



Unlawful Use of a Weapon in Illinois

FY2010-2021 Trends in Arrests, Convictions, and Sentences

Introduction

This report updates SPAC’s 2014 Unlawful Use of a Weapon (UW) Trends Analysis¹. That analysis examined the impact of ten years of UW sentence enhancements on gun crimes and found no measurable impact on the frequency of gun crimes after each enhancement, with downward trends in violent crime mirroring those being measured nationally. There was a noticeable increase in the prison population that was largely due to the elimination of probation-eligibility for some UW offenses as well as a high rate of returns to prison for technical violations. In addition, there was no change in recidivism rates for gun offenders following the sentence enhancements. These findings are consistent with recent research findings that crime rates are not responsive to sentencing policy. Specifically, making sentences harsher does not reduce crime and making them more lenient does not increase crime², and prison sentences have not been shown to reduce reoffending compared to non-custodial sanctions such as probation³.

Current increases in gun and violent crime have the full attention of system stakeholders and the public. There is little insight into how the stresses of Covid-19 and tensions over policing contribute to the rising crime rates, so it is important to look beyond the last two years of the pandemic to identify changes in gun crime trends. From March 2020 through June of 2021 the single biggest impact on convictions and sentencing for UW offenses was the Covid-19 mitigation measures in court operations, which is reflected in FY2019 and FY2020 data in this report. The judicial branch maintained virtual hearings and even some trials, but the majority of cases were continued as the system developed procedural responses to the pandemic. As a result, while arrests for these crimes increased, the number of convictions and dispositions fell significantly, as did the prison population. While recognizing these unique circumstances, this report sets out the trends in arrest, conviction and sentencing for UW offenses.

Definitions

Despite the name, actual use of the weapon is not an element of any UW offense. The broad categories of UW used in this report are:

UW ([720 ILCS 5/24-1](#)) – involves illegally possessing a firearm without a valid FOID card or concealed carry license, having a weapon that is illegal to own in Illinois, or

¹ Unlawful Use of a Weapon Trends Analysis. Illinois Sentencing Policy Advisory Council. 2014. https://spac.icjia-api.cloud/uploads/SPAC_Trends_Analysis_Report_09_2014-20191127T15204111.pdf.

² National Research Council. 2014. *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/18613>.

³ Petrich, D.M. et al (2021). Custodial Sanctions and Reoffending: A Meta-Analytic Review. *Crime and Justice*, volume 50. The University of Chicago Press. <https://doi.org/10.1086/715100>.
Loeffler, Charles and Nagin, Daniel (2022). The Impact of Incarceration on Recidivism. *Annual Review of Criminology*, volume 5:1. <https://www.annualreviews.org/doi/abs/10.1146/annurev-criminol-030920-112506>.

carrying a weapon in a prohibited place. This ranges from a Class A misdemeanor to a Class X felony but is rarely charged above Class 2.

Aggravated UUW ([720 ILCS 5/24-1.6](#)) – involves an additional element such as the gun being loaded or accessible or the offender has an order of protection against them. This ranges from a Class 4 to a Class X felony with a sentence range of 1 to 30 years imprisonment and 1 to 4 years of probation.

UUW-Felon ([720 ILCS 5/24-1.1](#)) – A prior conviction for any felony is an element of this offense. This does not apply to first time offenders. This ranges from a Class 3 to a Class X felony with a sentence range of 2 to 40 years imprisonment without the possibility of probation.

Possession Offense – an arrest or conviction for possession of a gun that is not related to the UUW statutes, for example a violation of the Firearm Owners Identification Card Act (FOID), 430 ILCS 65/1.

For a full description of the different UUW statutes see Appendix A, which provides the statute citation, offense description, offense class, and the sentence range.

Key Findings

- Over the past twenty years, numerous laws passed to enhance sentences for Aggravated UUW and UUW Felon with the goal of deterring such crimes, but Aggravated UUW arrests and convictions have increased substantially during this time period, while UUW Felon arrests have had moderate increases.
- While total felony and misdemeanor arrests fell 57% from FY2010 to FY2021, arrests for Aggravated UUW and UUW-Felon increased by 134%.
- In FY2010, 37% of all gun arrests were for exclusively UUW or possession offenses and 63% had a different gun charge instead of or in addition to a UUW or possession offense. By FY2021, UUW or possession arrests increased to 61% of all gun arrests.
- Cook County accounted for less than 50% of UUW Arrests, but accounted for 67% of Aggravated UUW arrests, and 57% of UUW-Felon arrests.
- The number of people serving UUW sentences in the Illinois Department of Corrections (IDOC) peaked in FY2019 but dropped the following two years due to court case processing delays. The majority of this population are serving a sentence for UUW-Felon, the most severe UUW offense with the longest authorized sentence range.
- 2011 legislation that eliminated probation-eligibility for some first time Aggravated UUW offenses likely increased the percentage of Class 4 Aggravated UUW convictions being sentenced to prison. *720 ILCS 5/24-1.6(d)(2)*
- The Safe Neighborhoods Reform Act, Public Act 100-0003 effective January 1, 2018, created the First Time Weapons Offender Program to divert young adult first time offenders from prison likely reduced prison admissions for Class 4 Aggravated UUW convictions. *730 ILCS 5/5-6-3.6*. This is an inference from analyzing the available data because data on this program is not currently collected.

