

# SB3516



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3516

Introduced 2/5/2026, by Sen. Patrick J. Joyce

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.1 from Ch. 38, par. 24-1.1  
720 ILCS 5/24-1.6  
730 ILCS 5/5-4.5-111 new

Amends the Unified Code of Corrections. Restores provisions regarding sentencing guidelines for individuals with prior felony firearm-related or other specified convictions that were repealed on January 1, 2004. Applies to offenses committed on or after the effective date of the amendatory Act. Eliminates sunset provision. Amends the Criminal Code of 2012 to make conforming changes.

LRB104 20030 RLC 33481 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 Sections 24-1.1 and 24-1.6 as follows:

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful possession of weapons by felons or  
8 persons in the custody of the Department of Corrections  
9 facilities.

10 (a) It is unlawful for a person to knowingly possess on or  
11 about his person or on his land or in his own abode or fixed  
12 place of business any weapon prohibited under Section 24-1 of  
13 this Act or any firearm or any firearm ammunition if the person  
14 has been convicted of a felony under the laws of this State or  
15 any other jurisdiction. This Section shall not apply if the  
16 person has been granted relief by the Director of the Illinois  
17 State Police under Section 10 of the Firearm Owners  
18 Identification Card Act.

19 (b) It is unlawful for any person confined in a penal  
20 institution, which is a facility of the Illinois Department of  
21 Corrections, to possess any weapon prohibited under Section  
22 24-1 of this Code or any firearm or firearm ammunition,  
23 regardless of the intent with which he possesses it.

1 (c) It shall be an affirmative defense to a violation of  
2 subsection (b), that such possession was specifically  
3 authorized by rule, regulation, or directive of the Illinois  
4 Department of Corrections or order issued pursuant thereto.

5 (d) The defense of necessity is not available to a person  
6 who is charged with a violation of subsection (b) of this  
7 Section.

8 (e) Sentence. Violation of this Section by a person not  
9 confined in a penal institution shall be a Class 3 felony for  
10 which the person shall be sentenced to no less than 2 years and  
11 no more than 10 years. A second or subsequent violation of this  
12 Section shall be a Class 2 felony for which the person shall be  
13 sentenced to a term of imprisonment of not less than 3 years  
14 and not more than 14 years, except as provided for in Section  
15 5-4.5-111 ~~5-4.5-110~~ of the Unified Code of Corrections.  
16 Violation of this Section by a person not confined in a penal  
17 institution who has been convicted of a forcible felony, a  
18 felony violation of Article 24 of this Code or of the Firearm  
19 Owners Identification Card Act, stalking or aggravated  
20 stalking, or a Class 2 or greater felony under the Illinois  
21 Controlled Substances Act, the Cannabis Control Act, or the  
22 Methamphetamine Control and Community Protection Act is a  
23 Class 2 felony for which the person shall be sentenced to not  
24 less than 3 years and not more than 14 years, except as  
25 provided for in Section 5-4.5-111 ~~5-4.5-110~~ of the Unified  
26 Code of Corrections. Violation of this Section by a person who

1 is on parole or mandatory supervised release is a Class 2  
2 felony for which the person shall be sentenced to not less than  
3 3 years and not more than 14 years, except as provided for in  
4 Section 5-4.5-111 ~~5-4.5-110~~ of the Unified Code of  
5 Corrections. Violation of this Section by a person not  
6 confined in a penal institution is a Class X felony when the  
7 firearm possessed is a machine gun. Any person who violates  
8 this Section while confined in a penal institution, which is a  
9 facility of the Illinois Department of Corrections, is guilty  
10 of a Class 1 felony, if he possesses any weapon prohibited  
11 under Section 24-1 of this Code regardless of the intent with  
12 which he possesses it, a Class X felony if he possesses any  
13 firearm, firearm ammunition or explosive, and a Class X felony  
14 for which the offender shall be sentenced to not less than 12  
15 years and not more than 50 years when the firearm possessed is  
16 a machine gun. A violation of this Section while wearing or in  
17 possession of body armor as defined in Section 33F-1 is a Class  
18 X felony punishable by a term of imprisonment of not less than  
19 10 years and not more than 40 years. The possession of each  
20 firearm or firearm ammunition in violation of this Section  
21 constitutes a single and separate violation.

22 (Source: P.A. 102-538, eff. 8-20-21; 103-822, eff. 1-1-25.)

