

SB2534



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2534

Introduced 1/28/2020, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.1

from Ch. 38, par. 24-1.1

Amends the Criminal Code of 2012. Provides that it is unlawful for a person who has been convicted of a felony to knowingly possess in any vehicle a weapon prohibited under the unlawful use of weapons statute or to knowingly possess firearm ammunition.

LRB101 15441 RLC 64746 b

CORRECTIONAL
BUDGET AND
IMPACT 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 2012 is amended by changing
5 Section 24-1.1 as follows:

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

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

10 (a) It is unlawful for a person to knowingly possess in any
11 vehicle or on or about his person or on his land or in his own
12 abode or fixed place of business any weapon prohibited under
13 Section 24-1 of this Act or any firearm or any firearm
14 ammunition if the person has been convicted of a felony under
15 the laws of this State or any other jurisdiction. This Section
16 shall not apply if the person has been granted relief by the
17 Director of the Department of State Police under Section 10 of
18 the Firearm Owners 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 5-4.5-110 of the Unified Code of Corrections. Violation of this
16 Section by a person not confined in a penal institution who has
17 been convicted of a forcible felony, a felony violation of
18 Article 24 of this Code or of the Firearm Owners Identification
19 Card Act, stalking or aggravated stalking, or a Class 2 or
20 greater felony under the Illinois Controlled Substances Act,
21 the Cannabis Control Act, or the Methamphetamine Control and
22 Community Protection Act is a Class 2 felony for which the
23 person shall be sentenced to not less than 3 years and not more
24 than 14 years, except as provided for in Section 5-4.5-110 of
25 the Unified Code of Corrections. Violation of this Section by a
26 person who is on parole or mandatory supervised release is a

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

21 (Source: P.A. 100-3, eff. 1-1-18.)