- The Safe Neighborhoods Reform Act also raised the mandatory minimum for Aggravated UUW and UUW-Felon. This change slightly increased prison terms and length of stay for people convicted of these crimes who had prior convictions for the offenses specified in the Act. *730 ILCS 5/5-4.5-110*

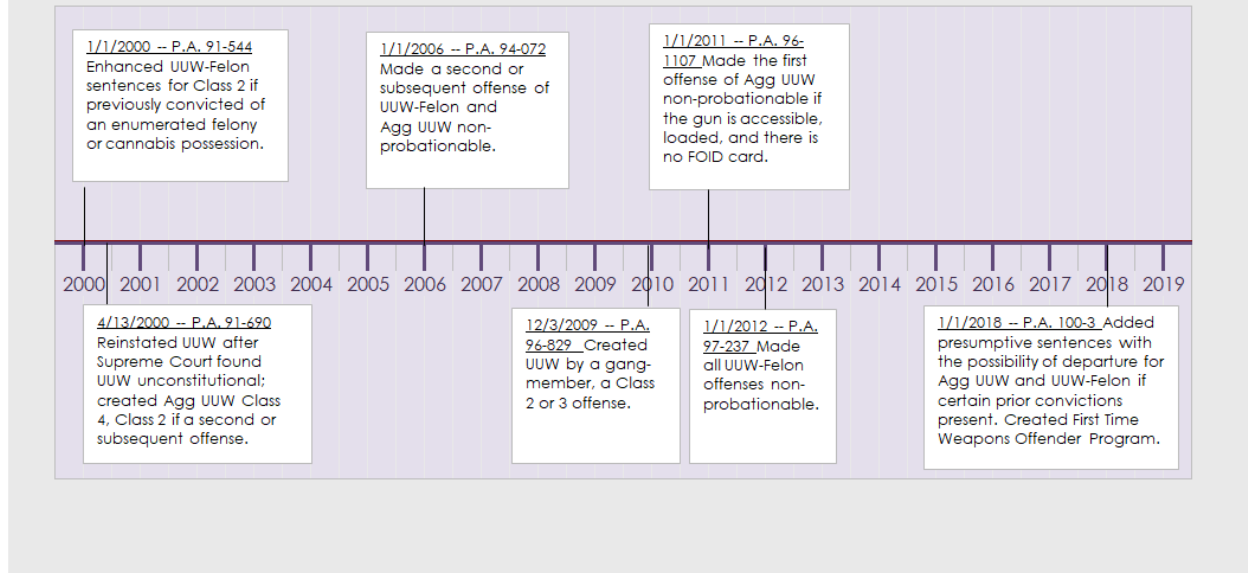
Legislative Timeline

Unlawful Use of a Weapon is an offense that has been at the focal point of many legislative attempts to address violent and gun crime in Illinois. Below is a timeline of legislative changes to the Unlawful Use of a Weapon Citations in the past twenty years.

Legislative Changes:

1/1/2000	UUW-Felon sentence enhanced to a Class 2 felony if the offender was previously convicted of a forcible felony, a felony FOID Act violation, or other enumerated offenses.
4/13/2000	Aggravated-UUW created, with a Class 2 penalty for a second or subsequent offense.
1/1/2006	Eliminated probation as a sentence for second or subsequent UUW-Felon and Aggravated UUW offenses.
12/3/2009	UUW by a gang member created, a Class 3 for a first offense; Class 2 for a second or subsequent offense.
1/1/2011	Probation eliminated for Aggravated UUW first offense if there is an accessible, loaded gun and the offender has no FOID card.
1/1/2012	Eliminated probation for all UUW-Felon offenses.
7/9/2013	UUW statutes amended to comply with the Firearm Concealed Carry Act.
1/1/2018	The Safe Neighborhoods Reform Act (P.A. 100-0003) increased minimum sentences for Aggravated UUW and UUW-Felon if certain prior convictions were present; created a safety valve allowing a judge to depart from the presumptive sentencing range based on enumerated criteria; and created the First Time Weapons Offender Program to allow prison diversion for certain first-time weapons offenders age 18-20.

UUW Felony Offenses' Legislative History



Data Sources

This report focuses on the period from 2010 through 2021, to update the 2014 report⁴. SPAC analyzed data on UUW arrests, convictions, sentences, and prison populations to describe trends, sentence patterns, and likely impacts from legislation during this period. Arrests, convictions, and sentences are from the Illinois State Police's Criminal History Records Information (CHRI) database. Prison admissions, exits, population counts, prison sentence length and prison length of stay are from the IDOC data from the Planning and Research Unit at IDOC. When comparing the proportion of prison sentences vs. probation sentences, the CHRI data are used.

Data available to SPAC do not have all data points that would be beneficial to understanding and directly quantifying impacts from legislation. For example, an indicator of a judge departing from the longer sentencing range after PA100-0003 is not available, nor is a complete indicator or tally of those receiving a probation sentence under the First Time Weapons Offender Program. Regardless, SPAC attempts to identify if changes in data patterns and trends are *likely* the result of legislation. SPAC has completed [a preliminary report on the impact of PA100-0003](#)⁵ that analyzed the impact of the portion of the law that increased sentences for Aggravated UUW and UUW-Felon for those with certain prior predicate convictions. A future report will update this impact and attempt to quantify the impact of the First Time Weapons Offender Program.

⁴ Unlawful Use of a Weapon Trends Analysis. Illinois Sentencing Policy Advisory Council. 2014. https://spac.icjia-api.cloud/uploads/SPAC_Trends_Analysis_Report_09_2014-20191127T15204111.pdf.

⁵ Presumptive Minimum Prison Sentences: Unlawful Use of a Weapon 730 ILCS 5/5-4.5-110 Public Act 100-0003 Interim Report. Illinois Sentencing Policy Advisory Council. 2020. https://spac.icjia-api.cloud/uploads/SPAC_Trends_Analysis_Report_09_2014-20191127T15204111.pdf.

UW Arrests and Convictions – Overall Trends

Overall, in FY2010-2020, UW arrests and convictions were relatively flat or decreasing until the mid-2010s when increases began, particularly in Aggravated UW. While other types of non-violent arrests decreased during the Covid-19 pandemic, UW arrests increased. It is not clear the degree to which this is due to an increase in gun possession or a change in prioritization of different crimes for arrests during these years. At the backend of the system, convictions certainly declined because of reduced court operations during the pandemic.

From FY2010 to FY2021, there were 86,640 Unlawful Use of a Weapon arrests. UW accounted for 23,380 arrests, or 27%, Aggravated UW accounted for 29,020 arrests, or 33% of arrests, and UW-Felon accounted for 34,240 arrests, or 40% UW arrests from FY2010 to FY2021. Figure 1 provides arrest trends from FY2010 through FY2021. Since FY2010, the number of arrests for Aggravated UW and UW-Felon have increased 261% and 54% respectfully, while the number of arrests for UW decreased 6%. Historically, UW-Felon was the most common arrest charge accounting for 40% of the annual arrests. However, that trend changed in 2019, when Aggravated UW became the most common arrest charge for UW offenses. In FY2021, Aggravated UW increased 56%, and accounted for nearly 50% of all UW arrest charges.

