



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0936

Introduced 2/2/2005, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3.1

from Ch. 38, par. 24-3.1

Amends the Criminal Code of 1961. Provides that the provisions of any ordinance or resolution of a unit of local government that impose restrictions or limitations on the acquisition, possession, transportation, storage, purchase, sale, or other dealing in rifles and shotguns, and ammunition, components, accessories, and accoutrements of rifles and shotguns other than those imposed by the statute concerning the unlawful possession of firearms and firearm ammunition are void. Preempts home rule. Effective immediately.

LRB094 05535 RLC 35584 b

HOME RULE NOTE
ACT MAY APPLY

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 Criminal Code of 1961 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 offense of unlawful possession of
10 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 hospital within
21 the past 5 years and has any firearms or firearm ammunition
22 in his possession; or

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

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

26 For purposes of this paragraph "explosive bullet" means the
27 projectile portion of an ammunition cartridge which contains or
28 carries an explosive charge which will explode upon contact
29 with the flesh of a human or an animal. "Cartridge" means a
30 tubular metal case having a projectile affixed at the front
31 thereof and a cap or primer at the rear end thereof, with the
32 propellant contained in such tube between the projectile and

1 the cap; or

2 (b) Sentence.

3 Unlawful possession of firearms, other than handguns, and
4 firearm ammunition is a Class A misdemeanor. Unlawful
5 possession of handguns is a Class 4 felony.

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

13 (d) The provisions of any ordinance or resolution adopted
14 before, on, or after the effective date of this amendatory Act
15 of the 94th General Assembly by any unit of local government
16 that imposes restrictions or limitations on the acquisition,
17 possession, transportation, storage, purchase, sale, or other
18 dealing in rifles and shotguns and ammunition, components,
19 accessories, and accoutrements of rifles and shotguns in a
20 manner other than those that are imposed by subsection (a) of
21 this Section are invalid, except as authorized by this Code,
22 and all those existing ordinances and resolutions are void.

23 (e) A unit of local government, including a home rule unit,
24 may not regulate the acquisition, possession, transportation,
25 storage, purchase, sale, or other dealing in rifles and
26 shotguns, and may not regulate ammunition, components,
27 accessories, or accoutrements for rifles and shotguns in a
28 manner other than the manner provided in subsection (a). This
29 Section is a limitation under subsection (i) of Section 6 of
30 Article VII of the Illinois Constitution on the concurrent
31 exercise by home rule units of powers and functions exercised
32 by the State.

33 (Source: P.A. 91-696, eff. 4-13-00; 92-839, eff. 8-22-02.)

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.