

18.17

Definition Of Unlawful Possession Of Firearms And Firearm Ammunition

A person commits the offense of unlawful possession of [(firearms) (firearm ammunition) (handguns)] when he

[1] is under 18 years of age and knowingly has in his possession a [(firearm of a size) (handgun)] which may be concealed upon his person.

[or]

[2] is under 21 years of age and has been [(convicted of the offense of ____) (adjudged delinquent)] and knowingly has in his possession [(a firearm) (firearm ammunition) (a handgun)].

[or]

[3] is a narcotic addict and knowingly has in his possession [(a firearm) (firearm ammunition) (a handgun)].

[or]

[4] has been a patient in a mental hospital within the past 5 years and knowingly has in his possession [(a firearm) (firearm ammunition) (a handgun)].

[or]

[5] is intellectually disabled and knowingly has in his possession [(a firearm) (firearm ammunition) (a handgun)].

[or]

[6] knowingly has in his possession an explosive bullet.

Committee Note

720 ILCS 5/24-3.1 (West 2023).

When applicable, give Instruction 18.35I, defining “handgun”.

When giving paragraph [6], give Instruction 18.35B, defining “explosive bullet”.

Although Section 24-3.1 does not include a mental state, any possession must be knowing. See 720 ILCS 5/4-2 (West 1994). See also *People v. Woodworth*, 187 Ill.App.3d 44, 542 N.E.2d 1321 (5th Dist.1989).

Insert in the blank the name of the misdemeanor other than a traffic offense when applicable.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.