Figure 1: Unlawful Use of a Weapon Arrests by Type

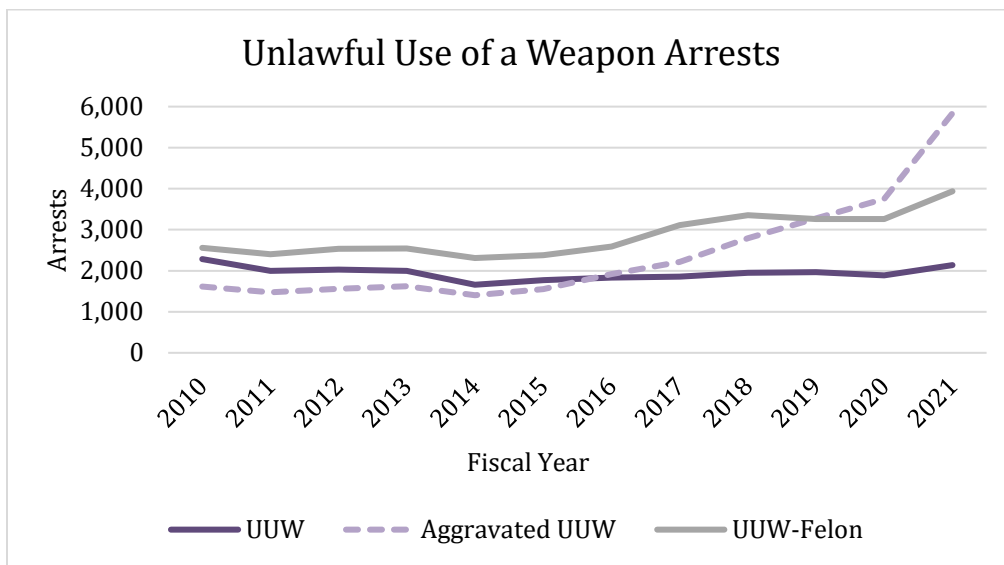


Table 1 below provides the demographics of arrests from FY2010 to FY2021 for UW, Aggravated UW, UW-Felon arrests, and all UW arrests combined. Historically, the 18 to 24-year-olds accounted for the largest number of UW arrests at 44% overall, followed by the 25 to 35-year-old age group at 37% of UW arrests. However, in FY2020 and FY2021, people ages 25 to 35 accounted for more arrests than the 18-24 age group. The 25-35 age group accounted for 5,163, or 43% of arrests in FY2021 compared to 4,721, or 40% of arrests, for the 18-24 age group. The 36 to 50-year-old group accounted for 15% of arrests and people over the age of 50 accounted for 4% of UW arrests from FY2010 to FY2021.

Prior to 2015 people of Hispanic origin were reported as white in criminal history data. Therefore, this analysis utilizes a Black/Non-Black categorization of race for consistency in the time period analyzed. Legislation requiring the collecting and reporting of more granular race and ethnicity data was passed and that data is now reported into the Criminal History Reporting Information (CHRI) system. In addition, when the state fully implements the National Incident Based Reporting System that data will be collected and reported for both the perpetrators and victims of crimes when known.

Table 1: Overall Demographics for UUW Arrests by UUW Offense Type

	UUW	Aggravated UUW	UUW-Felon	All UUW
Percent of Arrests	27%	33%	40%	100%
Average Arrest Age	29.2	25.6	30.4	28.5
Age Group				
18 to 24	44%	59%	31%	44%
25 to 35	34%	31%	45%	37%
36 to 50	16%	8%	19%	15%
Over 50	6%	2%	5%	4%
Race⁶				
Black	53%	76%	74%	69%
Non-Black	47%	24%	26%	31%
Sex				
Male	88%	93%	97%	93%
Female	12%	7%	3%	7%
Region				
Cook	45%	67%	57%	57%
Collar	13%	9%	8%	10%
Urban	23%	19%	24%	22%
Rural	18%	5%	11%	11%

From FY2010 to FY2021, there was a 108% increase in arrests for Black people, and 36% for non-Black people. The vast majority of all types of UUW arrestees are males. Increases in UUW arrests (particularly in Aggravated UUW and UUW-Felon) occurred all over Illinois, not just in Cook County. From FY2010-FY2021, Cook County increased total UUW arrests by 111%, Collar counties by 37%, and urban and rural counties by about 67%.

Convictions

Trends for UUW convictions from FY2010-2021 are shown in Figure 2. Convictions for UUW showed a slightly decreasing trend from 2010 to 2014, increased and peaked through FY2019, and then declined during the COVID-19 pandemic. The decline in convictions for UUW in FY2020

and 2021 does not necessarily reflect a change in prosecutorial decision making, but mostly likely a delay in case processing time.

The increases in FY2014-2019 were largely driven by an increase in convictions for Aggravated UUW, which increased from 1,358 convictions in FY2010 to 1,714 convictions in FY2019, a 26% increase. UUW-Felon convictions increased from 1,365 in FY2010 to 1,391 convictions in FY2019, a 2% increase. Convictions for UUW declined 8% from FY2010 to FY2019. Due to the impact of Covid-19 on court operations, convictions sharply declined in FY2020 and FY2021 by about 35% overall. UUW convictions declined by 21%, UUW-Felon convictions declined by 43%, and Aggravated UUW-Convictions declined by 32%.

From FY2010 to FY2021, UUW-Felon was the most common UUW offense to be convicted, with 14,500 convictions, accounting for 43% of all UUW Convictions. However, likely due to a change in arrest patterns, from FY2019 to FY2021 Aggravated UUW became the most common UUW conviction, accounting for nearly 50% of UUW convictions from FY2019 to FY2021. Table 2 below provides the demographics from FY2010 to FY2021 for UUW, Aggravated UUW, UUW-Felon, and All UUW convictions combined.

