

**TITLE 11: PEACE AND SAFETY
CHAPTER 10: WEAPONS OFFENSES**

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11-10-1: DEFINITIONS

Air Rifle Includes any air gun, air pistol, spring gun, spring pistol, B-B gun, paint ball gun, pellet gun or any implement that is not a firearm which impels a breakable paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to inflict pain or cause bodily harm. An "AirSoft" gun means any air gun which impels a pellet constructed of a soft plastic polymer using compressed air as a propellant.

Any Weapon Handgun, sawed-off shotgun, sawed-off rifle, any other firearm small enough to be concealed upon the person, semiautomatic firearm, or machine gun. Any other rifle, shotgun, spring gun, other firearm, stun gun or taser as defined in Section 11-10-1 of this code, knife with a blade of at least three (3) inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, or other deadly or dangerous weapon or instrument of like character. Any bludgeon, black-jack, slungshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon of the like.

Assault Weapon "Assault Weapon", for the purposes of this Chapter, is defined to include:

- A. All of the following specified rifles:
 1. Norinco, Mitchell and Poly Technologies Avtomat Kakashi-kovs (all models)
 2. Action Arms Israeli Military Industries UZI and Galil
 3. Beretta AR-70 (SC-70)
 4. CETME G3
 5. Colt AR-15 and CAR-15
 6. Daewoo K-1, K-2, Max 1 and Max 2
 7. Fabrique Nationale FN/FAL, FN/LAR and FNC
 8. FAMAS MAS223
 9. Heckler & Koch HK-91, H-93, HK-94 and PSG-1
 10. MAC 10 and MAC 11
 11. SKS with detachable magazine
 12. SIG AMT, SIG 500 Series, and SIG PE-57

13. Springfield Armory BM 59 and SAR-48
 14. Sterling MK-6 and SAR
 15. Steyr AUG
 16. Valmet M62-M71S and M78
 17. Armalite AR-180 Carbine
 18. Bushmaster Assault Rifle (armgun)
 19. Calico M-900 Assault Carbine
 20. Mandall THE TAC-1 Carbine
 21. Plainfield Machine Company Carbine
 22. PJK M-68 Carbine
 23. Weaver Arms Nighthawk
- B. All of the following specified pistols:
1. Action Arms UZI
 2. Encom MP-9 and MP-45
 3. MAC 10 and MAC 11
 4. INTRATEC TEC-9
 5. Mitchell Arms Spectre Auto
 6. Sterling MK-7
 7. Calico M-900
- C. All of the following specified shotguns:
1. Franchi SPAS 12 and LAW 12
 2. Gilbert Equipment Company Striker 12
 3. Encom CM-55
- D. Other models by the same manufacturer that are identical to firearms listed above except for slight modification, including, but not limited to a folding or retractable stock; an adjustable sight; a case deflector for left-handed shooters; a shorter barrel; a wooden, plastic or metal stock; a larger clip size; a different caliber, provided the caliber exceeds .22 rimfire; or a bayonet mount.
- E. Firearms that have been redesigned from, renamed, renumbered, or patterned after one of the listed firearms, regardless of the company of production or distribution, or country or origin, or firearms which have been manufactured or sold by another company under a licensing agreement to manufacture or sell the identical or nearly identical firearms as those listed above, regardless of the company of production or distribution, or the country of origin.

Firearm

Any device, by whatever name known, which is designed to expel a projectile(s) by the action of an explosion, expansion of gas or escape of gas; excluding, however:

- A. Any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .8" in diameter or breakable paint balls containing washable marking colors; or
- B. Any device used exclusively for signaling or safety as required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- C. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; or
- D. An antique firearm (other than a machine gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

Firearm Ammunition

Any self-contained cartridge or shotgun shell, by whatever name known,

which is designed to be used or adaptable to use in a firearm; excluding, however:

- A. Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
- B. Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Mental Institution

Any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness.

Stun Gun Or Taser

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 the person incapable of normal functioning or 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 current capable of disrupting the person's nervous system in such a manner as to render the individual incapable of normal functioning.

11-10-2: WEAPONS

11-10-2-1: UNLAWFUL USE OF WEAPONS

A person commits the offense of unlawful use of weapons when he or she knowingly:

- A. Sells, manufactures, purchases, possesses or carries any bludgeon, blackjack, slung-shot, sand-club, sand bag, metal knuckles, throwing star or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, 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; or
- B. Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, 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; or
- C. Carries on or about his or her person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a nonlethal noxious liquid gas or substance designed solely for personal defense carried by a person eighteen (18) years of age or older; or
- D. Carries or possesses in any vehicle or concealed on or about his or her person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm, except that this subsection does not apply to or affect transportation of weapons that meet one of the following conditions:
 - 1. Are broken down in a non-functioning state; or
 - 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.

