

O'Fallon

January 8, 2008

Illinois State Police
Firearms Service Bureau
100 Iles Park Place
Springfield, IL 62718

Re: Firearms Ordinances, City of O'Fallon

To Whom It May Concern:

In keeping with 430 ILCS 65/13.3, the City of O'Fallon submits the enclosed.

Firearms and ammunition registration, ILCS Ch. 430, Act 65, §§ 0.01 through 16.3

Boarding aircraft with weapons, ILCS Ch. 720, Act 545, §§ 0.01 through 7

DEADLY WEAPONS

§ 137.01 UNLAWFUL USE OF WEAPONS.

(A) No person shall knowingly:

(1) Sell, manufacture, purchase, possess, or carry any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switch-blade 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, but which shall not be deemed to include crossbows, common or compound bows and/or underwater spearguns in accordance with ILCS Ch. 720, Act 5, §24-1(e);

(2) Carry on or about his 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 non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older;

(3) Set a spring gun;

(4) Carry or possess 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

(5) Sell, manufacture, or purchase any explosive bullet. **EXPLOSIVEBULLET** shall mean 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 thereof and a cap or primer at the rear end thereof, with the propellant contained in the tube between the projectile and the cap.

(B) A **STUNGUN** or **TASER**, as used in division (A), 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

(2) 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 the person's nervous system in such a manner as to render him incapable of normal functioning.

(C) The possession of each weapon in violation of this section constitutes a single and separate violation.

(ILCS Ch. 720, Act 5, § 24-1) Penalty, see § 10.99

Statutory reference:

For provisions concerning silencers on guns; machine guns; possession of weapon while hooded, robed and/or masked; or possession of weapons on school or university grounds (all of which are felonies), see ILCS Ch. 720, Act 5, §§ 24-1(a)(6), (7), and (9) and § 24-1(c)(2) respectively

§ 137.02 EXEMPTIONS.

(A) Section 137.01(A)(3) does not apply to or affect any of the following:

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

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

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

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

(5) Persons licensed as private security contractors, private detectives or private alarm contractors or employed by an agency certified by the Department of Professional Regulation if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting

between their homes and places of employment, provided that the commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this division shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to that commercial or industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least five persons registered with the Department of Professional Regulation; provided, that the security guard has successfully completed a course of study, approved by and supervised by the state Department of Professional Regulation consisting of not less than 40 hours of training which shall include theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be in compliance with this section who has completed the required 20 hours of training for a security officer and 20 hours of required firearm training and who has been issued a firearm authorization card by the state Department of Professional Regulation. Conditions for the renewal of firearm authorization cards issued under the provisions of this section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Such firearm authorization card shall be carried by the security guard at all times when he is in possession of a concealable weapon.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in § 137.01(A)(3) while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution for the protection of other employees and property related to that financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by the financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the state Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption who has completed the required 20 hours of training for a security officer and 20 hours of required firearm training and who has been issued a firearm authorization card by the state Department of Professional Regulation. Conditions for renewal of firearm authorization cards issued under the provisions of this section shall be the same as for those issued under the provisions of the Private Detective,

Private Alarm, Private Security, and Locksmith Act of 2004. Such firearm authorization card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this division, **FINANCIAL INSTITUTION** means a bank, savings and loan association, credit union, or company providing armored car services.

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

(10) Persons who have been classified as peace officers pursuant to ILCS Ch. 20, Act 2910, §§ 0.01 et seq.

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to ILCS Ch. 725, Act 210, §§ 1 et seq.

(12) Special investigators appointed by a State's Attorney under ILCS Ch. 55, Act 5, § 3-9005.

(12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the Chief Judge or the circuit for which they are employed.

(13) Court security officers while in the performance of their official duties or while commuting between their homes and places of employment, with the consent of the Sheriff.

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

(14) Manufacture, transportation, or sale of weapons to persons authorized under divisions (A)(1) through (13) of this section to possess those weapons.

(B) Section 137.01(A)(1) does not apply to the purchase, possession, or carrying of a black-jack or slung-shot by a police officer.

(C) Section 137.01(A)(4) does not apply to any owner, manager, or authorized employee of any place specified in that division or to any law enforcement officer.

(D) Sections 137.01(A)(5) does not apply to:

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

(2) Bona fide collectors of antique or surplus military ordinance.

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

(4) Commerce, preparation, assembly, or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by division (F)(1) above, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(E) An information or indictment based upon a violation of any provision of this subchapter need not negate any exemptions contained in this subchapter. The defendant shall have the burden of proving such an exemption.

(F) Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license with the state or the federal government where such transportation, carrying, or possession is incident to the lawful transportation in which the common carrier is engaged. Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm not the subject of and regulated by ILCS Ch. 720, Act 5, § 24-1(a)(7) or division (A) of this section above, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by the possessor of a valid firearm owner's identification card.

(ILCS Ch. 720, Act 5, § 24-2)

§ 137.03 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION.

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

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;

(2) He is under 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 possession;

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession;

(4) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession;

(5) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet. For the 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 fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under § 10.99. Unlawful possession of handguns is a felony punishable under appropriate state law. The possession of each firearm or firearm ammunition in violation of this section constitutes a single and separate violation.

(ILCS Ch. 720, Act 5, § 24-3.1) Penalty, see § 10.99

§ 137.04 CONFISCATION AND DISPOSITION OF WEAPONS.

Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized may be confiscated by the trial court for further disposition consistent with state law.

(ILCS Ch. 720, Act 5, § 24-6)

§ 137.05 DISCHARGING FIREARMS.

(A) No person shall, within the city, fire or discharge any firearms or air guns without written permission from the Mayor first obtained, which permission shall prescribe the limits within which such firing may be done, and may be revoked at any time after it has been granted. A registered gun club shall be excluded from the provisions of this section, but limited to the club grounds.

(B) No person shall, within the city, release, shoot, fire or otherwise discharge any arrow or other projectile through the use of a crossbow, common bow, compound bow, underwater spear gun or other device within the city limits without written permission from the Mayor first obtained, which permission shall prescribe the limits within which such action may be done, and may be revoked at any time after it has been granted. An organized and established public or private archery club or range shall be excluded from the provisions of this section, but limited to the club or range grounds.

('73 Code, § 27.05) (Am. Ord. 3303, passed 12-6-04) Penalty, see § 10.99