

**SB2790**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2790**

Introduced 1/20/2006, by Sen. John O. Jones

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/24-3.1

from Ch. 38, par. 24-3.1

Amends the Criminal Code of 1961. Invalidates local ordinances and resolutions that regulate firearms legal for hunting under the Wildlife Code inconsistently with the provisions of the Criminal Code of 1961. Preempts home rule. Effective immediately.

LRB094 18503 RLC 53829 b

HOME RULE NOTE  
ACT MAY APPLY

**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 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. The possession of  
6 each firearm or firearm ammunition in violation of this Section  
7 constitutes a single and separate violation.

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

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

26 (e) A unit of local government, including a home rule unit,  
27 may not regulate the acquisition, possession, transportation,  
28 storage, purchase, sale, or other dealing in firearms legal to  
29 hunt with under the Wildlife Code, and may not regulate  
30 ammunition, components, accessories, or accoutrements for  
31 those same firearms in a manner other than the manner provided  
32 in subsection (a). This Section is a limitation under  
33 subsection (i) of Section 6 of Article VII of the Illinois  
34 Constitution on the concurrent exercise by home rule units of  
35 powers and functions exercised by the State.

36 (Source: P.A. 94-284, eff. 7-21-05; revised 8-23-05.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.