E. Sets a spring gun; or

F. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

G. Sells, manufactures, purchases, possesses or carries:

1. A machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;
2. Any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or
3. Any bomb, bombshell, grenade, 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.

H. Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or 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; or

I. Carries or possesses in a vehicle or on or about his or her person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when the person is hooded, robed or masked in such manner as to conceal his or her identity; or

J. Carries or possesses on or about his person, upon any public street or other public lands within the corporate limits of the Village, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any handgun, rifle, shotgun, stun gun, taser or other firearm of any description, except assault weapons as defined under Section 11-10-1 and as otherwise provided for in Section 11-10-2-3; or

K. Sells, manufactures or purchases any explosive bullet. For purposes of this section "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. "Cartridge" means a tubular metal case having a projectile affixed at the front and a cap or primer at the rear end, with the propellant contained in the tube between the projectile and the cap.

L. It shall be unlawful for a person to use or carry a bow and arrow, crossbow, or underwater speargun within the Village limits.

11-10-2-2: UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION

A person commits the offense of unlawful possession of firearms or firearm ammunition when:

- A. He or she is under eighteen (18) years of age and has in his or her possession any firearm of a size which may be concealed upon the person; or
- B. He or she is under twenty one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his or her possession; or
- C. He or she has been convicted of a felony under the laws of this State or any other jurisdiction, and has any firearms or firearm ammunition in his possession; or
- D. He or she is a narcotic addict and has any firearms or firearm ammunition in his possession; or
- E. He or she has been a patient in a mental institution within the past five (5) years and has any firearms or firearm ammunition in his or her possession; or
- F. He or she is a person with an intellectual disability and has any firearms or firearm ammunition in his or her possession; or
- G. He or she has in his or her possession any explosive bullet; or.
- H. He or she does not possess a firearm owner's identification card issued in his or her name pursuant to the provisions of 430 ILCS 65/1 et seq., and has any firearms or firearm ammunition in his or her possession.

11-10-2-3: EXEMPTIONS

The provisions of Section 11-10-2-2 shall not apply to the exemptions as listed in 720 ILCS 5/24-2 of the Illinois Compiled Statutes.

11-10-3: AIR RIFLES

11-10-3-1: UNLAWFUL USE OF AIR RIFLES

- A. It is unlawful for any person to carry or possess any air rifle on the public street, roads, highways or public lands within the Village, private property or the common property of a residential or commercial development without the express written permission of the property owner, unless such air rifle meets one of the following conditions:
 - 1. Is broken down in a non-functioning state;
 - 2. Is not immediately accessible; or
 - 3. Is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container.
- B. It is unlawful for any person to discharge any air rifle (excluding paint ball and "AirSoft" guns) within the Village.
- C. It is unlawful for any person to discharge any paint ball or "AirSoft" gun from, across or into any street, sidewalk, road, highway, public land, private property or the common property of a residential or commercial development, or any public place, except, however on a safely

constructed target range, or entirely within the private property of a consenting owner.

11-10-3-2: SEIZURE AND REMOVAL

The Lincolnshire Police Department shall seize, take, remove or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this Chapter.

11-10-3-3: EXEMPTIONS

The relevant exemptions described in 720 ILCS 5/24-2 shall apply to the provisions of Section 11-10-3. (Ord. 05-2008-72, eff. 11/28/05)

11-10-4: POSSESSION OF ASSAULT WEAPON

It is unlawful for any person to possess, harbor, control, transfer, sell, offer for sale, give, deliver or carry upon his or her person or in a vehicle within the corporate limits of the Village any assault weapon unless such weapon has been modified to render it permanently inoperable.

11-10-5: UNAUTHORIZED POSSESSION OR STORAGE OF WEAPON

It is unlawful to possess or store any weapon on land supported in whole or in part with any government funds or in a building on such land without prior written permission from the chief security officer for such land or building or the chief managing officer of the governmental entity.

11-10-6: CONCEALED WEAPONS; DISCHARGE OF FIREARMS

It shall be and is unlawful to carry any concealed weapons in said Village without complying with the laws of the State of Illinois, and it is further unlawful to discharge any firearms or air guns or pellet guns in said Village; provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm within the Village when lawfully defending his person or property or when necessary in the process of making an arrest or otherwise in the performance of his duty within the law; or any State of Illinois licensed and registered hunter(s) when operating under the guidelines of an Animal Management Program approved and adopted by the Village Board and approved and permitted by the State of Illinois.

11-10-7: PENALTY

Any person violating any provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine/Penalty Schedule of the Code described in Title 1, Chapter 17.