

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
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 on
11 or about his person or on his land or in his own abode or
12 fixed place of business any weapon prohibited under Section
13 24-1 of this Act or any firearm or any firearm ammunition if
14 the person has been convicted of a felony under the laws of
15 this State or any other jurisdiction. This Section shall not
16 apply if the person has been granted relief by the Director
17 of the Department of State Police under Section 10 of the
18 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
21 of Corrections, to possess any weapon prohibited under
22 Section 24-1 of this Code or any firearm or firearm
23 ammunition, regardless of the intent with which he possesses
24 it.

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

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

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

30 (Source: P.A. 91-544, eff. 1-1-00.)

31 Section 99. Effective date. This Act takes effect
32 September 1, 2002.