Figure 2: Unlawful Use of a Weapon Convictions by Type

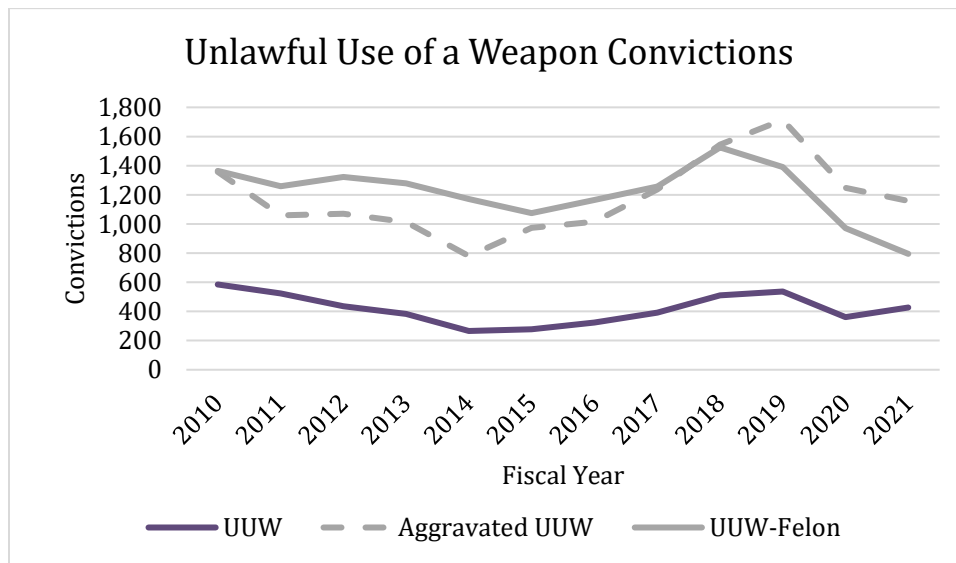


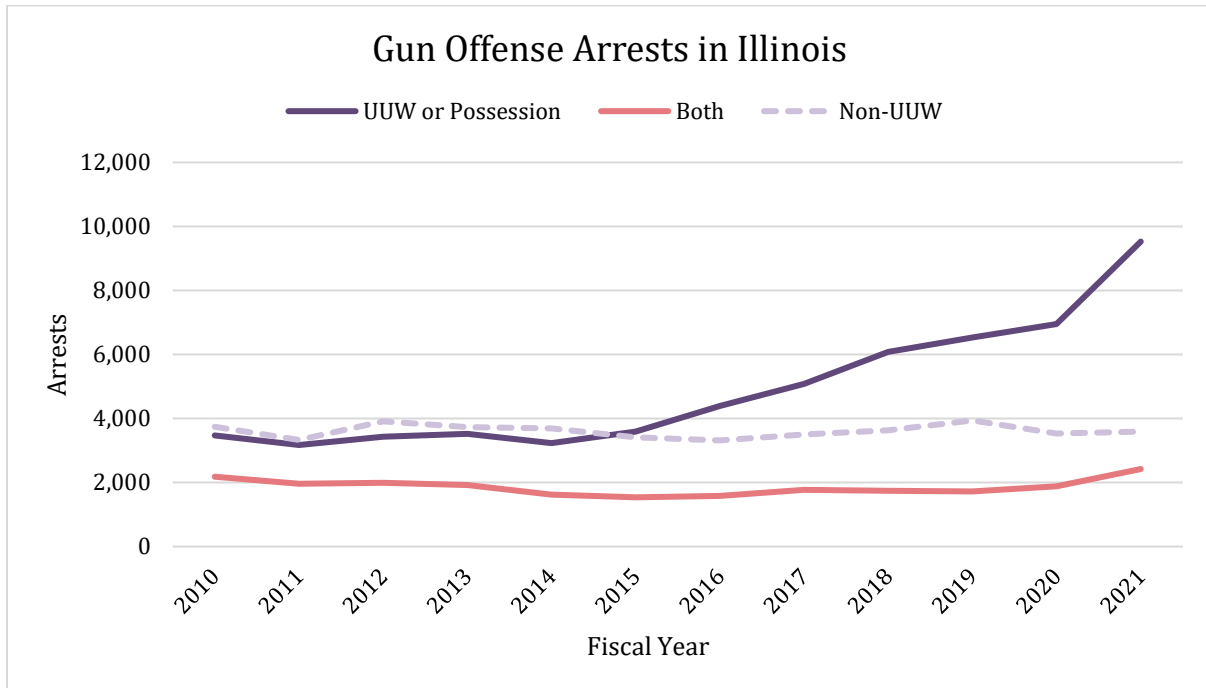
Table 2: Demographics of UUW Convictions by UUW Type

	UUW	Aggravated UUW	UUW-Felon	Overall
Percent of Convictions	15%	42%	43%	100%
Average Arrest Age	29.1	24.6	29.2	27.3
Age (at Arrest) Groups				
18 to 24	45%	65%	38%	50%
25 to 35	34%	26%	42%	34%
36 to 50	16%	7%	16%	12%
Over 50	6%	2%	4%	3%
Race				
Black	54%	77%	74%	72%
Non-Black	46%	23%	26%	28%
Sex				
Male	92%	96%	98%	96%
Female	8%	4%	2%	4%
Region				
Cook	46%	75%	63%	66%
Collar	16%	8%	9%	10%
Urban	19%	14%	18%	16%
Rural	18%	3%	10%	8%
Average Prior Convictions				
All Convictions	1.0	1.0	3.1	1.9
Felony Convictions	0.5	0.5	2.0	1.1
Misdemeanor Convictions	0.6	0.4	0.9	0.6
Unknown Class	0.1	0.1	0.3	0.2

