

SB0554



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0554

Introduced 2/23/2021, 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.

LRB102 09974 RLC 15292 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
5 changing 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
16 this Section by a person not confined in a penal institution
17 who has been convicted of a forcible felony, a felony
18 violation of Article 24 of this Code or of the Firearm Owners
19 Identification Card Act, stalking or aggravated stalking, or a
20 Class 2 or greater felony under the Illinois Controlled
21 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 5-4.5-110 of the Unified Code of
26 Corrections. Violation of this Section by a person who is on

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

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