23 (720 ILCS 5/24-1.6)

24 Sec. 24-1.6. Aggravated unlawful possession of a weapon.

25 (a) A person commits the offense of aggravated unlawful

1 possession of a weapon when he or she knowingly:

2 (1) Carries on or about his or her person or in any  
3 vehicle or concealed on or about his or her person except  
4 when on his or her land or in his or her abode, legal  
5 dwelling, or fixed place of business, or on the land or in  
6 the legal dwelling of another person as an invitee with  
7 that person's permission, any pistol, revolver, stun gun  
8 or taser or other firearm; or

9 (2) Carries or possesses on or about his or her  
10 person, upon any public street, alley, or other public  
11 lands within the corporate limits of a city, village or  
12 incorporated town, except when an invitee thereon or  
13 therein, for the purpose of the display of such weapon or  
14 the lawful commerce in weapons, or except when on his or  
15 her own land or in his or her own abode, legal dwelling, or  
16 fixed place of business, or on the land or in the legal  
17 dwelling of another person as an invitee with that  
18 person's permission, any pistol, revolver, stun gun or  
19 taser or other firearm; and

20 (3) One of the following factors is present:

21 (A) the firearm, other than a pistol, revolver, or  
22 handgun, possessed was uncased, loaded, and  
23 immediately accessible at the time of the offense; or

24 (A-5) the pistol, revolver, or handgun possessed  
25 was uncased, loaded, and immediately accessible at the  
26 time of the offense and the person possessing the

1 pistol, revolver, or handgun has not been issued a  
2 currently valid license under the Firearm Concealed  
3 Carry Act; or

4 (B) the firearm, other than a pistol, revolver, or  
5 handgun, possessed was uncased, unloaded, and the  
6 ammunition for the weapon was immediately accessible  
7 at the time of the offense; or

8 (B-5) the pistol, revolver, or handgun possessed  
9 was uncased, unloaded, and the ammunition for the  
10 weapon was immediately accessible at the time of the  
11 offense and the person possessing the pistol,  
12 revolver, or handgun has not been issued a currently  
13 valid license under the Firearm Concealed Carry Act;  
14 or

15 (C) the person possessing the firearm has not been  
16 issued a currently valid Firearm Owner's  
17 Identification Card; or

18 (D) the person possessing the weapon was  
19 previously adjudicated a delinquent minor under the  
20 Juvenile Court Act of 1987 for an act that if committed  
21 by an adult would be a felony; or

22 (E) the person possessing the weapon was engaged  
23 in a misdemeanor violation of the Cannabis Control  
24 Act, in a misdemeanor violation of the Illinois  
25 Controlled Substances Act, or in a misdemeanor  
26 violation of the Methamphetamine Control and Community

1 Protection Act; or

2 (F) (blank); or

3 (G) the person possessing the weapon had an order  
4 of protection issued against him or her within the  
5 previous 2 years; or

6 (H) the person possessing the weapon was engaged  
7 in the commission or attempted commission of a  
8 misdemeanor involving the use or threat of violence  
9 against the person or property of another; or

10 (I) the person possessing the weapon was under 21  
11 years of age and in possession of a handgun, unless the  
12 person under 21 is engaged in lawful activities under  
13 the Wildlife Code or described in subsection  
14 24-2(b)(1), (b)(3), or 24-2(f).

15 (a-5) "Handgun" as used in this Section has the meaning  
16 given to it in Section 5 of the Firearm Concealed Carry Act.

17 (b) "Stun gun or taser" as used in this Section has the  
18 same definition given to it in Section 24-1 of this Code.

19 (c) This Section does not apply to or affect the  
20 transportation or possession of weapons that:

21 (i) are broken down in a non-functioning state; or

22 (ii) are not immediately accessible; or

23 (iii) are unloaded and enclosed in a case, firearm  
24 carrying box, shipping box, or other container by a person  
25 who has been issued a currently valid Firearm Owner's  
26 Identification Card.

1 (d) Sentence.

2 (1) Aggravated unlawful possession of a weapon is a  
3 Class 4 felony; a second or subsequent offense is a Class 2  
4 felony for which the person shall be sentenced to a term of  
5 imprisonment of not less than 3 years and not more than 7  
6 years, except as provided for in Section 5-4.5-111  
7 ~~5-4.5-110~~ of the Unified Code of Corrections.

8 (2) Except as otherwise provided in paragraphs (3) and  
9 (4) of this subsection (d), a first offense of aggravated  
10 unlawful possession of a weapon committed with a firearm  
11 by a person 18 years of age or older where the factors  
12 listed in both items (A) and (C) or both items (A-5) and  
13 (C) of paragraph (3) of subsection (a) are present is a  
14 Class 4 felony, for which the person shall be sentenced to  
15 a term of imprisonment of not less than one year and not  
16 more than 3 years.