UUW Arrests and Convictions Compared to Other Firearm Offenses

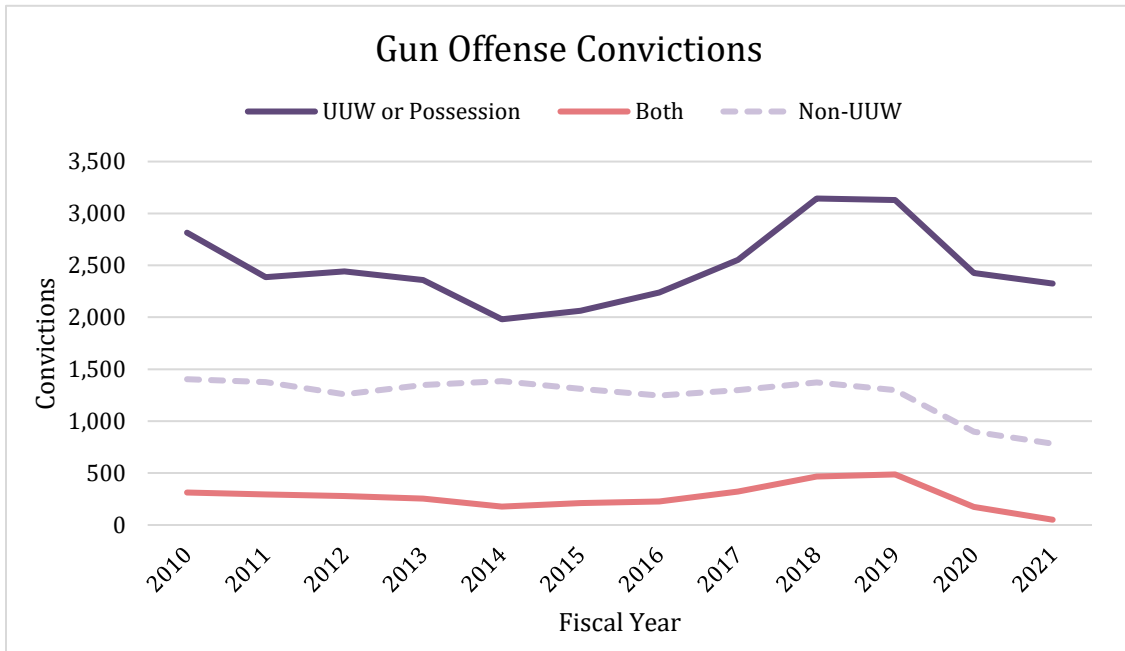
In the context of other gun arrests and convictions, UUW offenses stand out particularly in how much they have increased in recent years, most noticeably in arrests (see Figure 3). From FY2010 to FY2021, UUW or possession offenses account for 47% of arrests where a gun is identifiable by the statute citation. In FY2010, 37% of all gun arrests were for UUW or a possession offense, Non-UUW gun arrests accounted for 40% of arrests, and arrests that had both a UUW arrests and a Non-UUW gun arrest accounted for 23% of gun arrests. By FY2021, UUW or possession arrests accounted for 61% of all gun arrests, Non-UUW gun arrests accounted for 23%, and 16% had both a UUW and a Non-UUW gun arrest. Overall from FY2010 to FY2021, there was a 4% decrease in the number of Non-UUW gun arrests, an 11% increase in offenses where there was both a UUW and a Non-UUW gun charge, and a 174% increase in UUW only arrests.

Figure 3: UUW and Other Gun Offense Arrests



The conviction trend for gun related offenses (Figure 4) is more stable than the arrests trends. In FY2010, 62% of gun related convictions were for UUW, 31% were for a Non-UUW offense, and 7% were for a case where there was both a UUW gun charge and a Non-UUW Gun Charge. By FY2021, 74% of Gun related convictions were for UUW, 25% were for Non-UUW, and 2% had both a UUW and a Non-UUW gun offense. Due to the pandemic, there was a rather large decrease in the number of convictions in FY2020 and FY2021 across all UUW types.

Figure 4: UUW and Other Gun Offense Convictions



UW Sentencing

UW can be a misdemeanor or a felony and has sentencing patterns very different from Aggravated UW and UW Felon, both of which are only felonies. UW sentencing trends and statistics are described in Table 3 and Aggravated and UW Felon trends are described in Table 4.

Table 3: UW and Other Gun Offense Arrests

UW														
Offense Class	Convictions	Percent of Convictions												
Class 2	51	1%												
Class 3	608	12%												
Class 4	116	2%												
Misdemeanor	4,089	82%												
Other/Unknown	143	3%												
Total	5,007	100%												
Probation Sentence														
Percent Sentenced to Probation	<table border="1"> <caption>Percent Sentenced to Probation (2010-2021)</caption> <thead> <tr> <th>Year</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>2010</td> <td>25%</td> </tr> <tr> <td>2013</td> <td>32%</td> </tr> <tr> <td>2016</td> <td>28%</td> </tr> <tr> <td>2018</td> <td>45%</td> </tr> <tr> <td>2021</td> <td>40%</td> </tr> </tbody> </table>		Year	Percent	2010	25%	2013	32%	2016	28%	2018	45%	2021	40%
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	2010	25%												
	2013	32%												
	2016	28%												
	2018	45%												
2021	40%													
Offense Class	Percent of Class	Sentence Length Years												
Class 2	10%	2.1												
Class 3	50%	2.0												
Class 4	50%	1.9												
Misdemeanor	33%	1.6												
Percent Sentenced to Conditional Discharge	<table border="1"> <caption>Percent Sentenced to Conditional Discharge (2010-2021)</caption> <thead> <tr> <th>Year</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>2010</td> <td>30%</td> </tr> <tr> <td>2013</td> <td>28%</td> </tr> <tr> <td>2016</td> <td>18%</td> </tr> <tr> <td>2018</td> <td>25%</td> </tr> <tr> <td>2021</td> <td>18%</td> </tr> </tbody> </table>		Year	Percent	2010	30%	2013	28%	2016	18%	2018	25%	2021	18%
	Year	Percent												
	2010	30%												
	2013	28%												
	2016	18%												
	2018	25%												
2021	18%													
Offense Class	Percent of Class	Sentence Length Years												
Class 3	2%	1.5												
Class 4	16%	1.2												
Misdemeanor	38%	1.2												

For UW offenses, regional differences existed in how Class A convictions were sentenced, primarily in the use of conditional discharge and probation. In Cook County, 24% of convicted people were sentenced to jail, 22% to conditional discharge, and 42% to probation. In Collar

Counties, 26% were sentenced to jail, 36% to conditional discharge, and 25% received a probation sentence. In urban Counties, 24% were sentenced to jail, 25% received a conditional discharge, 23% were sentenced to probation. In rural counties, 24% received a jail sentence, 31% received a conditional discharge, and 27% received a probation sentence.

The most common sentence for a Class 3 U UW was prison (48%) while 28% were sentenced to probation and 18% were sentenced to a probation sentence with jail. The average term for people sentenced to prison was 2.4 years. The average probation sentence was 2 years, and the average jail sentence was 3.5 months. Conditional discharge is not an authorized sentence for a felony.

