

# HB1088



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1088

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

### 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.

LRB102 03130 RLC 13143 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  
5 changing 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  
10 possession 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  
4            primarily for the care or treatment of persons with  
5            mental 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  
17           the projectile portion of an ammunition cartridge which  
18           contains or carries an explosive charge which will explode  
19           upon contact with the flesh of a human or an animal.

20           "Cartridge" means a tubular metal case having a projectile  
21           affixed at the front thereof and a cap or primer at the rear  
22           end thereof, with the propellant contained in such tube  
23           between the projectile and 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  
3 Section 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.)