



(Docket No. 131191)

THE PEOPLE OF THE STATE OF ILLINOIS, Appellee, v. JAMES BENSON, Appellant.
Opinion filed September 24, 2026.

Justice Overstreet delivered the judgment of the court, with opinion.

James Benson challenged the unlawful possession of a weapon by a felon (UPWF) statute on second-amendment grounds after he was convicted of UPWF and other offenses. He first made his challenge on a facial (invalid for anyone) basis in the appellate court, under recent United States Supreme Court precedent in *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). The appellate court rejected his facial challenge, noting that Benson was a felon and that sufficient historical precedent existed to ban felons from possessing firearms under *Bruen*. Benson also argued that his disarmament was for a nonviolent felony, which was not supported by historical precedent.

Appealing the judgment to the supreme court, Benson abandoned his facial challenge and challenged the UPWF statute only as applied to him. The supreme court noted that the UPWF statute specifically exempts those who have obtained a Firearm Owner’s Identification card, which can be available to felons who seek to have their firearm rights restored under section 10(c) of the FOID Card Act. Benson raised his challenge for the first time on appeal and presented no information on whether he had or attempted to have his firearm rights restored. With an undeveloped record, it would be premature to address his claim. The appellate court judgment was affirmed, though the supreme court vacated the portion of the appellate court opinion addressing Benson’s as-applied claim.