

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Boarding Aircraft With Weapon Act is  
5 amended by changing the title of the Act and Sections 0.01,  
6 1, 2, 3, 6, and 7 as follows:

7 (720 ILCS 545/Act title)

8 An Act regulating the right to board certain common  
9 carriers ~~aireraft~~ for hire by pay passengers and making  
10 violation thereof a criminal offense.

11 (Source: P.A. 76-1895.)

12 (720 ILCS 545/0.01) (from Ch. 38, par. 84-0.1)

13 Sec. 0.01. Short title. This Act may be cited as the  
14 Boarding a Common Carrier ~~Aireraft~~ with Weapon Act.

15 (Source: P.A. 86-1324.)

16 (720 ILCS 545/1) (from Ch. 38, par. 84-1)

17 Sec. 1.

18 It is unlawful for any person to board or attempt to  
19 board any commercial or charter common carrier ~~aireraft~~,  
20 having in his possession any firearm, explosive of any type  
21 or other lethal or dangerous weapon.

22 (Source: P.A. 76-1895.)

23 (720 ILCS 545/2) (from Ch. 38, par. 84-2)

24 Sec. 2.

25 This Act does not apply to any person authorized by  
26 either the Federal government or any State government to  
27 carry firearms but such person so exempted from the  
28 provisions of this Act shall notify the commander of any

1 common carrier aircraft he is about to board that he does  
 2 possess a firearm and show identification satisfactory to the  
 3 common carrier commander, conductor, driver, captain, or the  
 4 ranking authoritative individual aircraft-commander that he  
 5 is authorized to carry such firearm.

6 (Source: P.A. 76-1895.)

7 (720 ILCS 545/3) (from Ch. 38, par. 84-3)

8 Sec. 3.

9 Any person purchasing a ticket to board any commercial or  
 10 charter common carrier aircraft shall by such purchase  
 11 consent to a search of his person or personal belongings by  
 12 the company selling the ticket to him. Such person may refuse  
 13 to submit to a search of his person or personal belongings by  
 14 the common carrier aircraft company but the person refusing  
 15 may be denied the right to board such commercial or charter  
 16 common carrier aircraft at the discretion of the carrier.  
 17 Such refusal shall create no inference of unlawful conduct.

18 (Source: P.A. 76-1895.)

19 (720 ILCS 545/6) (from Ch. 38, par. 84-6)

20 Sec. 6.

21 No action may be brought against any commercial or  
 22 charter common carrier airline--company operating in this  
 23 State, for the refusal of such company to permit a person to  
 24 board any common carrier aircraft where such person refused  
 25 to be searched as set out in Section 3 of this Act.

26 (Source: P.A. 77-956.)

27 (720 ILCS 545/7) (from Ch. 38, par. 84-7)

28 Sec. 7. Sentence. Violation of this Act is a Class 4  
 29 felony ~~Class-A-misdemeanor~~.

30 (Source: P.A. 82-662.)

1 Section 10. The Unified Code of Corrections is amended  
2 by changing Section 5-6-1 as follows:

3 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

4 Sec. 5-6-1. Sentences of Probation and of Conditional  
5 Discharge and Disposition of Supervision. The General  
6 Assembly finds that in order to protect the public, the  
7 criminal justice system must compel compliance with the  
8 conditions of probation by responding to violations with  
9 swift, certain and fair punishments and intermediate  
10 sanctions. The Chief Judge of each circuit shall adopt a  
11 system of structured, intermediate sanctions for violations  
12 of the terms and conditions of a sentence of probation,  
13 conditional discharge or disposition of supervision.

14 (a) Except where specifically prohibited by other  
15 provisions of this Code, the court shall impose a sentence of  
16 probation or conditional discharge upon an offender unless,  
17 having regard to the nature and circumstance of the offense,  
18 and to the history, character and condition of the offender,  
19 the court is of the opinion that:

20 (1) his imprisonment or periodic imprisonment is  
21 necessary for the protection of the public; or

22 (2) probation or conditional discharge would  
23 deprecate the seriousness of the offender's conduct and  
24 would be inconsistent with the ends of justice.

25 The court shall impose as a condition of a sentence of  
26 probation, conditional discharge, or supervision, that the  
27 probation agency may invoke any sanction from the list of  
28 intermediate sanctions adopted by the chief judge of the  
29 circuit court for violations of the terms and conditions of  
30 the sentence of probation, conditional discharge, or  
31 supervision, subject to the provisions of Section 5-6-4 of  
32 this Act.

33 (b) The court may impose a sentence of conditional

1 discharge for an offense if the court is of the opinion that  
2 neither a sentence of imprisonment nor of periodic  
3 imprisonment nor of probation supervision is appropriate.

4 (c) The court may, upon a plea of guilty or a  
5 stipulation by the defendant of the facts supporting the  
6 charge or a finding of guilt, defer further proceedings and  
7 the imposition of a sentence, and enter an order for  
8 supervision of the defendant, if the defendant is not charged  
9 with a Class A misdemeanor, as defined by the following  
10 provisions of the Criminal Code of 1961: Sections 12-3.2;  
11 12-15; 31-1; 31-6; 31-7; subsections (b) and (c) of Section  
12 21-1; paragraph (1) through (5), (8), (10), and (11) of  
13 subsection (a) of Section 24-1; and Section 1 of the Boarding  
14 a Common Carrier Aircraft with Weapon Act; or a felony. If  
15 the defendant is not barred from receiving an order for  
16 supervision as provided in this subsection, the court may  
17 enter an order for supervision after considering the  
18 circumstances of the offense, and the history, character and  
19 condition of the offender, if the court is of the opinion  
20 that:

21 (1) the offender is not likely to commit further  
22 crimes;

23 (2) the defendant and the public would be best  
24 served if the defendant were not to receive a criminal  
25 record; and

26 (3) in the best interests of justice an order of  
27 supervision is more appropriate than a sentence otherwise  
28 permitted under this Code.

