, a correctional institution employee, or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties; (a)(4) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by a peace officer, a person summoned or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties; (a)(5) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be an emergency medical services personnel who technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel is engaged in the execution of any of his official duties, or to prevent the emergency medical services personnel technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel from performing his official duties, or in retaliation for the emergency medical services personnel technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel performing his official duties; or (a)(6) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by an emergency medical services personnel who technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel is engaged in the execution of any of his official duties, or to prevent the emergency medical services personnel technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel from performing his official duties, or in retaliation for the emergency medical services personnel technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first-aid personnel performing his official duties; (a)(7) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or

to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties. (a)(8) Discharges machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

**NOTE:** *“Emergency medical services personnel” has the meaning specified in Section 3.5 of the Emergency Medical Services (EMS) Systems Act and shall include all ambulance crew members, including drivers or pilots.*

**CHARGING AND SENTENCING NOTE:** A violation of subsection (a)(1) of this Section is a Class X felony. A violation of subsections (a)(3), (a)(4), (a)(5), or (a)(6) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 12 years and no more than 50 years. See the **Sentencing Guide**.

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

**Legislative History:** Created by public Act 91-12 (Eff: 7-15-99). Amended: P.A. 91-121, and 94-243 **and by Public Act 99-816; (Eff: 8-15-16).**

**CHARGE:** Felony (Class X) **BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-1.5**

RECKLESS DISCHARGE OF A FIREARM

In violation of SECTION  24-1.5  of ACT  5  of CHAPTER  720  of the Illinois Compiled Statutes, on  (date of offense) , in the State of Illinois and the County of  \_\_\_\_\_ , defendant,  (defendant’s name) , endangered the bodily safety of Don Smith in that, while acting in a reckless manner, he discharged a firearm and in so doing (describe how the act of the defendant endangered the bodily safety of the victim).

**NOTE:** If the conduct above described is committed by a passenger of a moving motor vehicle with the knowledge and consent of the driver of that motor vehicle, the driver is accountable for such conduct. (720 ILCS 5/24-1.5(b))

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

**Legislative History:** Created - P.A. 88-217 (Eff: 8-6-93).

**CHARGE:** Felony (Class 4) **BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-1.6(a)(1)(3)(A)**

### AGGRAVATED UNLAWFUL USE OF A WEAPON

**In violation of SECTION 24-1.6(a)(1)(3)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly carried on<sup>1</sup> his person<sup>2</sup> an uncased and loaded rifle<sup>3</sup> at a time when he was not on his own land, or in his own abode, or legal dwelling, a fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, and that pistol was immediately accessible to the defendant at the time he carried it.**

<sup>1</sup>or about; <sup>2</sup>or in any vehicle or concealed about his or her person; <sup>3</sup>or stun gun or taser or other firearm other than a pistol, revolver, or handgun.

**CHARGING NOTE:** The following are alternative ways of violating this offense: 24-1.6(a)(1)(3)(A) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, loaded and was immediately accessible at the time of the offense; (A-5) the pistol, revolver, or handgun possessed was uncased, loaded, and immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed; (B) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, unloaded and the ammunition for the weapon was immediately accessible at the time of the offense; (B-5) the pistol, revolver, or handgun possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act or (C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or (D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or (E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act or in a misdemeanor violation of the Illinois Controlled Substances Act; or a misdemeanor violation of the Methamphetamine Control and Community Protection Act; or (F) the person possessing the weapon is a member of a street gang or is engaged in street gang related activity, as defined in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act; or (G) the person possessing the weapon had a order of protection issued against him or her within the previous 2 years; or (H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or (I) the person possessing the weapon was under 21 years of age and in possession of a handgun, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

**DEFINITION:** "Handgun" as used in this Section has the meaning given to it in Section 5 of the Firearm Concealed Carry Act. (24-1.6(a-5))

**CHARGING AND SENTENCING NOTE:** The possession of each weapon in violation of this Section constitutes a single or separate violation. 24-1.6(e) A second or subsequent violation of this offense or a violation of this offense by a person who has previously been convicted of a felony in this State or another jurisdiction is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years. The charging instrument must state prior conviction. See Appendix A. Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearm Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**ADDED CASE AUTHORITY** - - The constitutionality of this subsection was affirmed in the following cases: People v. McGee, 341 Ill. App. 3d 1029, 794 N. E. 2d 855, 276 Ill. Dec. 605 (1st Dist., 2003); People v. Marin, 342 Ill. App. 3d 716, 795 N. E. 2d 953, 277 Ill. Dec. 285 (1st Dist., 2003); People v. Washington, 343 Ill. App. 3d 889, 800 N. E. 2d 436, 279 Ill. Dec. 368 (1st Dist., 2003).

**Legislative History:** Created by Public Act 91-690 (Eff: 4-13-00). Amended by P.As 93-906, 94-72, 94-284, 94-556, 95-331, 96-0742 and was last amended by P. A. 98-063; (Eff: 7-9-13).

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-1.6(a)(2)(3)(A)**

### AGGRAVATED UNLAWFUL USE OF A WEAPON

In violation of SECTION 24-1.6(a)(2)(3)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly carried<sup>1</sup> on<sup>2</sup> his person upon a public street<sup>3</sup> within the corporate limits of the village<sup>4</sup> of Union City, Illinois, an uncased and loaded rifle<sup>5</sup> at a time when he was not on his own land, or in his own abode, or legal dwelling, a fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, and that pistol was immediately accessible to the defendant at the time he carried it.

<sup>1</sup>or possessed; <sup>2</sup>or about; <sup>3</sup>or alley or other public lands; <sup>4</sup>or city or incorporated town;

<sup>5</sup>or a stun gun or taser or other firearm other than a pistol, revolver, or handgun.

**CHARGING NOTE:** The following are alternative ways of violating this offense: 24-1.6(a)(1)(3)(A) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, loaded and was immediately accessible at the time of the offense; **(A-5)** the pistol, revolver, or handgun possessed was uncased, loaded, and immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed; **(B)** the firearm, other than a pistol, revolver, or handgun, possessed was uncased, unloaded and the ammunition for the weapon was immediately

accessible at the time of the offense; **(B-5)** the pistol, revolver, or handgun possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act or **(C)** the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or **(D)** the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or **(E)** the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act or in a misdemeanor violation of the Illinois Controlled Substances Act; or a misdemeanor violation of the Methamphetamine Control and Community Protection Act; or **(F)** the person possessing the weapon is a member of a street gang or is engaged in street gang related activity, as defined in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act; or **(G)** the person possessing the weapon had a order of protection issued against him or her within the previous 2 years; or **(H)** the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or **(I)** the person possessing the weapon was under 21 years of age and in possession of a handgun, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

**DEFINITION:** "Handgun" as used in this Section has the meaning given to it in Section 5 of the Firearm Concealed Carry Act. (24-1.6(a-5))

**CHARGING AND SENTENCING NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation. A second or subsequent violation of this offense or a violation of this offense by a person who has previously been convicted of a felony in this State or another jurisdiction is a Class 2 felony. The charging instrument must state prior conviction. See Appendix A. Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearm Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-1.7(a)(1)**

### ARMED HABITUAL CRIMINAL

In violation of SECTION 24-1.7(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> possessed<sup>2</sup> a firearm after having been twice<sup>3</sup> convicted of the offense of gunrunning in violation of Section 24-3A of Act 5 of Chapter 720 of the Illinois Compiled Statutes.<sup>4</sup>

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or received, sold, or transferred; <sup>3</sup>two or more times; <sup>4</sup>or any combination of the following offenses: (1) a forcible felony as defined in Section 2-8 of this Code; (2) unlawful use of a weapon by a felon; aggravated unlawful use of a weapon; aggravated discharge of a firearm; vehicular hijacking; aggravated battery of a child; intimidation; aggravated intimidation; gunrunning; home invasion; or aggravated battery with a firearm; or (3) any violation of the Illinois Controlled Substances Act or the Cannabis Control Act that is punishable as a Class 3 felony or higher.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This subsection was enacted by Public Act 94-398 (Eff: 8-2-05). Amended by 96-1551, eff. 7-1-11.)

**CHARGE:** Felony (Class X)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-2.1**

### UNLAWFUL USE OF FIREARM PROJECTILES

In violation of SECTION 24-2.1 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> an armor piercing bullet.<sup>2</sup>

<sup>1</sup>or manufactured, sold, purchased or carried; <sup>2</sup>or dragon's breath shotgun shell, bolo shell, or flechette shell

**NOTE:** For purpose of this Section, "armor piercing bullet" means any handgun bullet or handgun ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25% of the total weight of the projectile, and excluding those handgun projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that the U.S. Secretary of Treasury finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute "armor piercing ammunition" as that term is defined by federal law. "Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flame-thrower. "Bolo shell" means any shell that can be fired in a firearm and expels as projectiles 2 or more metal balls connected by solid metal wire. "Flechette shell" means any shell that can be fired in a firearm and expels 2 or more pieces of fin-stabilized solid metal wire or 2 or more solid dart-type projectiles.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 82-934 (August 18, 1982); Amended - P.A. 90-172 & 92-423.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-2.2**

#### UNLAWFUL SALE OF BULLETS REPRESENTED TO BE ARMOR PIERCING BULLETS<sup>2</sup>

In violation of SECTION 24-2.2 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly sold<sup>1</sup> to Don Smith a bullet which he represented to be armor piercing.<sup>2</sup>

<sup>1</sup>or manufactured, offered for sale, or transferred; <sup>2</sup>or any dragon's breath shotgun shell, bolo shell or flechette shell

**NOTE:** For definition of "armor piercing bullets," "dragon's breath shotgun shell," "bolo shell," or "flechette shell" see prior page.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 82-934 (August 18, 1982); Amended - P.A. 90-172 and 92-423.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3(A)(a)**

#### UNLAWFUL SALE (OR DELIVERY) OF FIREARMS

In violation of SECTION 24-3(A)(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly sold<sup>1</sup> a firearm, a .38 caliber pistol,<sup>2</sup> which was capable of being concealed upon the person, to Don Smith, a person under 18 years of age.

