

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 24-1.1 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 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
17 Department of State Police under Section 10 of the Firearm
18 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.

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

28 (d) The defense of necessity is not available to a person
29 who is charged with a violation of subsection (b) of this
30 Section.

31 (e) Sentence. Violation of this Section by a person not
32 confined in a penal institution shall be a Class 3 felony for

1 which the person, if sentenced to a term of imprisonment, shall
2 be sentenced to no less than 2 years and no more than 10 years.
3 Violation of this Section by a person not confined in a penal
4 institution who has been convicted of a forcible felony, a
5 felony violation of Article 24 of this Code or of the Firearm
6 Owners Identification Card Act, stalking or aggravated
7 stalking, or a Class 2 or greater felony under the Illinois
8 Controlled Substances Act or the Cannabis Control Act is a
9 Class 2 felony for which the person, if sentenced to a term of
10 imprisonment, shall be sentenced to not less than 3 years and
11 not more than 14 years. Violation of this Section by a person
12 who is on parole or mandatory supervised release is a Class 2
13 felony for which the person, if sentenced to a term of
14 imprisonment, shall be sentenced to not less than 3 years and
15 not more than 14 years. Violation of this Section by a person
16 not confined in a penal institution is a Class X felony when
17 the firearm possessed is a machine gun. Any person who violates
18 this Section while confined in a penal institution, which is a
19 facility of the Illinois Department of Corrections, is guilty
20 of a Class 1 felony, if he possesses any weapon prohibited
21 under Section 24-1 of this Code regardless of the intent with
22 which he possesses it, a Class X felony if he possesses any
23 firearm, firearm ammunition or explosive, and a Class X felony
24 for which the offender shall be sentenced to not less than 12
25 years and not more than 50 years when the firearm possessed is
26 a machine gun. A violation of this Section while wearing or in
27 possession of body armor as defined in Section 33F-1 is a Class
28 X felony punishable by a term of imprisonment of not less than
29 10 years and not more than 40 years.

30 (f) A violation of this Section with respect to each
31 firearm and ammunition for that firearm constitutes a single
32 and separate violation of this Section.

33 (Source: P.A. 93-906, eff. 8-11-04.)

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.