29 (d) The provisions of paragraph (c) shall not apply to a  
30 defendant charged with violating Section 11-501 of the  
31 Illinois Vehicle Code or a similar provision of a local  
32 ordinance when the defendant has previously been:

33 (1) convicted for a violation of Section 11-501 of  
34 the Illinois Vehicle Code or a similar provision of a

1 local ordinance or any similar law or ordinance of  
2 another state; or

3 (2) assigned supervision for a violation of Section  
4 11-501 of the Illinois Vehicle Code or a similar  
5 provision of a local ordinance or any similar law or  
6 ordinance of another state; or

7 (3) pleaded guilty to or stipulated to the facts  
8 supporting a charge or a finding of guilty to a violation  
9 of Section 11-503 of the Illinois Vehicle Code or a  
10 similar provision of a local ordinance or any similar law  
11 or ordinance of another state, and the plea or  
12 stipulation was the result of a plea agreement.

13 The court shall consider the statement of the prosecuting  
14 authority with regard to the standards set forth in this  
15 Section.

16 (e) The provisions of paragraph (c) shall not apply to a  
17 defendant charged with violating Section 16A-3 of the  
18 Criminal Code of 1961 if said defendant has within the last 5  
19 years been:

20 (1) convicted for a violation of Section 16A-3 of  
21 the Criminal Code of 1961; or

22 (2) assigned supervision for a violation of Section  
23 16A-3 of the Criminal Code of 1961.

24 The court shall consider the statement of the prosecuting  
25 authority with regard to the standards set forth in this  
26 Section.

27 (f) The provisions of paragraph (c) shall not apply to a  
28 defendant charged with violating Sections 15-111, 15-112,  
29 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
30 Section 11-1414 of the Illinois Vehicle Code or a similar  
31 provision of a local ordinance.

32 (g) Except as otherwise provided in paragraph (i) of  
33 this Section, the provisions of paragraph (c) shall not apply  
34 to a defendant charged with violating Section 3-707, 3-708,

1 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
2 provision of a local ordinance if the defendant has within  
3 the last 5 years been:

4 (1) convicted for a violation of Section 3-707,  
5 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or  
6 a similar provision of a local ordinance; or

7 (2) assigned supervision for a violation of Section  
8 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
9 Code or a similar provision of a local ordinance.

10 The court shall consider the statement of the prosecuting  
11 authority with regard to the standards set forth in this  
12 Section.

13 (h) The provisions of paragraph (c) shall not apply to a  
14 defendant under the age of 21 years charged with violating a  
15 serious traffic offense as defined in Section 1-187.001 of  
16 the Illinois Vehicle Code:

17 (1) unless the defendant, upon payment of the  
18 fines, penalties, and costs provided by law, agrees to  
19 attend and successfully complete a traffic safety program  
20 approved by the court under standards set by the  
21 Conference of Chief Circuit Judges. The accused shall be  
22 responsible for payment of any traffic safety program  
23 fees. If the accused fails to file a certificate of  
24 successful completion on or before the termination date  
25 of the supervision order, the supervision shall be  
26 summarily revoked and conviction entered. The provisions  
27 of Supreme Court Rule 402 relating to pleas of guilty do  
28 not apply in cases when a defendant enters a guilty plea  
29 under this provision; or

30 (2) if the defendant has previously been sentenced  
31 under the provisions of paragraph (c) on or after January  
32 1, 1998 for any serious traffic offense as defined in  
33 Section 1-187.001 of the Illinois Vehicle Code.

34 (i) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 3-707 of the  
2 Illinois Vehicle Code or a similar provision of a local  
3 ordinance if the defendant has been assigned supervision for  
4 a violation of Section 3-707 of the Illinois Vehicle Code or  
5 a similar provision of a local ordinance.

6 (j) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating Section 6-303 of the  
8 Illinois Vehicle Code or a similar provision of a local  
9 ordinance when the revocation or suspension was for a  
10 violation of Section 11-501 or a similar provision of a local  
11 ordinance, a violation of Section 11-501.1 or paragraph (b)  
12 of Section 11-401 of the Illinois Vehicle Code, or a  
13 violation of Section 9-3 of the Criminal Code of 1961 if the  
14 defendant has within the last 10 years been:

15 (1) convicted for a violation of Section 6-303 of  
16 the Illinois Vehicle Code or a similar provision of a  
17 local ordinance; or

18 (2) assigned supervision for a violation of Section  
19 6-303 of the Illinois Vehicle Code or a similar provision  
20 of a local ordinance.

21 (Source: P.A. 90-369, eff. 1-1-98; 90-738, eff. 1-1-99;  
22 90-784, eff. 1-1-99; 91-114, eff. 1-1-00; 91-357, eff.  
23 7-29-99.)