<sup>1</sup>or gave; <sup>2</sup>any firearm (specify the type of firearm if possible)

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1967, p.2599; Laws 1967, p.2605; Laws 1968, p.169; P.A.s 76-1849, 76-1852, 76-1936, 76-2071, 77-908, 77-2638, 78-255, 78-355, 78-1297, 83-1056, 84-25, 84-1074, 84-1308, 88-860, 91-12, 91-673, Re-enacted by 91-696, Amended by 93-162, 93-906, 94-6, 94-284, 95-331, 95-735, 96-190, 97-227, 97-347 and 97-0813; Eff: 7-13-12.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3(A)(b)**

#### UNLAWFUL SALE (OR DELIVERY) OF FIREARMS

In violation of SECTION 24-3(A)(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly gave<sup>1</sup> a firearm, a .22 caliber rifle,<sup>2</sup> to Don Smith, a person under 21 years of age, who had been convicted of the offense of Battery,<sup>3</sup> in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, on March 31, 2008, in the Circuit Court of Union County, Illinois.

<sup>1</sup>or sold; <sup>2</sup>any firearm (specify type of firearm if possible); <sup>3</sup>or any misdemeanor other than traffic offenses or adjudication of delinquency

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3(A)(c)**

#### UNLAWFUL SALE (OR DELIVERY) OF FIREARMS

In violation of SECTION 24-3(A)(c) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly sold,<sup>1</sup> a firearm, a .22 caliber revolver<sup>2</sup> to Don Smith, a narcotic addict.

<sup>1</sup>or gave; <sup>2</sup>any firearm (specify type of firearm if possible)

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3(A)(d)**

#### UNLAWFUL SALE (**OR DELIVERY**) OF FIREARMS

In violation of SECTION 24-3(A)(d) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly sold<sup>1</sup> a firearm, a .38 revolver,<sup>2</sup> to Don Smith who had been convicted of murder,<sup>3</sup> in violation of Section 9-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in Union County, Illinois.<sup>4</sup>

<sup>1</sup>or gave; <sup>2</sup>any firearm (specify type of firearm if possible); <sup>3</sup>any felony; <sup>4</sup>or any other jurisdiction

**NOTE:** The 5-year period in which the underlying felony must have been committed concerning this offense has been eliminated.

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3(A)(e)**

#### UNLAWFUL SALE (**OR DELIVERY**) OF FIREARMS

In violation of SECTION 24-3(A)(e) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly sold<sup>1</sup> a firearm, a .38 caliber pistol<sup>2</sup> to Don Smith, who had been a patient at Union City State Mental Hospital, Union City, Union County, Illinois, within the past 5 years.

<sup>1</sup>or gave; <sup>2</sup>any firearm (specify type of firearm if possible)

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3(A)(f)**

#### UNLAWFUL SALE (OR DELIVERY) OF FIREARMS

In violation of SECTION 24-3(A)(f) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly sold<sup>1</sup> a firearm,<sup>2</sup> a Ithaca .16 gauge shotgun, to Don Smith who is a person with an intellectual disability.

<sup>1</sup>or gave; <sup>2</sup>any firearm (specify type of firearm if possible)

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3(A)(g)**

#### UNLAWFUL SALE (OR DELIVERY) OF FIREARMS

In violation of SECTION 24-3(A)(g) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly delivered to Don Smith a firearm, a .50 caliber rifle,<sup>1</sup> without withholding delivery of such rifle for at least 24 hours after application for its purchase had been made by Don Smith.



<sup>1</sup>or shotgun or long gun

(See preceding complaint for firearm that may be concealed upon the person.)

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3(A)(g)**

#### UNLAWFUL SALE OF FIREARMS

In violation of SECTION 24-3(A)(g) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly delivered to Don Smith a firearm, a .50 caliber rifle,<sup>1</sup> without withholding delivery of such rifle for at least 24 hours after application for its purchase had been made by Don Smith.

<sup>1</sup>or shotgun or long gun

(See preceding complaint for firearm that may be concealed upon the person.)

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-3(A)(g)**

### UNLAWFUL SALE **(OR DELIVERY)** OF FIREARMS

In violation of SECTION 24-3(A)(g) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly delivered to Don Smith a firearm, a .38 caliber pistol, which may be concealed upon the person,<sup>1</sup> incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase had been made by Don Smith.

<sup>1</sup>or any firearm capable of being concealed (See following complaint for rifle, shotgun, or long gun)

**NOTE:** For exceptions to the application of this subsection, see the text of this subsection (g).

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-3(A)(h)**

### UNLAWFUL SALE **(OR DELIVERY)** OF FIREARMS

In violation of SECTION 24-3(A)(h) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), while holding a license under the Federal Gun Control Act of 1968 as a dealer,<sup>1</sup> knowingly sold<sup>2</sup> to Don Smith, an unlicensed person, a handgun, a .22 caliber pistol, having a barrel<sup>3</sup> which is a die casting of zinc alloy<sup>4</sup> which will melt or deform at a temperature of less than 800 degrees Fahrenheit.

<sup>1</sup>or importer, manufacturer or pawn broker; <sup>2</sup>or manufactured or delivered; <sup>3</sup>or slide, frame or receiver; <sup>4</sup>or any other non-homogeneous metal

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-3(A)(i)**

UNLAWFUL SALE **(OR DELIVERY)** OF FIREARMS

In violation of SECTION 24-3(A)(i) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly gave<sup>1</sup> a firearm,<sup>2</sup> a .38 caliber revolver, to Don Smith, a person under 18 years of age who did not possess a valid Firearm Owner's Identification Card.

<sup>1</sup>or sold; <sup>2</sup>a firearm of any size

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-3(A)(j)**

UNLAWFUL SALE (OR DELIVERY) OF FIREARMS

In violation of SECTION 24-3(A)(j) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), while engaged in the business of selling firearms at retail,<sup>1</sup> knowingly sold<sup>2</sup> a firearm,<sup>3</sup> a .38 caliber revolver, to Don Smith, without being licensed as a federal firearms dealer under Section 923 of the Federal Gun Control Act of 1968.

<sup>1</sup>or at wholesale; <sup>2</sup>or delivered; <sup>3</sup>a firearm of any size

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This complaint was amended by Public Act 97-0347; Eff: 1-1-12.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-3(A)(k)**

UNLAWFUL SALE **(OR DELIVERY)** OF FIREARMS

In violation of SECTION 24-3(A)(k) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly sold<sup>1</sup> a firearm, a .38 caliber revolver, to Don Smith, a person who did not display to the defendant a currently valid Firearm Owner's Identification Card that had been previously issued to Don Smith by the Department of State Police under the provisions of the Firearm Owners Identification Card Act.

<sup>1</sup>or transferred

**NOTE:** For purposes of this Section: "School" means a public or private elementary or secondary school, community college, college, or university. "School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

**NOTE:** Additionally, please note that a prosecution for a violation of subsection (k) of this Section may be commenced within 6 years after the commission of the offense. Prosecutions for all other subsections, except subsection (g) may be commenced within 5 years of the commission of the offense. (720 ILCS 5/24-3(E)).

**CHARGING NOTE:** A third or subsequent conviction for a violation of this subparagraph is a Class 1 felony. The charging instrument must state prior conviction. Additionally, please note that a prosecution for a violation of this subparagraph may be commenced within 6 years after the commission of the offense (720 ILCS 5/24-3(E)). See Appendix A. Additionally, please note that a prosecution for a violation of subsection (k) of this Section may be commenced within 6 years after the commission of the offense. Prosecutions for all other subsections, except subsection (g) may be commenced within 5 years of the commission of the offense. (720 ILCS 5/24-3(E)) See the Sentencing Guide.

**CHARGING AND SENTENCING NOTE:** The following are various charging and sentencing alternatives for this offense: (c)(1) Any person convicted of unlawful sale or delivery of firearms in violation of paragraphs (c) through (h) commits a Class 4 felony. (c)(2) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (b) or (I) commits a Class 3 felony. (c)(3) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) commits a Class 2 felony. (c)(4) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (I) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted

by a school or school district to transport students to or from school or a school related activity regardless of the time of day or time of year that the offense was committed commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale of firearms in violation of paragraph (a), (b), or (I) in any school, on the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity regardless of the time of day or time of year that the offense was committed commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years. (c)(5) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (I), in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, commits a Class 2 felony. (c)(6) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony. (c)(7) Any person convicted of firearms in violation of paragraph (k) of subsection (A) of unlawful sale or delivery commits a Class 4 felony. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony. (c)(8) A person 18 years of age or older convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A), when the firearm that was sold or given to another person under 18 years of age was used in the commission of or attempt to commit a forcible felony, shall be fined or imprisoned, or both, not to exceed the maximum provided for the most serious forcible felony so committed or attempted by the person under 18 years of age who was sold or given the firearm. (c)(9) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (d) of subsection (A) commits a Class 3 felony. (c)(10) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class 2 felony if the delivery is of one firearm. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class 1 felony if the delivery is of not less than 2 and not more than 5 firearms at the same time or within a one year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years if the delivery is of not less than 6 and not more than 10 firearms at the same time or within a 2 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years if the delivery is of not less than 11 and not more than 20 firearms at the same time or within a 3 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years if the delivery is of not less than 21 and not more than 30 firearms at the same time or within a 4 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years if the

delivery is of 31 or more firearms at the same time or within a 5 year period. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This subsection was previously amended by P.A. 93-906 (Eff: 8-11-04) and recently amended by Public Act 97-0347; (Eff: 1-1-12).

