

HB1719



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1719

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3.1

from Ch. 38, par. 24-3.1

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning the unlawful possession of firearms and firearm ammunition.

LRB100 03306 RLC 13311 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 24-3.1 as follows:

6 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

7 Sec. 24-3.1. Unlawful possession of firearms and firearm
8 ammunition.

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

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

14 (2) He is under 21 years of age, has been convicted of
15 a misdemeanor other than a traffic offense or adjudged
16 delinquent and has any firearms or firearm ammunition in
17 his possession; or

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

20 (4) He has been a patient in a mental institution
21 within the past 5 years and has any firearms or firearm
22 ammunition in his possession. For purposes of this
23 paragraph (4):

1 "Mental institution" means any hospital,
2 institution, clinic, evaluation facility, mental
3 health center, or part thereof, which is used primarily
4 for the care or treatment of persons with mental
5 illness.

6 "Patient in a mental institution" means the person
7 was admitted, either voluntarily or involuntarily, to
8 a mental institution for mental health treatment,
9 unless the treatment was voluntary and solely for an
10 alcohol abuse disorder and no other secondary
11 substance abuse disorder or mental illness; or

12 (5) He is a person with an intellectual disability and
13 has any firearms or firearm ammunition in his possession;
14 or

15 (6) He has in his possession any explosive bullet.

16 For purposes of this paragraph "explosive bullet" means the
17 projectile portion of an ammunition cartridge which contains or
18 carries an explosive charge which will explode upon contact
19 with the flesh of a human or an animal. "Cartridge" means a
20 tubular metal case having a projectile affixed at the front
21 thereof and a cap or primer at the rear end thereof, with the
22 propellant contained in such tube between the projectile and
23 the cap.

24 (b) Sentence.

25 Unlawful possession of firearms, other than handguns, and
26 firearm ammunition is a Class A misdemeanor. Unlawful

1 possession of handguns is a Class 4 felony. The possession of
2 each firearm or firearm ammunition in violation of this Section
3 constitutes a single and separate violation.

4 (c) Nothing in paragraph (1) of subsection (a) of this
5 Section prohibits a person under 18 years of age from
6 participating in any lawful recreational activity with a
7 firearm such as, but not limited to, practice shooting at
8 targets upon established public or private target ranges or
9 hunting, trapping, or fishing in accordance with the Wildlife
10 Code or the Fish and Aquatic Life Code.

11 (Source: P.A. 99-143, eff. 7-27-15.)