Aggravated U UW and U UW-Felon Sentencing

Aggravated U UW and U UW Felon were both targeted by legislation in 2011 and 2018. Legislation passed in 2011 made Class 3 Aggravated U UW where the firearm was loaded and accessible a non-probationable offense. This increased prison sentences for this offense, primarily in Cook County. PA 100-0003, effective January 1, 2018, created the First Time Weapons Offender Program, which allows diversion from prison for first time offenders age 18-20. *See*, 730 ILCS 5/5-6-3.6. This likely decreased prison sentences for the same offense and increased probation sentences. It should be noted that data collection was not required for this program, however there is a designation in the CHRI data for this disposition. SPAC's analysis of the CHRI data does not indicate that this disposition is currently being entered in the CHRI system for many diverted cases.

Also in PA 100-0003 was a new presumptive minimum prison sentence for repeat offenders convicted of Aggravated U UW (a six-year minimum sentence) and U UW-Felon (a seven-year minimum sentence) if the person had one or more of the specified predicate convictions in their criminal history. SPAC has analyzed this part of the legislation and preliminary results indicate this likely had an effect that increased the probability of a longer sentence as well as the average sentence length for those with prior predicate convictions⁷. The average sentence length for Aggravated U UW sentences with qualifying predicate convictions increased by about 5 months and the likelihood of a sentence of at least six years was about 3.2 times higher than before the effective date of PA100-0003. The average sentence length for U UW/Felon sentences with predicate convictions, increased by about 4 months and the likelihood of a sentence of at least seven years was about 2.5 times higher than before the effective date of PA100-0003. Sentences without the prior predicate convictions did not change significantly.

⁷ Presumptive Minimum Prison Sentences: Unlawful Use of a Weapon 730 ILCS 5/5-4.5-110 Public Act 100-0003 Interim Report. Illinois Sentencing Policy Advisory Council. 2020. https://spac.icjia-api.cloud/uploads/PA100-0003_SentenceAnalysisSpring2021-20210413T20155149.pdf.

Table 4: Sentencing Trends Aggravated UUW and UUW Felon

	Aggravated UUW		UUW-Felon			
	Count	Percent of Convictions	Count	Percent of Convictions		
Class X	20	0%	54	0%		
Class 1	-	-	23	0%		
Class 2	2,295	16%	9,822	67%		
Class 3	-	-	4,628	32%		
Class 4	11,570	82%	-	-		
Other/Unknown	181	1%	50	0%		
Total	14,066	100%	14,577	100%		
Probation Sentence						
Percent sentenced to probation			Non-Probationable			
Average Probation Sentence						
	Percent of Class	Sentence Length	Percent of Class	Sentence Length		
Class X	-	-	-	-		
Class 1	-	-	-	-		
Class 2	6%	2.1	-	-		
Class 3	67%	2.1	-	-		
Class 4	49%	2.0	-	-		
Other/Unknown	57%	1.6	-	-		
Total	42%	2.0	-	-		
Prison Sentence						
Percent sentenced to Prison			Mandatory Prison Sentence			
Average prison Sentence and length of prison stay	Sentence	Pretrial Credits	Prison LOS	Sentence	Pretrial Credits	Prison LOS
Class X	4.7	1.4	2.3	6.6	1.1	3.5
Class 1	-	-	-	6.5	1.0	6.5
Class 2	4.1	0.7	1.2	5.0	0.7	1.4
Class 3	-	-	-	3.9	0.5	1.0
Class 4	1.6	0.5	0.3	-	-	-

Table 4 shows sentencing trends and statistics for Aggravated UUW and UUW-Felon. A prison sentence accounted for 52% of Aggravated UUW sentences from FY2010 to FY2021, 28% of people received a probation sentence only, 11% got a probation sentence with jail time. UUW-Felon is non-probationable so 100% of sentences for UUW-Felon cases are sentenced to prison.

Table 4 shows inverse relationships in sentencing practices for Aggravated UUW. This pattern is most evident in Class 4 Aggravated UUW sentences, which likely changed due to the 2011 legislation that made many of these offenses non-probationable. In FY2010, 66% of Class 4 convictions were sentenced to probation. In FY2012, there was a notable shift in sentencing practices when 39% of Class 4 convictions were sentenced to probation and 54% of Class 4 convictions were sentenced to prison. This pattern continued through FY2018 with 58% of Class 4 convictions sentenced to prison and 38% to probation. The First Time Weapons Offender Program discussed above likely changed this pattern. FY2019 saw a reversal of the FY2012 to FY2018 trends when 57% of the Class 4 Aggravated UUW convictions were sentenced to probation compared to 34% sentenced to prison sentences. The FY2019 shift is sustained through FY2021, over that three-year period 53% of Class 4 Convictions were sentenced to probation and 31% were sentenced to prison.

Sentencing Trends for Class 2 Aggravated UUW convictions were more stable. From FY2010 to FY2021, 88% of convictions were sentenced to a prison term. Over this time, the use of probation as a sentence for a Class 2 Aggravated UUW sentence declined by 38%. The average prison sentence length for Class 2 prison admissions was 4.0 years, varying between 3.8 and 4.4 years from year to year. While Cook County sent the most Class 2 Aggravated UUW convictions to prison, it had a relatively shorter average sentence imposed at 3.9 years. The average sentence length for Collar counties was 4.2 years. 4.7 years for urban counties, and 4.3 years for rural counties.

The sentencing patterns for UUW-Felon differ from the other UUW offenses because all UUW-Felon offenses are non-probationable. For the first five years of the period examined, Class 2 UUW-Felon prison sentences increased slightly from 795 sentences in FY2010 to 854 sentences in FY2012 and then declined to a low of 688 prison sentences in FY2015. After FY2015, prison sentences for class 2 UUW-Felon steadily increased to a peak of 1,048 prison sentences in FY2018 and then dropped as court cases were delayed due to the Covid-19 pandemic. Class 3 UUW-Felon prison sentences generally increased from FY2010-FY2019 and then also declined due to the Covid-19 pandemic.