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-3(A)(I)**

### UNLAWFUL DELIVERY OF A STOLEN FIREARM

In violation of SECTION 24-3(A)(I) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowing that the firearm was stolen and not being entitled to the possession of the firearm, knowingly delivered the firearm, a .38 caliber pistol<sup>1</sup> to Don Smith.

<sup>1</sup>any stolen firearm (specify type of firearm if possible)

**NOTE:** See complaint for § 24-3(A)(k) in this work for additional charging and sentencing information for this section.

**CHARGING AND SENTENCING NOTE:** Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class 2 felony if the delivery is of one firearm. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class 1 felony if the delivery is of not less than 2 and not more than 5 firearms at the same time or within a one year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years if the delivery is of not less than 6 and not more than 10 firearms at the same time or within a 2 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years if the delivery is of not less than 11 and not more than 20 firearms at the same time or within a 3 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years if the delivery is of not less than 21 and not more than 30 firearms at the same time or within a 4 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years if the delivery is of 31 or more firearms at the same time or within a 5 year period. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This subsection was created by Public Act 97-0347; (Eff: 1-1-12).

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

**720 ILCS 5/ 24-3A**

GUNRUNNING

In violation of SECTION 24-3A of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly transferred three<sup>1</sup> firearms in violation of paragraph 24-3(a) of the Illinois Criminal Code<sup>2</sup> in that said defendant (describe how defendant violated the above named paragraph)

<sup>1</sup>or more; <sup>2</sup>or any paragraph of Section 24-3 of the Criminal Code

**CHARGING AND SENTENCING NOTE:** Gun Running is a Class 1 felony where the defendant transfers 3 or more firearms but not more than 10 firearms. The transfer of not less than 11 firearms and not more than 20 firearms is a Class X felony for which the sentence shall be a term of imprisonment of not less than 8 years and not more than 40 years. The transfer of more than 20 firearms is a Class X felony for which the sentence shall be a term of imprisonment of not less than 10 years and not more than 50 years. A person who commits gunrunning by transferring firearms to a person who, at the time of the commission of the offense, is under 18 years of age is guilty of a Class X felony. See Sentencing Guide for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 88-680 (Eff: 1-1-95). Amended by Public Acts 91-13 and 93-906.

**CHARGE:** Felony (Class 1)

**BOND:** Must be Set by Judge

**720 ILCS 5/ 24-3B(a)(1)**

FIREARMS TRAFFICKING

In violation of SECTION 24-3B(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly brought<sup>1</sup> into Illinois a firearm, to wit: a handgun with the serial number of XYZ123<sup>2</sup>, for the purpose of selling<sup>3</sup> that firearm to Sam Smith and said defendant had not been issued a currently valid Illinois Firearm Owner's Identification Card.

<sup>1</sup>or caused to be brought; <sup>2</sup>any firearm or firearm ammunition; <sup>3</sup>or delivering or transferring.

**NOTE:** An alternative method of violating this subsection includes bringing or causing to be brought into Illinois both a firearm and firearm ammunition. §§ 24-3B(a)(2).

**CHARGING NOTE:** This Section does not apply to: (1) a person exempt under Section 2 of the Firearm Owners Identification Card Act from the requirement of having possession of a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police in order to acquire or possess a firearm or firearm ammunition; (2) a common carrier under subsection (i) of Section 24-2 of this Code; or (3) a non-resident who may lawfully possess a firearm in his or her resident state. §§ (a-5) (1 - 3).

**SENTENCING NOTES:** Firearms trafficking is a Class 1 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 20 years. §§ (b)(1). Firearms trafficking by a person who has been previously convicted of firearms trafficking, gunrunning, or a felony offense for the unlawful sale, delivery, or transfer of a firearm or firearm ammunition in this State or another jurisdiction is a Class X felony. §§ (b)(2).

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide.**

**Legislative History:** Created by P.A. 99-885 (Eff: 8-23-16).

**CHARGE:** Felony (Class 1)

**BOND:** Must be Set by Judge



## **720 ILSC 5/ 24-3.1(a)(1)**

### UNLAWFUL POSSESSION OF FIREARMS

In violation of SECTION 24-3.1(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), being a person under 18 years of age, knowingly had in his possession a firearm, a .38 caliber pistol, which may be concealed upon the person.<sup>1</sup>

<sup>1</sup>or any firearm which may be concealed upon the person

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Codified - Laws 1967, p.2605 (August 3, 1967); Amended - P.A.s 77-2638, 82-338, 83-1056, 85-669, 88-680, 94-284 and 95-331. This subsection was recently amended by P.A. 97-227 (eff. 1-1-12).

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILSC 5/ 24-3.1(a)(2)**

### UNLAWFUL POSSESSION OF FIREARMS

In violation of SECTION 24-3.1(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), being a person under the age of 21 years, and having been convicted of the offense of theft<sup>1</sup> of less than \$300, in violation of Section 16-1(c)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, on May 11, 2008, in the Circuit Court of Union County, Illinois, knowingly had in his possession a firearm, a .22 caliber revolver.<sup>2</sup>

<sup>1</sup>or any misdemeanor other than a traffic offense or an adjudication of delinquency; <sup>2</sup>or any firearm or firearm ammunition (specify type of firearm and/or ammunition if possible)

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILSC 5/ 24-3.1(a)(3)**

#### UNLAWFUL POSSESSION OF FIREARMS

In violation of SECTION 24-3.1(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), being a narcotic addict, knowingly had a firearm, a Remington .16 gauge shotgun<sup>1</sup> in his possession.

<sup>1</sup>or any firearm or firearm ammunition (specify type of firearm and/or ammunition if possible)

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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### **720 ILSC 5/ 24-3.1(a)(4)**

#### UNLAWFUL POSSESSION OF FIREARMS

In violation of SECTION 24-3.1(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), having been a patient confined to the Illinois State Mental Hospital, Union City, Union County, Illinois, within the past 5 years, knowingly had a firearm, a .50 caliber rifle<sup>1</sup> in his possession.

<sup>1</sup>or any firearm or firearm ammunition (specify type of firearm and/or ammunition if possible)

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A) **BOND:** \$1,500

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**720 ILSC 5/ 24-3.1(a)(5)**

UNLAWFUL POSSESSION OF FIREARMS

In violation of SECTION 24-3.1(a) (5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person with an intellectual disability knowingly had a firearm, a .50 caliber rifle<sup>1</sup> in his possession.

<sup>1</sup>or any firearm or firearm ammunition (specify type of firearm and/or ammunition if possible)

**NOTE:** The possession of each weapon in violation of this Section constitutes a single and separate violation.

**CHARGING NOTE:** Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

**CHARGE:** Misdemeanor (Class A) **BOND:** \$1,500

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**720 ILSC 5/ 24-3.1(a)(6)**

UNLAWFUL POSSESSION OF FIREARM AMMUNITION

In violation of SECTION 24-3.1(a)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly had in his possession an explosive bullet.

**NOTE:** "Explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal.

**NOTE:** The possession of each type of firearm ammunition in violation of this Section constitutes a single and separate violation.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 24-3.2(b)**

### UNLAWFUL DISCHARGE OF FIREARM PROJECTILES

In violation of SECTION 24-3.2(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowing the firearm he possessed was loaded with an armor piercing bullet,<sup>1</sup> intentionally<sup>2</sup> discharged such firearm and such bullet<sup>3</sup> struck the person of Don Smith.<sup>4</sup>

<sup>1</sup>or a dragon's breath shotgun shell, bolo shell, or flechette shell; <sup>2</sup>or recklessly; <sup>3</sup>or shell; <sup>4</sup>or any other person

**NOTE:** "Firearm" means any device, by whatever name known which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas. (430 ILCS 65/1.1)

**NOTE:** For a definition of "armor piercing bullet," "dragon's breath shotgun shell," "bolo shell," or "flechette shell" see Appendix C.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 82-1026 (July 1, 1983); Amended - P.A. 90-172 & 92-423.

**CHARGE:** Felony (Class X)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-3.2(c)**

### UNLAWFUL POSSESSION OF FIREARM PROJECTILE

In violation of SECTION 24-3.2(c) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed, concealed on<sup>1</sup> his person, a armor piercing bullet<sup>2</sup> and a firearm suitable for the discharge of that bullet.<sup>3</sup>

<sup>1</sup>or about; <sup>2</sup>or dragon's breath shotgun shell, bolo shell or flechette shell; <sup>3</sup>or shell

**NOTE:** For a definition of "armor piercing bullet," dragon's breath shotgun shell, bolo shell or flechette shell see Appendix C.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-3.3**

### UNLAWFUL DELIVERY<sup>1</sup> OF A FIREARM ON THE PREMISES OF A SCHOOL<sup>3</sup>

In violation of SECTION 24-3.3 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person 18 years of age,<sup>2</sup> while in the Union City High School,<sup>3</sup> knowingly<sup>4</sup> gave<sup>5</sup> a firearm, a .38 caliber revolver,<sup>6</sup> to Don Smith, a person under 18 years of age.

