

# SB0501



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0501

Introduced 2/8/2007, by Sen. Gary Forby

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3.1

from Ch. 38, par. 24-3.1

Amends the Criminal Code of 1961. Provides that the provisions of any ordinance or resolution of a unit of local government that impose restrictions or limitations on the acquisition, possession, transportation, storage, purchase, sale, or other dealing in rifles and shotguns, and ammunition, components, accessories, and accoutrements of rifles and shotguns other than those imposed by the statute concerning the unlawful possession of firearms and firearm ammunition are void. Preempts home rule. Effective immediately.

LRB095 09825 RLC 30036 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT in relation to 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 rifles and shotguns and ammunition, components,  
4 accessories, and accoutrements of rifles and shotguns in a  
5 manner other than those that are imposed by subsection (a) of  
6 this Section are invalid, except as authorized by this Code,  
7 and all those existing ordinances and resolutions are void.

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

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

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