



**Adopted in House Comm. on Feb 23, 2005**

09400HB0937ham001

LRB094 06236 JAM 42013 a

1 AMENDMENT TO HOUSE BILL 937

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 937 by replacing the  
3 title with the following:

4 "AN ACT concerning criminal law."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Criminal Code of 1961 is amended by  
8 changing Section 24-3.1 as follows:

9 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

10 Sec. 24-3.1. Unlawful possession of firearms and firearm  
11 ammunition.

12 (a) A person commits the offense of unlawful possession of  
13 firearms or firearm ammunition when:

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

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

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

23 (4) He has been a patient in a mental hospital within

1 the past 5 years and has any firearms or firearm ammunition  
2 in his possession; or

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

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

6 For purposes of this paragraph "explosive bullet" means the  
7 projectile portion of an ammunition cartridge which contains or  
8 carries an explosive charge which will explode upon contact  
9 with the flesh of a human or an animal. "Cartridge" means a  
10 tubular metal case having a projectile affixed at the front  
11 thereof and a cap or primer at the rear end thereof, with the  
12 propellant contained in such tube between the projectile and  
13 the cap; or

14 (b) Sentence.

15 Unlawful possession of firearms, other than handguns, and  
16 firearm ammunition is a Class A misdemeanor. Unlawful  
17 possession of handguns is a Class 4 felony.

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

25 (d) The provisions of any ordinance or resolution adopted  
26 before, on, or after the effective date of this amendatory Act  
27 of the 94th General Assembly by any unit of local government  
28 that imposes restrictions or limitations on the acquisition,  
29 possession, transportation, storage, purchase, sale, or other  
30 dealing in any firearm legal to hunt with under the Wildlife  
31 Code and ammunition, components, accessories, and  
32 accoutrements of those same firearms in a manner other than  
33 those that are imposed by subsection (a) of this Section are  
34 invalid, except as authorized by this Code, and all those

1 existing ordinances and resolutions are void.

2 (e) A unit of local government, including a home rule unit,  
3 may not regulate the acquisition, possession, transportation,  
4 storage, purchase, sale, or other dealing in firearms legal to  
5 hunt with under the Wildlife Code, and may not regulate  
6 ammunition, components, accessories, or accoutrements for  
7 those same firearms in a manner other than the manner provided  
8 in subsection (a). This Section is a limitation under  
9 subsection (i) of Section 6 of Article VII of the Illinois  
10 Constitution on the concurrent exercise by home rule units of  
11 powers and functions exercised by the State.

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."