<sup>1</sup>or sale; <sup>2</sup>or older; <sup>3</sup>or in any school regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on the real property comprising any school or residential property owned, operated and managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development <sup>4</sup>or intentionally or recklessly; <sup>5</sup>or sold or delivered; <sup>6</sup>or any firearm

**NOTE:** "School" is defined as any public or private elementary or secondary school, community college, college or university.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 84-1075 (December 2, 1985); Amended - P.A. 86-946, 87-524 and 91-673.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3.4**

#### UNLAWFUL SALE<sup>1</sup> OF FIREARMS BY A LIQUOR LICENSEE

In violation of SECTION 24-3.4 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person who holds a license to sell at retail alcoholic liquor issued by the Illinois Liquor Control Commission,<sup>2</sup> knowingly<sup>3</sup> sold<sup>4</sup> to Don Smith a firearm on<sup>5</sup> the real property of the Top Cat Lounge located at 777 May Street, Union City, Illinois, the establishment where the defendant was licensed to sell alcoholic liquors.

<sup>1</sup>or delivery; <sup>2</sup>or by the local liquor control commission under the Liquor Control Act of 1934 or an agent or employee of such licensee; <sup>3</sup>or intentionally or recklessly; <sup>4</sup>or delivered; <sup>5</sup>or in

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 87-591. (1-1-92).

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 24-3.5(b)**

#### UNLAWFUL PURCHASE OF A FIREARM

In violation of SECTION 24-3.5(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly purchased<sup>1</sup> a firearm with the intent to deliver that firearm to Don Smith, a person who is prohibited by Illinois<sup>2</sup> law from possessing a firearm.

<sup>1</sup>or attempted to purchase; <sup>2</sup>or Federal

**NOTE:** A prosecution for this offense may be commenced within six years after the commission of that offense.

**CHARGING NOTE:** (e)(1)(A) the purchase or attempted purchase of one firearm is a Class 2 felony. (e)(1)(B) The purchase or attempted purchase of not less than 2 firearms and not more than 5 firearms at the same time or within 1 year is a Class 1 felony. (e)(1)(C) The purchase or attempted purchase of not less than 6 firearms at the same time or within 2 years is a Class X felony. See the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 91-265 (Eff: 1-1-00). Amended by Public Acts 93-451, 93-906 and 95-882.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-3.5(c)**

### UNLAWFUL PURCHASE OF A FIREARM

In violation of SECTION 24-3.5(c) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly purchased<sup>1</sup> a firearm and in so doing intentionally provided false<sup>2</sup> information on a United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms transaction record form in that (describe the false or misleading information).

<sup>1</sup>or attempted to purchase; <sup>2</sup>or misleading

**NOTE:** A prosecution for this offense may be commenced within six years after the commission of that offense.

**CHARGING AND SENTENCING NOTE:** (e)(1)(A) the purchase or attempted purchase of one firearm is a Class 4 felony. (e)(1)(B) The purchase or attempted purchase of not less than 2 firearms and not more than 5 firearms at the same time or within 1 year is a Class 3 felony. (e)(1)(C) the purchase or attempted purchase of not less than 6 firearms and not more than 10 firearms at the same time or within 2 years is a Class 2 felony. (e)(1)(D) The purchase or attempted purchase of not less than 11 firearms and not more than 20 firearms at the same time or within 3 years is a Class 1 felony. (e)(1)(E) the purchase or attempted purchase of not less than 21 firearms and not more than 30 firearms at the same time or within 4 years is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years. (e)(1)(F) the purchase or attempted purchase of not less than 31 firearms and not more than 40 firearms at the same time or within 5 years is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years. (e)(1)(G) the purchase or attempted purchase of more than 40 firearms at the same time or over a 6 year period is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years. See Sentencing Guide for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-3.6(b)**

UNLAWFUL USE OF A FIREARM IN THE  
SHAPE OF A WIRELESS TELEPHONE

In violation of SECTION 24-3.6(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> carried<sup>2</sup> a firearm shaped<sup>3</sup> to appear as a wireless telephone.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or manufactured, sold, transferred, purchased, or; possessed; <sup>3</sup>or designed

**NOTE:** For purposes of this subsection, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to a telephone network.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by P.A. 92-155 (Eff: 1-1-02).

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-3.7(a)**

UNLAWFUL USE OF A STOLEN FIREARM

In violation of SECTION 24-3.7(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly used a stolen firearm during the commission of the offense of burglary in violation of Section 19-1 of the Illinois Criminal Code<sup>1</sup>, and said defendant knew the firearm was stolen.

<sup>1</sup>or any offense;

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.



**Legislative History:** This offense was created by Public Act: 96-0190 (Effective: 1-1-10).

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-3.8(a)**

POSSESSION OF A STOLEN FIREARM

In violation of SECTION 24-3.8(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> possessed<sup>2</sup> a firearm, a .22 Caliber rifle with a serial number of 777XXX, with knowledge that it had been stolen<sup>3</sup> and without being entitled to possess that firearm.

<sup>1</sup>when possession is the essence of an offense; knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194; <sup>2</sup>or delivered; <sup>3</sup>or converted

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 91-544 (Eff: 1-1-00). Renumbered by Public Act 97-0597 (Eff: 1-1-12).

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 24-3.9(a)(1)**

AGGRAVATED POSSESSION OF A STOLEN FIREARM

In violation of SECTION 24-3.9(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> possessed<sup>2</sup> five firearms, .22 Caliber rifles with serial numbers 777XYZ, 888XYZ, 999XYZ, 111XYZ and 222XYZ, with knowledge that they had been stolen<sup>3</sup> and without being entitled to the possession of those firearms.

<sup>1</sup>when possession is the essence of an offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194; <sup>2</sup>or delivered; <sup>3</sup>or converted

**CHARGING AND SENTENCING NOTE:** This offense can also be violated when the defendant: (2) Not being entitled to the possession of not less than 6 and not more than 10 firearms, possesses or delivers those firearms at the same time or within a 2-year period, knowing the firearms to have been stolen or converted. A person who violates paragraph (2) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years. (3) Not being entitled to the possession of not less than 11 and not more than 20 firearms, possesses or delivers those firearms at the same time or within a 3-year period, knowing the firearms to have been stolen or converted. A person who violates paragraph (3) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years. (4) Not being entitled to the possession of not less than 21 and not more than 30 firearms, possesses or delivers those firearms at the same time or within a 4-year period, knowing the firearms to have been stolen or converted. A person who violates paragraph (4) of subsection(a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years. (5) Not being entitled to the possession of more than 30 firearms, possesses or delivers those firearms at the same time or within a 5-year period, knowing the firearms to have been stolen or converted. A person who violates paragraph (5) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 91-544 (Eff: 1-1-00); Re-numbered by Public Act 97-0597 (Eff: 1-1-12) and amended by P.A. 97-1108; eff: 1-1-13).

**CHARGE:** Felony (Class 1)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 24-4(b)**

### FAILURE OF DEALER TO REGISTER THE SALE OF FIREARMS

In violation of SECTION 24-3(A)(c) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person engaged as a seller of firearms of a size which might be concealed upon the person, knowingly<sup>1</sup> sold<sup>2</sup> a firearm, a .38 caliber pistol, to Don Smith which he did not record in a register, containing the date of sale, the name, address, age, and occupation of Don Smith, the price of the firearm, and the purpose for which the firearm was purchased.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or gave away

**NOTE:** This Section does not apply to a manufacturer selling to a bona fide wholesaler or retailer, or a wholesaler selling to a bona fide retailer.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638.

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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**720 ILCS 5/ 24-4(c)**

FAILURE OF DEALER TO PRODUCE FIREARM REGISTER

In violation of SECTION 24-4(c) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person engaged as a seller of firearms of a size which might be concealed upon the person knowingly<sup>1</sup> failed to produce for inspection a firearms register, on the demand of Don Smith, a police officer<sup>2</sup> for the City of Union City, Union County, Illinois, and knowingly<sup>1</sup> failed to allow said peace officer to inspect said register and all stock on hand.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>any peace officer

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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**720 ILCS 5/ 24-4.1(a)**

FAILURE TO REPORT THE LOSS OR THEFT OF A FIREARM

In violation of SECTION 24-4.1(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person who possessed a valid Firearm Owner's Identification Card and who possessed<sup>1</sup> a firearm, a handgun with a serial number of XYZ-12345, thereafter lost<sup>2</sup> that firearm and knowingly<sup>3</sup> failed to report the loss of that firearm within 72 hours after obtaining knowledge of that loss<sup>4</sup>.