The average prison sentence term from FY2010 to FY 2021 for Class 2 UUW-Felon was 4.7 years, but sentence lengths vary by region of the state. In Cook County, the average sentence imposed for Class 2 UUW-Felon prison admissions was 4.4, in collar counties 5.1, in urban counties 5.5, and in rural counties 5.4 years. The average sentence length for a Class 3 UUW-Felon was 3.1 years from FY2010 to FY2021. There are regional differences with Class 3 sentence lengths, in Cook County, the average sentence length was 2.8 years, in the collar counties it was 3.2 years, in urban counties it was 3.3 years, and in rural counties it was 3.5 years.

Uuw & The Prison Population

From FY2020 to FY2021, the average number of people in prison for Uuw on June 30th of each year was 1,555, ranging from 1,373 people in FY2010 and increasing by 37% to a peak of 1,877 people in prison on June 30th, 2019. The Uuw population decreased to 1,024 people in prison on June 30th, 2021, a 45% decline likely because of Covid-19 court delays. The number of Uuw sentenced people has been relatively small (less than 50 people) and decreasing over time. The majority of Uuw sentenced people in prison are Uuw-Felon due to more admissions and considerably longer lengths of stay compared to Aggravated Uuw and Uuw. As a proportion of Uuw offenses in prison, Uuw-Felon has grown from 73% of all Uuw offenses in FY2010 to 86% of all Uuw offenses by FY2021. Aggravated Uuw declined from 25% of the Uuw population to 13%. Uuw typically accounts for only around 1% of Uuw offenses in prison. Figure 5 shows the prison population by Uuw type from FY2021-FY2021.

Figure 5: IDOC Population on June 30th

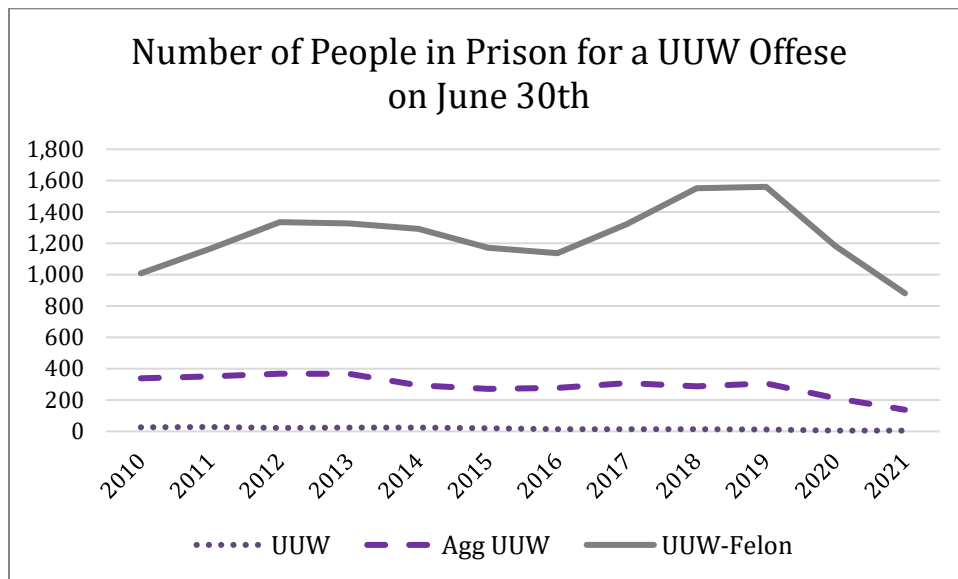


Table 5: Demographics of People in Prison for U UW on 6/30/2021

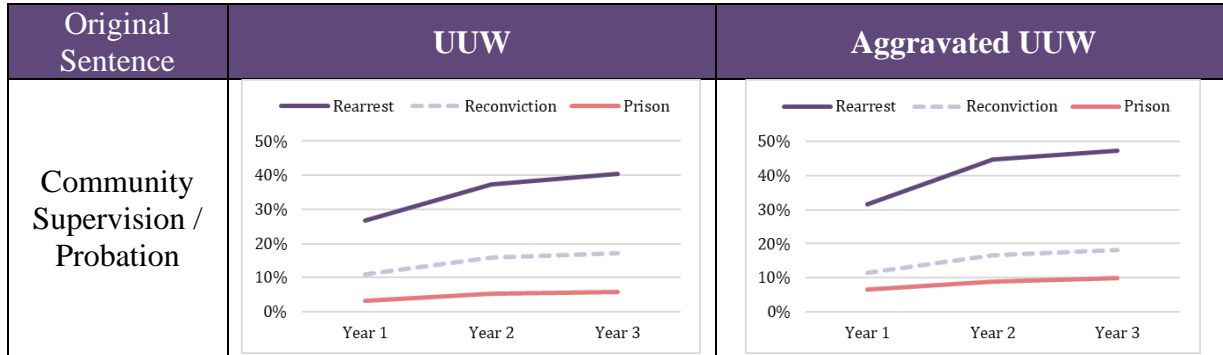
	U UW	Aggravated U UW	U UW-Felon	Overall
Percent of Prison Population	1%	19%	80%	100%
Average Admission Age	25.7	26.6	30.0	29.3
Average Population Age	26.4	27.3	31.1	30.3
Population Age Groups				
18 to 24	56%	45%	25%	29%
25 to 35	28%	42%	49%	48%
36 to 50	13%	12%	21%	19%
Over 50	3%	2%	4%	4%
Race				
Black	66%	82%	75%	76%
White	17%	5%	14%	12%
Hispanic	17%	12%	11%	11%
Other	0%	0%	0%	0%
Sex				
Male	100%	98%	99%	99%
Female	0%	2%	1%	1%
Region				
Cook	67%	75%	55%	59%
Collar	10%	7%	10%	9%
Urban	10%	15%	23%	21%
Rural	13%	3%	12%	10%

Recidivism

SPAC analyzed recidivism for people convicted of U UW offenses and sentenced to either community supervision (probation or conditional discharge) or prison. Recidivism periods were based on when the person was at risk of reoffending in the community. SPAC provided three different measures of recidivism within 3 years of their 2016-2018 conviction date for people who were sentenced to a term of community supervision: rearrest for any offense, reconviction as defined as a new conviction within three years of the original conviction date, and reconviction with a prison sentence (prison sentence). For a measure of recidivism for prison exits, SPAC followed people who exited from IDOC between FY2016 and FY2018 for three years to determine if they were rearrested, reconvicted, or returned to prison within that timeframe. These recidivism rates are not adjusted for other factors beyond their original conviction offense that will influence the likelihood of recidivism, such as age, criminal history, a community vs. incarceration sentence and additional parole time, and location.

