

**18.05X**  
**Definition Of Aggravated Unlawful Possession Of A Weapon**

A person commits the offense of aggravated unlawful possession of a weapon when he knowingly

[1] carries [(on or about his person) (in any vehicle) (concealed on or about his person) ] a [ (pistol) (revolver) (stun gun) (taser) (firearm) ] at a time when not [ (on his land) (in his abode) (in his legal dwelling) (his fixed place of business) ] [ (on the land of another person) (in the legal dwelling of another person) as an invitee with that person's permission) ] [ ,while (wearing) (in possession of) body armor ];

[or]

[2] [ (carries) (possesses) ] a [ (pistol) (revolver) (stun gun) (taser) (firearm) ] on or about his person upon any [ (public street) (alley) (public lands) ] within the corporate limits of a [ (city) (village) (incorporated town) when not [ an invitee for (the purpose of the display of such weapon) (the lawful commerce in weapons) ] [ (on his land) (in his abode) (in his legal dwelling) (in his fixed place of business [ (on the land) (in the legal dwelling) of another person as an invitee with that person's permission) ] [ ,while (wearing) (in possession of) body armor ];

and

[A] the [ (pistol) (revolver) (handgun) ] possessed is uncased, loaded, and immediately accessible and the defendant had not been issued a currently valid license under the Firearm Concealed Carry Act.

[or]

[B] the firearm, other than a pistol, revolver, or handgun, possessed is uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense.

[or]

[C] the [ (pistol) (revolver) (handgun) ] possessed is uncased, unloaded, and the ammunition for the weapon is immediately accessible and the defendant has not been issued a currently valid license under the the Firearm Concealed Carry Act.

[or]

[D] the person has not been issued a currently valid Firearm Owners Identification Card.

[or]

[E] the person was previously adjudicated a delinquent minor under for an act that if committed by an adult would be a felony.

[or]

[F] the person, while possessing the weapon, is engaged in the commission of a qualifying offense.

[or]

[G] the person possessing the weapon had an order of protection issued against him within the previous 2 years.

[or]

[H] the person possessing the weapon was engaged in the [ (commission) (attempted commission) of a qualifying offense involving the [ (use) (threat) ] of violence against the [ (person) (property) ] of another.

[or]

[I] the person possessing the weapon was under 21 years of age and in possession of a handgun, unless the person under 21 is [ (engaged in lawful activities under the Wildlife Code) (the member of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using their firearms on those target ranges) (the patron of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such patrons are using their firearms on those target ranges) (a hunter, trapper or fisherman with a license or permit while engaged in hunting, trapping or fishing) ].

### **Committee Note**

720 ILCS 5/24-1.6 (West 2025). P.A. 103-822, effective January 1, 2025, changed the name of this offense from “Aggravated Unlawful Use Of A Weapon” to “Aggravated Unlawful Possession Of A Weapon”. Other than the name change, the elements for the offense remain the same.

Give Instruction 18.06X

Give Instruction 18.35E defining the phrase “stun gun or taser”, when applicable.

Section 24-1.6(a-5) incorporates the definition of handgun found in 430 ILCS 66/5. When applicable give Instruction 18.35II, which defines the word “handgun” as used in 430 ILCS 66/5.

Section 24-1.6 does not incorporate the definition of firearm found in 430 ILCS 65/1.1. As a result, the Committee takes no position on whether Instruction 18.35G, defining the word “firearm,” should be given when this charge is before the jury.

Use applicable paragraphs and bracketed material.

The bracketed numbers and letters are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury. The Illinois Supreme Court found two sections of the aggravated unlawful use of weapons statute (720 ILCS 5/24-1.6)

unconstitutional: the prohibition on carrying uncased firearms in vehicles and outside the home found at 720 ILCS 5/24-1.6(a)(1), (a)(3)(A) (*People v. Burns*, 2015 IL 117387, 79 N.E. 3d 159 (2015); *People v. Aguilar*, 2013 IL 112116, 2 N.E. 3d 321 (2013)) and the prohibition on carrying uncased firearms on a public way found at 720 ILCS 5/24-1.6(a)(2), (a)(3)(A) (*People v. Mosley*, 2015 IL 115872). For this reason, please be aware that the bracket letters in this instruction may or may not directly correspond to the subsections in 720 ILCS 5/24-1.6.

Use [B] for instances where the weapon at issue is a firearm other than a pistol, revolver or handgun. 720 ILCS 5/24-1.6(a)(3)(B).

In [F] and [H], the applicable offenses must be misdemeanors. Whether those offenses are misdemeanors or not is a question of law, and the jury does not need to be informed that the offenses are misdemeanors. When the commission or the attempted commission of a misdemeanor is applicable, as in [F] and [H], the Committee determines that the jury needs to be instructed on the applicable offense and attempt doctrine.