<sup>1</sup>or acquired; <sup>2</sup>or suffered the theft of; <sup>3</sup>or intentionally or recklessly; <sup>4</sup>or theft

**AFFIRMATIVE DEFENSE NOTE:** A person shall not be in violation of this Section if: (1) the failure to report is due to an act of God, act of war, or inability of a law enforcement agency to receive the report; (2) the person is hospitalized, in a coma, or is otherwise seriously physically or mentally impaired as to prevent the person from reporting; or (3) the person's designee makes a report if the person is unable to make the report. (24-4.1(c))

**LAW ENFORCEMENT DUTY NOTE:** A law enforcement agency having jurisdiction shall take a written report and shall, as soon as practical, enter the firearm's serial number as stolen into the Law Enforcement Agencies Data System (LEADS). (24-4.1(b))

**CHARGING NOTE:** A subsequent conviction for a violation of this offense is a Class A Misdemeanor. The charging document must state the prior violation. See **Appendix A** for discussion. (24-4.1(d))

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

This complaint was created by P. A. 98-0508; (Eff: 8-19-13).

**CHARGE:** Petty Offense

**BOND:** No bond is now needed.  
Public Act: 98-0870; Eff: 1-1-15.

**720 ILCS 5/ 24-5(a)**

DEFACING IDENTIFICATION MARKS ON A FIREARM

In violation of SECTION 24-5(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> removed<sup>2</sup> the manufacturer's<sup>3</sup> serial number on a firearm, a .22 caliber pistol.<sup>4</sup>

<sup>1</sup>or intentionally; <sup>2</sup>or changed, altered, or obliterated; <sup>3</sup>or importer's; <sup>4</sup>or any firearm (specify type of firearm if possible)

**NOTE:** A prosecution for this offense may be commenced within six years after the commission of that offense.

**CHARGING NOTE:** Possession of any firearm upon which any importer's or manufacturer's serial number has been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated is a Class 3 felony. (720 ILCS 5/24-5(b)) See **Sentencing Guide** for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

**Legislative History:** Codified - Laws 1961, p.1983 (January 1, 1962); Amended by Public Acts 88-680 and 93-906.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

## **720 ILCS 5/ 24.5-5**

### UNLAWFUL POSSESSION OF NITROUS OXIDE

In violation of SECTION 24.5-5 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed nitrous oxide<sup>1</sup> with the intent to inhale<sup>2</sup> the nitrous oxide for the purpose of causing a condition of intoxication.<sup>3</sup>

<sup>1</sup>or any substance containing nitrous oxide; <sup>2</sup>or breathe or ingest; <sup>3</sup>or elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner changing, distorting, or disturbing the audio, visual, or mental processes

**NOTE:** Any person who knowingly and with the intent to do so is under the influence of nitrous oxide<sup>1</sup> also violates this statute.

**NOTE:** See following page for the illegal distribution of nitrous oxide.

**NOTE:** When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1990), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

**CHARGING NOTE:** A second or subsequent violation of this offense is a Class 4 felony. The charging document must list the prior violation. See Appendix A for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 89-354 (Eff: 1-1-96). Amended: 91-366

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 24.5-10**

### UNLAWFUL DELIVERY OF<sup>1</sup> NITROUS OXIDE

In violation of SECTION 24.5-10 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>2</sup> delivered nitrous oxide to Don Smith with the intent that Don Smith inhale the nitrous oxide for the purpose of causing a condition of intoxication.<sup>3</sup>

<sup>1</sup>or possession with the intent to deliver; <sup>2</sup>or intentionally; <sup>3</sup>or for any purpose prohibited by Section 24.5-5

**NOTE:** This offense may also be committed when the defendant manufactures nitrous oxide for any purpose prohibited by Section 24.5-5

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 89-354 (Eff: 1-1-96). Amended: 91-366

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

**720 ILCS 5/ 25-1(a)(1)**

MOB ACTION

In violation of SECTION 25-1(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly,<sup>1</sup> by the use of force<sup>2</sup>, disturbed the public peace in that he, while acting together with James Brown and Sam Clift<sup>3</sup> and without authority of law, struck and kicked Don Smith on and about the body and did push Don Smith through a closed glass window, thereby inflicting injury to Don Smith.

<sup>1</sup>or recklessly; <sup>2</sup>or violence; <sup>3</sup>must have the action of 2 or more persons in order to charge mob action

**NOTE:** MOB ACTION CONSISTS OF THE FOLLOWING: (1) The knowing or reckless use of force or violence disturbing the public peace by 2 or more persons acting together and without authority of law; or (2) The knowing assembly of 2 or more persons with the intent to commit or facilitate the commission of a felony or misdemeanor, or (3) The knowing assembly of 2 or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**CHARGING NOTE:** Mob action as defined in Paragraph (1) of subsection (a) is a Class 4 felony. Mob action as defined in subparagraphs (2) and (3) of subsection (a) is a Class C misdemeanor. However, any participant in a mob action which shall, by violence, inflict injury to the person or property of another is guilty of a Class 4 felony. See Sentencing Guide for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 77-2638, 86-863 and 96-0710.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

## **720 ILCS 5/ 25-1(e)**

### MOB ACTION

In violation of SECTION 25-1(e) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a participant in a mob action, in violation of Section 25-1(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly<sup>1</sup> did not withdraw from the mob action upon command to do so by Don Smith, a peace officer<sup>2</sup> for the City of Union City, Union County, Illinois.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>any police officer

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**NOTE:** MOB ACTION CONSISTS OF THE FOLLOWING: (1) The knowing or reckless use of force or violence disturbing the public peace by 2 or more persons acting together and without authority of law; or (2) The knowing assembly of 2 or more persons with the intent to commit or facilitate the commission of a felony or misdemeanor, or (3) The knowing assembly of 2 or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.

**CHARGING NOTE:** Mob action as defined in Paragraph (1) of subsection (a) is a Class 4 felony. Mob action as defined in subparagraphs (2) and (3) of subsection (a) are Class C misdemeanors. However, any participant in a mob action which shall, by violence, inflict injury to the person or property of another is guilty of a Class 4 Felony.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 77-2638, 86-863 and 96-0710.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## 720 ILCS 5/ 25-5(a)(1)

### UNLAWFUL CONTACT WITH STREETGANG MEMBERS

In violation of SECTION 25-5(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on     (date of offense)    , in the State of Illinois and the County of     , defendant, (defendant's name), knowingly had direct<sup>1</sup> contact with Don Smith, a member of the Insane Duces, a street-gang,<sup>2</sup> after said defendant had been sentenced to probation<sup>3</sup> for the criminal offense of aggravated battery<sup>4</sup> and a condition of that probation<sup>3</sup> was that the defendant refrain from direct or indirect contact with members of the Insane Duces street-gang<sup>5</sup> in that said defendant (describe the contact).

<sup>1</sup>or indirect; <sup>2</sup>as defined in Section 10 of the Illinois Street-gang Terrorism Omnibus Prevention Act; <sup>3</sup>or conditional discharge or supervision; <sup>4</sup>or any appropriate criminal offense; <sup>5</sup>or any street-gang

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**ADDED CASE AUTHORITY** - - This subsection was found to be neither unconstitutionally overbroad or vague. People v. Jamesson, 329 Ill. App. 3d 446, 768 N. E. 2d 817, 263 Ill. Dec. 736 (2nd Dist., 2002)

**Legislative History:** Created by Public Act 90-795 (Eff: 8-14-98). Amended: 95-45. Renumbered by Public Act 96-0710. (Effective: 1-1-10)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## 720 ILCS 5/ 25-5(a)(1)

### UNLAWFUL CONTACT WITH STREETGANG MEMBERS

In violation of SECTION 25-5(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on     (date of offense)    , in the State of Illinois and the County of     , defendant, (defendant's name), knowingly had direct<sup>1</sup> contact with Don Smith, a member of the Insane Duces, a street-gang,<sup>2</sup> after said defendant had been sentenced to probation<sup>3</sup> for the criminal offense of aggravated battery<sup>4</sup> and a condition of that probation<sup>3</sup> was that the defendant refrain from direct or indirect contact with members of the Insane Duces street-gang<sup>5</sup> in that said defendant (describe the contact).

<sup>1</sup>or indirect; <sup>2</sup>as defined in Section 10 of the Illinois Street-gang Terrorism Omnibus Prevention Act; <sup>3</sup>or conditional discharge or supervision; <sup>4</sup>or any appropriate criminal offense; <sup>5</sup>or any street-gang

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.



**ADDED CASE AUTHORITY** - - This subsection was found to be neither unconstitutionally overbroad or vague. People v. Jamesson, 329 Ill. App. 3d 446, 768 N. E. 2d 817, 263 Ill. Dec. 736 (2nd Dist., 2002)

**Legislative History:** Created by Public Act 90-795 (Eff: 8-14-98). Amended: 95-45. Renumbered by Public Act 96-0710. (Effective: 1-1-10)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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### **720 ILCS 5/ 25-5(a)(1)**

#### UNLAWFUL CONTACT WITH STREETGANG MEMBERS

In violation of SECTION 25-5(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on     (date of offense)    , in the State of Illinois and the County of     , defendant, (defendant's name), knowingly had direct<sup>1</sup> contact with Don Smith, a member of the Insane Duces, a street gang,<sup>2</sup> after said defendant had been released on bond for the criminal offense of aggravated battery<sup>3</sup> and a condition of that bond was that the defendant refrain from direct or indirect contact with members of the Insane Duces street gang<sup>4</sup> in that said defendant (describe the contact).

