

HB0704



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0704

Introduced 2/6/2007, 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. 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.

LRB095 09829 RLC 30040 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

1 firearm ammunition in his possession; or

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

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

11 (b) Sentence.

12 Unlawful possession of firearms, other than handguns, and
13 firearm ammunition is a Class A misdemeanor. Unlawful
14 possession of handguns is a Class 4 felony. The possession of
15 each firearm or firearm ammunition in violation of this Section
16 constitutes a single and separate violation.

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

24 (d) The provisions of any ordinance or resolution adopted
25 before, on, or after the effective date of this amendatory Act
26 of the 95th General Assembly by any unit of local government

1 that imposes restrictions or limitations on the acquisition,
2 possession, transportation, storage, purchase, sale, or other
3 dealing in any firearm legal to hunt with under the Wildlife
4 Code and ammunition, components, accessories, and
5 accoutrements of those same firearms in a manner other than
6 those that are imposed by subsection (a) of this Section are
7 invalid, except as authorized by this Code, and all those
8 existing ordinances and resolutions are void.

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.