17 (3) Aggravated unlawful possession of a weapon by a  
18 person who has been previously convicted of a felony in  
19 this State or another jurisdiction is a Class 2 felony for  
20 which the person shall be sentenced to a term of  
21 imprisonment of not less than 3 years and not more than 7  
22 years, except as provided for in Section 5-4.5-111  
23 ~~5-4.5-110~~ of the Unified Code of Corrections.

24 (4) Aggravated unlawful possession of a weapon while  
25 wearing or in possession of body armor as defined in  
26 Section 33F-1 by a person who has not been issued a valid

1 Firearms Owner's Identification Card in accordance with  
2 Section 5 of the Firearm Owners Identification Card Act is  
3 a Class X felony.

4 (e) The possession of each firearm in violation of this  
5 Section constitutes a single and separate violation.

6 (Source: P.A. 103-822, eff. 1-1-25.)

7 Section 10. The Unified Code of Corrections is amended by  
8 adding Section 5-4.5-111 as follows:

9 (730 ILCS 5/5-4.5-111 new)

10 Sec. 5-4.5-111. SENTENCING GUIDELINES FOR INDIVIDUALS WITH  
11 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

12 (a) DEFINITIONS. For the purposes of this Section:

13 "Firearm" has the meaning ascribed to it in Section  
14 1.1 of the Firearm Owners Identification Card Act.

15 "Qualifying predicate offense" means the following  
16 offenses under the Criminal Code of 2012:

17 (A) aggravated unlawful possession of a weapon  
18 under Section 24-1.6 or similar offense under the  
19 Criminal Code of 1961, when the weapon is a firearm;

20 (B) unlawful possession of a weapon by a felon  
21 under Section 24-1.1 or similar offense under the  
22 Criminal Code of 1961, when the weapon is a firearm;

23 (C) first degree murder under Section 9-1 or  
24 similar offense under the Criminal Code of 1961;

1           (D) attempted first degree murder with a firearm  
2           or similar offense under the Criminal Code of 1961;

3           (E) aggravated kidnaping with a firearm under  
4           paragraph (6) or (7) of subsection (a) of Section 10-2  
5           or similar offense under the Criminal Code of 1961;

6           (F) aggravated battery with a firearm under  
7           subsection (e) of Section 12-3.05 or similar offense  
8           under the Criminal Code of 1961;

9           (G) aggravated criminal sexual assault under  
10           Section 11-1.30 or similar offense under the Criminal  
11           Code of 1961;

12           (H) predatory criminal sexual assault of a child  
13           under Section 11-1.40 or similar offense under the  
14           Criminal Code of 1961;

15           (I) armed robbery under Section 18-2 or similar  
16           offense under the Criminal Code of 1961;

17           (J) vehicular hijacking under Section 18-3 or  
18           similar offense under the Criminal Code of 1961;

19           (K) aggravated vehicular hijacking under Section  
20           18-4 or similar offense under the Criminal Code of  
21           1961;

22           (L) home invasion with a firearm under paragraph  
23           (3), (4), or (5) of subsection (a) of Section 19-6 or  
24           similar offense under the Criminal Code of 1961;

25           (M) aggravated discharge of a firearm under  
26           Section 24-1.2 or similar offense under the Criminal

1 Code of 1961;

2 (N) aggravated discharge of a machine gun or a  
3 firearm equipped with a device designed or used for  
4 silencing the report of a firearm under Section  
5 24-1.2-5 or similar offense under the Criminal Code of  
6 1961;

7 (O) unlawful possession of firearm projectiles  
8 under Section 24-2.1 or similar offense under the  
9 Criminal Code of 1961;

10 (P) manufacture, sale, or transfer of bullets or  
11 shells represented to be armor piercing bullets,  
12 dragon's breath shotgun shells, bolo shells, or  
13 flechette shells under Section 24-2.2 or similar  
14 offense under the Criminal Code of 1961;

15 (Q) unlawful sale or delivery of firearms under  
16 Section 24-3 or similar offense under the Criminal  
17 Code of 1961;

18 (R) unlawful discharge of firearm projectiles  
19 under Section 24-3.2 or similar offense under the  
20 Criminal Code of 1961;

21 (S) unlawful sale or delivery of firearms on  
22 school premises of any school under Section 24-3.3 or  
23 similar offense under the Criminal Code of 1961;

24 (T) unlawful purchase of a firearm under Section  
25 24-3.5 or similar offense under the Criminal Code of  
26 1961;

1           (U) use of a stolen firearm in the commission of an  
2           offense under Section 24-3.7 or similar offense under  
3           the Criminal Code of 1961;

4           (V) possession of a stolen firearm under Section  
5           24-3.8 or similar offense under the Criminal Code of  
6           1961;

7           (W) aggravated possession of a stolen firearm  
8           under Section 24-3.9 or similar offense under the  
9           Criminal Code of 1961;

10           (X) gunrunning under Section 24-3A or similar  
11           offense under the Criminal Code of 1961;

12           (Y) defacing identification marks of firearms  
13           under Section 24-5 or similar offense under the  
14           Criminal Code of 1961; and

15           (Z) armed violence under Section 33A-2 or similar  
16           offense under the Criminal Code of 1961.