<sup>1</sup>or indirect; <sup>2</sup>as defined in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act; <sup>3</sup>or any appropriate criminal offense; <sup>4</sup>or any street gang

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 90-795 (Eff: 8-14-98). Amended: 95-45. Renumbered by Public Act 96-0710. (Effective: 1-1-10)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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### **720 ILCS 5/ 25-5(a)(3)**

#### UNLAWFUL CONTACT WITH STREETGANG MEMBERS

In violation of SECTION 25-5(a)(3) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on     (date of offense)    , in the State of Illinois and the County of     , defendant, (defendant's name), knowingly had direct<sup>1</sup> contact with Don Smith, a member of the Insane Duces, a street gang,<sup>2</sup> after said defendant had been ordered by a judge in a non-criminal proceeding, to wit: (identify the non-criminal proceeding) to refrain from direct or indirect contact with members of the Insane Duces street gang<sup>3</sup> in that said defendant (describe the contact).

<sup>1</sup>or indirect; <sup>2</sup>as defined in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act; <sup>3</sup>or any street gang

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 90-795 (Eff: 8-14-98). Amended: 95-45. Renumbered by Public Act 96-0710. (Effective: 1-1-10)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 25-5(a)(4)**

### UNLAWFUL CONTACT WITH STREETGANG MEMBERS

In violation of SECTION 25-5(a)(4) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly had direct<sup>1</sup> contact with Don Smith, a member of the Insane Duces, a street gang,<sup>2</sup> after said defendant had been released from the Illinois Department of Corrections on mandatory supervised release<sup>3</sup> and a condition of that mandatory supervised release<sup>3</sup> was that said defendant refrain from direct or indirect contact with members of the Insane Duces street gang<sup>4</sup> in that said defendant (describe the contact).

<sup>1</sup>or indirect; <sup>2</sup>as defined in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act; <sup>3</sup>or parole; <sup>4</sup>or any street gang

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 90-795 (Eff: 8-14-98). Amended: 95-45. Renumbered by Public Act 96-0710. (Effective: 1-1-10)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 26-1(a)(1)**

### DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly threw a bottle of Ten Low Whiskey on the floor, in the lobby of Union City Hospital, causing the bottle to break,<sup>1</sup> in such an unreasonable manner as to alarm and disturb Don Smith, and provoke a breach of the peace.

<sup>1</sup>or does any act (but note :) In order for a violation of the disorderly conduct statute to occur by words alone, the words must be "fighting words", those which by the very utterance inflict injury or tend to incite an immediate breach of the peace. People v. Kellstedt, 329 N.E.2d 830 (3rd Dist. 1975), People v. Slaton, 24 Ill.App.3d 1062, 322 N.E.2d 553 (5th Dist. 1974)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Codified - Laws 1961, p.1963 (January 1, 1962); Amended - Laws 1963, p.2166; Laws 1963, p.2170; Laws 1965, p.384; Laws 1967, p.938; P.A.s 76-1071, 77-2638, 78-1248, 80-795, 82-453, 84-798, 84-1232, 84-1322, 84-1438, 85-804, 86-407, 86-712, 86-820, 86-836, 88-558, 89-8, 90-456, 91-115, 91-121, Re-enacted by 92-502. Amended by 93-431, 96-339, 96-413, 96-772, 96-1000, 96-1261, 97-38, 97-227 and 97-813.

**CHARGE:** Misdemeanor (Class C)

**BOND:** \$120

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## **720 ILCS 5/ 26-1(a)(2)**

### DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(2) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly transmitted<sup>1</sup> to the fire department of the City of Union City,<sup>2</sup> Union County, Illinois, a false alarm of fire (specifically describe the false alarm), knowing at the time of such transmission, that there was no reasonably ground for believing that such fire existed.

<sup>1</sup>or caused to be transmitted; <sup>2</sup>or to the fire department of any city, town, village or fire protection district

**NOTE:** People v. Foxall, 283 Ill. App. 3d 724 (1996) requires that the "false report" be specifically described in the charging instrument.

**WARNING:** Public Act 90-456, which amended a portion of this subsection, has been declared to be unconstitutional. People v. Sypien (Ill. Sup. Ct. #89265, September 20, 2001) However, Public Act 92-502 re-enacted those changes on 12-19-02.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 26-1(a)(3)**

### DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(3) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly transmitted<sup>1</sup> to Don Smith, Superintendent of the Union City Public Schools, a false alarm that a bomb<sup>2</sup> was concealed in Union City North High School, 777 May Street, Union City, Union County, Illinois, where its explosion<sup>3</sup> would endanger human life, knowing at the time of such transmission, that there were no reasonable grounds to believe that such a bomb<sup>4</sup> was concealed in Union City North High School.

<sup>1</sup>or caused to be transmitted; <sup>2</sup>or other explosive of any nature or a container holding poison gas, a deadly biological chemical contaminant or radioactive substance; <sup>3</sup>or release; <sup>4</sup>or explosive or container

**NOTE:** This Section applies when a bomb threat is made to any person.

**NOTE:** People v. Foxall, 283 Ill. App. 3d 724 (1996) requires that the "false report" be specifically described in the charging instrument.

**CHARGING AND SENTENCING NOTE:** A violation of this subsection is a Class 3 felony for which a fine of not less than \$3,000 and not more than \$10,000 shall be assessed in addition to any other penalty imposed. See Sentencing Guide for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 26-1(a)(4)**

### DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(4) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly transmitted<sup>1</sup> to Don Smith, a police officer for the City of Union City, Union County, Illinois,<sup>2</sup> report that the offense<sup>3</sup> of murder had been committed,<sup>4</sup> knowing at the time of such transmission, that there was no reasonable ground for believing that such offense had been committed.<sup>4</sup>

<sup>1</sup>or caused to be transmitted; <sup>2</sup>any peace officer, public officer or public employee;  
<sup>3</sup>any offense; <sup>4</sup>or will be committed or is being committed

**NOTE:** People v. Foxall, 283 Ill. App. 3d 724 (1996) requires that the "false report" be specifically described in the charging instrument.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 26-1(a)(5)**

DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(5) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly entered upon the property of Don Smith located at 777 May Street, Union City, Union County, Illinois, for a lewd<sup>1</sup> purpose and deliberately looked into the dwelling on that property through a window.<sup>2</sup>

<sup>1</sup>or unlawful; <sup>2</sup>or other opening (be specific)

**CHARGING NOTE:** A third or subsequent violation of this subsection is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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**720 ILCS 5/ 26-1(a)(6)**

DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly called the telephone number "911" for the purpose of making<sup>1</sup> a false alarm<sup>2</sup> and reporting information, said information being (specifically describe the information), when, at the time the call<sup>3</sup> was made, the defendant knew there were no reasonable grounds for making the call<sup>3</sup> and further knew that the call<sup>3</sup> could result in the emergency response of a public safety agency.

<sup>1</sup>or transmitting; <sup>2</sup>or complaint; <sup>3</sup>or transmission

**NOTE:** People v. Foxall, 283 Ill. App. 3d 724 (1996) requires that the "false report" be specifically described in the charging instrument.

**SENTENCING NOTE:** In addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct under paragraph (6) of subsection (a) to reimburse the public agency for the reasonable costs of the emergency response by the public

agency up to \$10,000. If the court determines that the person convicted of disorderly conduct under paragraph (6) of subsection (a) is indigent, the provisions of this subsection (e) do not apply. 720 ILCS 5/26-1(e) For the purposes of this Section, "emergency response" means any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle, any condition that jeopardizes or could jeopardize public safety and results in, or could result in, the evacuation of any area, building, structure, vehicle, or of any other place that any person may enter, or any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance. 720 ILCS 5/26-1 (f)

**CHARGING NOTE:** A second or subsequent violation of this subsection is a Class 4 felony. The charging document must allege the prior offense. See **Appendix A** for discussion.

**Legislative History:** This subsection was recently amended by Public Act: 96-1261 (Eff: 1/1/11).

This subsection was amended by Public Act 99-0160. Effective: 1-1-16.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 26-1(a)(7)**

### DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(7) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly transmitted<sup>1</sup> a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act<sup>2</sup> in that (describe specifically the false report).

<sup>1</sup>or caused to be transmitted; <sup>2</sup>325 ILCS 5/4

**NOTE:** People v. Foxall, 283 Ill. App. 3d 724 (1996) requires that the "false report" be specifically described in the charging instrument.

**CHARGING NOTE:** A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See **Appendix A** for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 26-1(a)(8)**

DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(8) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly transmitted<sup>1</sup> a false report to the Illinois Department of Public Health under the Nursing Home Care Act<sup>2</sup> in that (describe specifically the false report).

<sup>1</sup>or caused to be transmitted; <sup>2</sup>210 ILCS 45/1-101 et.seq.

**NOTE:** People v. Foxall, 283 Ill. App. 3d 724 (1996) requires that the "false report" be specifically described in the charging instrument.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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**720 ILCS 5/ 26-1(a)(9)**

DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(9) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> transmitted<sup>2</sup> by telephone<sup>3</sup> to the Union City Police Department<sup>4</sup> a false request for an ambulance<sup>5</sup> to be sent to 777 May Street, Union City, Illinois, while knowing at the time that there was no reasonable ground for believing that such assistance was required.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or caused to be transmitted; <sup>3</sup>or in any manner; <sup>4</sup>or to any police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service; <sup>5</sup>or an emergency medical technician-ambulance or an emergency medical technician-paramedic

**NOTE:** People v. Foxall, 283 Ill. App. 3d 724 (1996) requires that the "false report" be specifically described in the charging instrument.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 26-1(a)(10)**

### DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(10) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly transmitted<sup>1</sup> a false report of elder abuse in violation of Section 4.1 of the Elder Abuse Demonstration Project Act (Illinois Compiled Statutes, Chapter 320, Act 15, Section 1 et.seq.) in that (describe specifically the false report under the Elder Abuse Demonstration Project Act).

