

18.35II

Definition Of Handgun For Aggravated Possession Of A Weapon

The word “handgun” means any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand. The word “handgun” does not include:

a stun gun or taser;

a machine gun, defined 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;

a short -barreled rifle or shotgun, defined as 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;

any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter, or which has a maximum muzzle velocity of less than 700 feet per second, or which expels breakable paint balls containing washable marking colors.

Committee Note

430 ILCS 66/5 (West 2025).

Section 24-1.6(a-5) incorporates the definition of handgun found in 430 ILCS 66/5. As a result this instruction, which defines the word “handgun” in the language of 430 ILCS 66/5, should be given when applicable.