17           (b) APPLICABILITY. For an offense committed on or after  
18           the effective date of this amendatory Act of the 104th General  
19           Assembly, when a person is convicted of unlawful possession of  
20           a weapon by a felon, when the weapon is a firearm, or  
21           aggravated unlawful possession of a weapon, when the weapon is  
22           a firearm, after being previously convicted of a qualifying  
23           predicate offense the person shall be subject to the  
24           sentencing guidelines under this Section.

25           (c) SENTENCING GUIDELINES.

26           (1) When a person is convicted of unlawful possession

1 of a weapon by a felon, when the weapon is a firearm, and  
2 that person has been previously convicted of a qualifying  
3 predicate offense, the person shall be sentenced to a term  
4 of imprisonment within the sentencing range of not less  
5 than 7 years and not more than 14 years, unless the court  
6 finds that a departure from the sentencing guidelines  
7 under this paragraph is warranted under subsection (d) of  
8 this Section.

9 (2) When a person is convicted of aggravated unlawful  
10 possession of a weapon, when the weapon is a firearm, and  
11 that person has been previously convicted of a qualifying  
12 predicate offense, the person shall be sentenced to a term  
13 of imprisonment within the sentencing range of not less  
14 than 6 years and not more than 7 years, unless the court  
15 finds that a departure from the sentencing guidelines  
16 under this paragraph is warranted under subsection (d) of  
17 this Section.

18 (3) The sentencing guidelines in paragraphs (1) and  
19 (2) of this subsection (c) apply only to offenses  
20 committed on and after the effective date of this  
21 amendatory Act of the 104th General Assembly.

22 (d) DEPARTURE FROM SENTENCING GUIDELINES.

23 (1) At the sentencing hearing conducted under Section  
24 5-4-1 of this Code, the court may depart from the  
25 sentencing guidelines provided in subsection (c) of this  
26 Section and impose a sentence otherwise authorized by law

1 for the offense if the court, after considering any factor  
2 under paragraph (2) of this subsection (d) relevant to the  
3 nature and circumstances of the crime and to the history  
4 and character of the defendant, finds on the record  
5 substantial and compelling justification that the sentence  
6 within the sentencing guidelines would be unduly harsh and  
7 that a sentence otherwise authorized by law would be  
8 consistent with public safety and does not deprecate the  
9 seriousness of the offense.

10 (2) In deciding whether to depart from the sentencing  
11 guidelines under this paragraph, the court shall consider:

12 (A) the age, immaturity, or limited mental  
13 capacity of the defendant at the time of commission of  
14 the qualifying predicate or current offense, including  
15 whether the defendant was suffering from a mental or  
16 physical condition insufficient to constitute a  
17 defense but significantly reduced the defendant's  
18 culpability;

19 (B) the nature and circumstances of the qualifying  
20 predicate offense;

21 (C) the time elapsed since the qualifying  
22 predicate offense;

23 (D) the nature and circumstances of the current  
24 offense;

25 (E) the defendant's prior criminal history;

26 (F) whether the defendant committed the qualifying

1 predicate or current offense under specific and  
2 credible duress, coercion, threat, or compulsion;

3 (G) whether the defendant aided in the  
4 apprehension of another felon or testified truthfully  
5 on behalf of another prosecution of a felony; and

6 (H) whether departure is in the interest of the  
7 person's rehabilitation, including employment or  
8 educational or vocational training, after taking into  
9 account any past rehabilitation efforts or  
10 dispositions of probation or supervision, and the  
11 defendant's cooperation or response to rehabilitation.

12 (3) When departing from the sentencing guidelines  
13 under this Section, the court shall specify on the record,  
14 the particular evidence, information, factor or factors,  
15 or other reasons which led to the departure from the  
16 sentencing guidelines. When departing from the sentencing  
17 range in accordance with this subsection (d), the court  
18 shall indicate on the sentencing order which departure  
19 factor or factors outlined in paragraph (2) of this  
20 subsection (d) led to the sentence imposed. The sentencing  
21 order shall be filed with the clerk of the court and shall  
22 be a public record.