<sup>1</sup>or caused to be transmitted

**NOTE:** People v. Foxall, 283 Ill. App. 3d 724 (1996) requires that the "false report" be specifically described in the charging instrument.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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## **720 ILCS 5/ 26-1(a)(11)**

### DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(11) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly transmitted<sup>1</sup> a false report to the Illinois Environmental Protection Agency,<sup>2</sup> said report being (specifically describe the report), without the reasonable grounds necessary to believe that transmitting such a report was necessary for the safety and welfare of the public.

<sup>1</sup>or caused to be transmitted; <sup>2</sup>or any public safety agency

**NOTE:** People v. Foxall, 283 Ill. App. 3d 724 (1996) requires that the "false report" be specifically described in the charging instrument.

**CHARGING NOTE:** A second or subsequent violation of this subsection is a Class 4 felony. See Appendix A for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 26-1(a)(12)**

### DISORDERLY CONDUCT

In violation of SECTION 26-1(a)(12) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), while acting as an employee<sup>1</sup> of Collect-All, Inc., a collection agency as defined in the Collection Agency Act, Illinois Compiled Statutes, Chapter 225, Act 425, Section 1 et. seq., and while attempting to collect an alleged debt, knowingly made a telephone call to Don Smith, the alleged debtor, in which he threatened to ruin Don Smith 's credit and good name in the community unless the alleged debt was paid within 24 hours,<sup>2</sup> and such telephone call was designed to intimidate<sup>3</sup> Don Smith.

<sup>1</sup>or as a collection agency; <sup>2</sup>set forth in the charge, with as much particularity as possible, the remarks made by defendant to alleged debtor; <sup>3</sup>or harass or annoy

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide.**

**CHARGE:** Business Offense

**BOND:** \$1,500

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## **720 ILCS 5/ 26-1.1(a)**

### FALSE REPORT OF THEFT<sup>1</sup>

In violation of SECTION 26-1.1(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly made a false report of a theft<sup>2</sup> of property to the Union City Police Department<sup>3</sup> with the intent to defraud an insurer.

<sup>1</sup>or other loss; <sup>2</sup>or destruction, damage or conversion of any property; <sup>3</sup>or any law enforcement agency or other governmental agency

**CHARGING NOTE:** Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See **Appendix A** for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide.**

**Legislative History:** Created - P.A. 83-1004 (July 1, 1984) and amended and renumbered by Public Act 97-0597 (Eff: 1-1-12).

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 26-2**

### INTERFERENCE WITH EMERGENCY COMMUNICATIONS

In violation of SECTION 26-2 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly, intentionally and without legal justification, interrupted<sup>1</sup> the transmission of a communication over a citizens band radio channel, the purpose of which communication was to inform about an emergency.

<sup>1</sup>or disrupted, impeded or otherwise interfered with

**CHARGING AND SENTENCING NOTE:** Interference with emergency communication is a Class B misdemeanor except where serious bodily injury or property loss in excess of \$1,000 results. It is then a Class A misdemeanor. See Sentencing Guide for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 82-418 (January 1, 1982).

**CHARGE:** See Note Above

**BOND:** \$1,500

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## **720 ILCS 5/ 26-3(b)**

### UNLAWFUL USE OF A FACSIMILE MACHINE

In violation of SECTION 26-3(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly used a facsimile machine to send<sup>1</sup> to Don Smith a facsimile of a document containing unsolicited advertising<sup>2</sup> and the defendant knew<sup>3</sup> that Joe Brown had not given his permission for the sending of such material.

<sup>1</sup>or caused to be sent; <sup>2</sup>or fund-raising material; <sup>3</sup>or under all the circumstances did not reasonably believe

**CAVEAT:** The issue of whether the defendant's knowledge that the victim had not given his permission to receive such material is an element of this offense or merely an affirmative defense to this offense has yet to be decided.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Laws 1961, p. 1983, § 26-3, added by P.A. 86-555, § 1, eff. Jan. 1, 1990.

**CHARGE:** Petty Offense

**BOND:** \$120

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## **720 ILCS 5/ 26-4(a)**

### UNAUTHORIZED VIDEO RECORDING AND LIVE VIDEO TRANSMISSION

In violation of SECTION 26-4(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), without the consent of Dawn Smith, knowingly made a video record of<sup>1</sup> Dawn Smith while Dawn Smith was in a tanning bed<sup>2</sup> in the Union City Tanning Parlor located at 777 May Street, Union City, Illinois.

<sup>1</sup>or transmitted live video of; <sup>2</sup>or tanning salon, restroom, locker room, changing room, or hotel bedroom

**CHARGING NOTES:** (a) This subsection may also be violated by said defendant placing or causing to be placed a device that makes a video record or a transmission of live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or to transmit live video of another person without that person's consent (720 ILCS 5/26-4(a-15); a Class A Misdemeanor) or by knowingly disseminating or permitting to be disseminated a video record or live video made in violation of any of these subsections (720 ILCS 5/26-4(a-25); a Class 3 felony). Further note, a violation of subsection (a), (a-5), (a-10), (a-15), and (a-20) is a Class 3 felony if the victim is under 18 years of age or if the defendant is a registered sex offender. A violation of subsection (a-25) is a Class 2 felony if those same aggravating factors are present. See the **Sentencing Guide**. (b) A prosecution for any violation of this subsection may be commenced within one year after the discovery of the offense by the victim of that offense. (P.A. 98-0293. Eff: 1-1-14)

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

**Legislative History:** Created - P.A. 87-970 (July 1, 1993). Amended by Public Acts 91-910, 93-851, 95-265 and 96-416. Recently amended by Public Act: 98-0293. (Eff: 1-1-14.)

**CHARGE:** Felony (Class 4)

**BOND:** \$1,500

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## **720 ILCS 5/ 26-4(a-5)**

### UNAUTHORIZED VIDEOTAPING RECORDING AND LIVE VIDEO TRANSMISSION

In violation of SECTION 26-4(a-5) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly made a video record of<sup>1</sup> Dawn Smith in the residence of Dawn Smith without the consent of Dawn Smith.<sup>2</sup>

<sup>1</sup>or transmitted live video of; <sup>2</sup>the person being videotaped, photographed or recorded.

**CHARGING NOTES:** (1) This subsection may also be violated by said defendant placing or causing to be placed a device that makes a video record or a transmission of live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or to transmit live video of another person without that person's consent (720 ILCS 5/26-4(a-15); a Class A Misdemeanor) or by knowingly disseminating or permitting to be disseminated a video record or live video made in violation of any of these subsections (720 ILCS 5/26-4(a-25); a Class 3 felony). Further note, a violation of subsection (a), (a-5), (a-6), (a-10), (a-15), and (a-20) is a Class 3 Felony if the victim is under 18 years of age or if the defendant is a registered sex offender. A violation of subsection (a-25) is a Class 2 Felony if those same aggravating factors are present. See the **Sentencing Guide**. (2) A prosecution for any violation of this subsection may be commenced within one year after the discovery of the offense by the victim of that offense. (P.A. 98-0293. Eff: 1-1-14)

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

**Legislative History:** Amended: 96-0416 (Effective: 1-1-10). Recently amended by Public Act: 98-0293. (Eff: 1-1-14.)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 26-4(a-6)**

UNAUTHORIZED VIDEOTAPING  
RECORDING AND LIVE VIDEO TRANSMISSION

In violation of SECTION 26-4(a-6) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly made a video record of<sup>1</sup> Dawn Smith<sup>2</sup> in the residence of Dawn Smith<sup>2</sup> without the consent of Dawn Smith<sup>2</sup> and that video record was made outside of the residence of Dawn Smith by the use of an video<sup>3</sup> device that records<sup>4</sup> from a remote location.

<sup>1</sup>or transmitted live video of; <sup>2</sup>the person being videotaped, photographed or recorded;

<sup>3</sup>or audio; <sup>4</sup>or transmits.

**CHARGING NOTES:** (1) This subsection may also be violated by said defendant placing or causing to be placed a device that makes a video record or a transmission of live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or to transmit live video of another person without that person's consent (720 ILCS 5/26-4(a-15); a Class A Misdemeanor) or by knowingly disseminating or permitting to be disseminated a video record or live video made in violation of any of these subsections (720 ILCS 5/26-4(a-25); a Class 3 felony). Further note, a violation of subsection (a), (a-5), (a-6), (a-10), (a-15), and (a-20) is a Class 3 felony if the victim is under 18 years of age or if the defendant is a registered sex offender. A violation of subsection (a-25) is a Class 2 felony if those same aggravating factors are present. See the **Sentencing Guide**. (2) A prosecution for any violation of this subsection may be commenced within one year after the discovery of the offense by the victim of that offense. (P.A. 98-0293. Eff: 1-1-14)

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

**Legislative History:** created by Public Act: 96-0416 (Effective: 1-1-10). Recently amended by Public Act: 98-0293. (Eff: 1-1-14.)

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 26-4(a-10)**

### UNAUTHORIZED VIDEOTAPING RECORDING AND LIVE VIDEO TRANSMISSION

In violation of SECTION **26-4(a-10)** ACT **5** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of **\_\_\_\_\_**, defendant, **(defendant's name)**, without the consent of Dawn Smith, knowingly made a video record of<sup>1</sup> Dawn Smith under<sup>2</sup> the clothing worn by Dawn Smith for the purpose of viewing the body of<sup>3</sup> Dawn Smith.

<sup>1</sup>or transmitted live video of; <sup>2</sup>or through; <sup>3</sup>or the undergarments worn by that person

**CHARGING NOTES:** (1) This subsection may also be violated by said defendant placing or causing to be placed a device that makes a video record or a transmission of live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or to transmit live video of another person without that person's consent (720 ILCS 5/26-4(a-15); a Class A Misdemeanor) or by knowingly disseminating or permitting to be disseminated a video record or live video made in violation of any of these subsections (720 ILCS 5/26-4(a-25); a Class 3 Felony). Further note, a violation of subsection (a), (a-5), (a-6), (a-10), (a-15), and (a-20) is a Class 3 Felony if the victim is under 18 years of age or if the defendant is a registered sex offender. A violation of subsection (a-25) is a Class 2 Felony if those same aggravating factors are present. See the **Sentencing Guide**. (2) A prosecution for any violation of this subsection may be commenced within one year after the discovery of the offense by the victim of that offense. (P.A. 98-0293. Eff: 1-1-14)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Amended: Public Act: 96-0416 (Effective: 1-1-10). Recently amended by Public Act: 98-0293. (Eff: 1-1-14.)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

**720 ILCS 5/ 26-6(c)(3)**

**DISORDERLY CONDUCT AT A FUNERAL<sup>1</sup>**

**In violation of SECTION 26-6(c)(3) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), with knowledge that a funeral was being held, knowingly blocked<sup>2</sup> Sam Smith’s entry to<sup>3</sup> the Union City Cemetery, the funeral site.<sup>4</sup>**

<sup>1</sup>or at a memorial service; <sup>2</sup>or hindered, impeded or obstructed; <sup>3</sup>or exit from; <sup>4</sup>or a facility containing that funeral or memorial site.

**NOTE:** This subsection may also be violated where the defendant: (1) engages, with knowledge of the existence of a funeral site, in any loud singing, playing of music, chanting, whistling, yelling, or noisemaking with, or without, noise amplification including, but not limited to, bullhorns, auto horns, and microphones within 200 feet of any ingress or egress of that funeral site, where the volume of such singing, music, chanting, whistling, yelling, or noisemaking is likely to be audible at and disturbing to the funeral site; or (2) displays, with knowledge of the existence of a funeral site and within 200 feet of any ingress or egress of that funeral site, any visual images that convey fighting words or actual or veiled threats against any other person.

**NOTE:** For purposes of this Section: (1) "Funeral" means the ceremonies, rituals, processions, and memorial services held at a funeral site in connection with the burial, cremation, or memorial of a deceased person. (2) "Funeral site" means a church, synagogue, mosque, funeral home, mortuary, cemetery, gravesite, mausoleum, or other place at which a funeral is conducted or is scheduled to be conducted within the next 30 minutes or has been conducted within the last 30 minutes.

**CHARGING NOTE:** A second or subsequent violation of this subsection is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This subsection was recently amended by Public Act: 97-359; (Effective: 8-15-11).

**CHARGE:** Misdemeanor (Class C)

**BOND:** \$120

## **720 ILCS 5/ 26-7(b)(1)**

### AIMING A LASER POINTER AT A PEACE OFFICER

In violation of SECTION 26-7(b)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> aimed an operating laser pointer at Don Smith, a person the defendant knew<sup>2</sup> was a peace officer.

<sup>1</sup>or intentionally; <sup>2</sup>or reasonably should have known

**NOTE:** "Laser pointer" means a hand-held device that emits light amplified by the stimulated emission of radiation that is visible to the human eye. "Laser sight" means a laser pointer that can be attached to a firearm and can be used to improve the accuracy of the firearm. (720 ILCS 5/24.6-5)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 91-252 (Eff: 1-1-00).

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 26-7(b)(2)**

### DISCHARGING A LASER INTO THE COCKPIT OF AN AIRPLANE

In violation of SECTION 26-7(b)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> aimed and discharged a laser<sup>2</sup> into the cockpit an aircraft flown by Sam Smith while the aircraft was in the process of taking off<sup>3</sup> from the Union City Airport.

<sup>1</sup>or intentionally; <sup>2</sup>or other device that creates visible light; <sup>3</sup>or landing or was in flight.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This offense was created by Public Act 97-0153; Eff: 1-1-12.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1500

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## **720 ILCS 5/26.5-0.1**

### HARASSING AND OBSCENE COMMUNICATIONS

#### **Sec. 26.5-0.1. Definitions. As used in this Article:**

"Electronic communication" means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system.

"Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.

"Family or household member" includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.

"Harass" or "harassing" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, that would cause a reasonable person emotional distress and does cause emotional distress to another.

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## **720 ILCS 5/ 26.5-1(a)**

### TRANSMISSION OF OBSCENE MESSAGES

**In violation of SECTION 26.5-1(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), with the intent to offend and by means of a telephone<sup>1</sup>, said defendant, while speaking on the telephone with Jill Smith, used language<sup>2</sup> which was obscene<sup>3</sup> in that said defendant (describe the conduct).**

<sup>1</sup>or telegraph; <sup>2</sup>or terms or sent a message; <sup>3</sup>or lewd or immoral or while using a telephone or telegraph facilities, equipment or wires of any person, firm or corporation engaged in the transmission of news or messages between states or within the State of Illinois.



**CHARGING AND SENTENCING NOTE:** A person who violates any of the provisions of Section 26.5-1, 26.5-2, or 26.5-3 of this Article is guilty of a Class B misdemeanor. Except as provided in subsection (b), a second or subsequent violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article is a Class A misdemeanor, for which the court shall impose a minimum of 14 days in jail or, if public or community service is established in the county in which the offender was convicted, 240 hours of public or community service. (b) In any of the following circumstances, a person who violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article shall be guilty of a Class 4 felony: (1) The person has 3 or more prior violations in the last 10 years of harassment by telephone, harassment through electronic communications, or any similar offense of any other state; (2) The person has previously violated the harassment by telephone provisions, or the harassment through electronic communications provisions, or committed any similar offense in any other state with the same victim or a member of the victim's family or household; (3) At the time of the offense, the offender was under conditions of bail, probation, conditional discharge, mandatory supervised release or was the subject of an order of protection, in this or any other state, prohibiting contact with the victim or any member of the victim's family or household; (4) In the course of the offense, the offender threatened to kill the victim or any member of the victim's family or household; (5) The person has been convicted in the last 10 years of a forcible felony as defined in Section 2-8 of the Criminal Code of 1961; (6) The person violates paragraph (5) of Section 26.5-2 or paragraph (4) of Section 26.5-3; or (7) The person was at least 18 years of age at the time of the commission of the offense and the victim was under 18 years of age at the time of the commission of the offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 80-795 (October 1, 1977). Amended by Public Act 91-898.

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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## **720 ILCS 5/ 26.5-2(a)(2)**

### **HARASSMENT BY TELEPHONE**

**In violation of SECTION 26.5-2(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense) , in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name) , made a telephone call<sup>1</sup> to the home of Don Smith in Union City, Illinois, with the intent to threaten<sup>2</sup> Don Smith.<sup>3</sup>**

<sup>1</sup>whether or not conversation ensues; <sup>2</sup>or abuse or harass; <sup>3</sup>or any person at the called number

**CHARGING NOTE:** This statute may also be violated by the defendant by (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend; (2) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; (3) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; (4) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; (5) Making a telephone call or knowingly inducing a person to make a telephone call for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense; or (6) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 80-795 (October 1, 1977). Amended by Public Act 91-898 and amended and re-numbered by P.A. 97-1108; (Eff: 1-1-13).

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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## **720 ILCS 5/ 26.5-3(a)(2)**

### HARASSMENT THROUGH ELECTRONIC COMMUNICATIONS

In violation of SECTION 26.5-3(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), through electronic communications, threatened injury to the person<sup>1</sup> of Don Smith, the person to whom the electronic communication was directed.<sup>2</sup>

<sup>1</sup>or to the property of such person; <sup>2</sup>or to any of his or her family or household member

**CHARGING NOTES:** **(1)** This offense may be committed by (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend; (2) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; (3) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; (4) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; (5) Making a telephone call or knowingly inducing a person to make a telephone call for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense; or (6) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein. **(2)** A second or subsequent violation of this subsection is a Class A misdemeanor. The charging instrument must state prior conviction. See Appendix A for discussion. Additionally, numerous circumstances may raise this offense to a Class 4 felony. See the Sentencing Guide for further information.

**DEFINITIONS:** "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. "Family or household member" includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relations, and persons with disabilities and their person assistants. For purposes of this Act, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**ADDED CASE AUTHORITY** - - This subsection withstands numerous constitutional challenges. People v. McCormick, 332 Ill. App. 3d 491, 774 N. E. 2d 392, 266 Ill. Dec. 286 (4th Dist., 2002)

**Legislative History:** Created by P.A. 90-578 (Eff: 6-1-98). Amended by Public Act 91-878 and amended and re-numbered by P.A. 97-1108; (Eff: 1-1-13).

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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