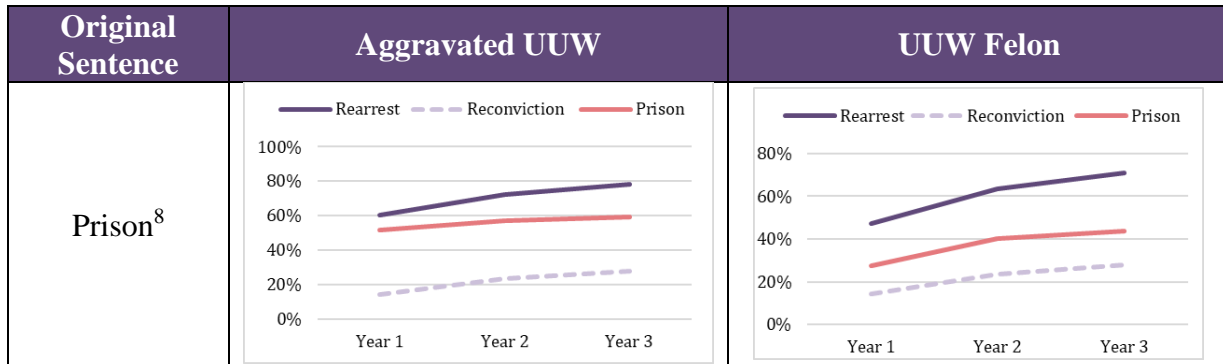
The three-year rearrest, reconviction, and prison sentence rates for people who were originally sentenced to a term of community supervision after a conviction for U UW were 40%, 14%, and 6% respectively. Aggravated U UW convictions that were originally sentenced to a term of community supervision had slightly higher recidivism rates at 47% rearrested, 18% reconvicted, and 10% reconvicted and sentenced to prison within three years.

Figure 6: Cumulative Recidivism for those Sentenced to Community Supervision/Probation from FY2016-2018



78% of people exiting prison after they served a sentence for Aggravated UUW were re-arrested, 28% were reconvicted, and 59.5% returned to prison within three years. Of that 59%, 30% were returned on a new sentence admission, 13% were returned on a technical violation, and 16% had both a new sentence admission and a technical violation admission within three years of their original exit. 71% of the people exiting prison after they served a sentence for UUW-Felon were rearrested, 28% were reconvicted, and 44% were returned within three years of their exit. 12% were returned on a new sentence admission, 22% were returned on a technical violation, and 10% had both a technical violation admission and a new sentence admission.

Figure 7: Cumulative Recidivism for those Exiting Prison in FY2016-2018



For those exiting prison in FY2016-2018 who were rearrested, most were rearrested for a non-violent offense. 28% of Aggravated UUW exits were rearrested for a violent offense, but only 5.2% were reincarcerated for a violent offense within 3 years. People with Aggravated UUW histories were most commonly reincarcerated for another weapons offense at 37%. Twenty-three percent of UUW-Felon exits were rearrested for a violent offense, but only 4.2% were reincarcerated for a violent offense within 3 years of release. The most common new sentence

⁸ For prison recidivism, a return is counted as a new sentence or a technical violation admission back to prison.

reincarceration type for U UW-Felon exits was also for a weapons offense (11%). For both Aggravated U UW and U UW-Felon, rearrest and reincarceration rates for drug and property offenses were around 7-9% and 1-3% respectively. About 20% were rearrested for various other crimes including driving and DUI offenses. About 45% of all exits were rearrested for a felony, 19% for a misdemeanor, and 11% for an arrest of a lesser or unknown class.

Recent Research on U UW in Illinois

Loyola's Center for Criminal Justice Research, Policy and Practice produced two reports⁹ focusing on illegal gun possession in Cook County over the past decade. Arrests for illegal gun possession were the majority of firearm-involved arrests and grew at a far faster rate than arrests for firearm use and discharge. About 40% of those arrested for illegal gun possession in Cook County did not have any prior violent arrests and 80% had no prior violent convictions. A combination of increased arrests and more severe penalties increased convictions and sentences to the Illinois Department of Corrections for illegal gun possession, while at the same time convictions and sentences for other crimes decreased. For those convicted for Class 4 Aggravated U UW in Cook County, convicted individuals under 21 switched from being the most likely age group to be sentenced to prison to be the least likely after 2018, likely due to the impact of the First Time Weapons Offender Program discussed on page 12.

Recidivism patterns showed that the majority of U UW offenders were not rearrested or reconvicted for violent crimes after release from prison or sentenced to probation. The authors recommend reconsidering mandatory prison sentences for U UW given that prison and probation sentenced U UW offenders had similar recidivism rates and instead focusing on risk factors in their criminal history that more accurately predicted violent recidivism.

⁹ Sentences Imposed on Those Convicted of Felony Illegal Possession of a Firearm in Illinois. 2021. Center for Criminal Justice Research, Policy, and Practice. Loyola University Chicago.
<https://www.luc.edu/media/lucedu/ccj/pdfs/firearmpossessionsentencinginillinois.pdf>.

Arrests in Cook County for Illegal Possession of a Firearm. 2020. Center for Criminal Justice Research, Policy, and Practice. Loyola University Chicago.
<https://www.luc.edu/media/lucedu/ccj/pdfs/CookCountygunpossessionbulletindecember2020.pdf>.

Table A5: U UW Statute Citation

U UW			
Statute Citation	Offense Description	Offense Class	Enhanced Sentence
720 ILCS 5/24-1(a)(1)	Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of its composition, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas	Class A Misdemeanor	
720 ILCS 5/24-1(a)(2)	Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character	Class A Misdemeanor	
720 ILCS 5/24-1(a)(2.5)	Carries or possesses with intent to use the same unlawfully against another, any firearm in a church, synagogue, mosque, or other building, structure, or place used for religious worship	Class 2 Felony	
720 ILCS 5/24-1(a)(3)	Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older	Class A Misdemeanor	
720 ILCS 5/24-1(a)(4)	Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (4) does not apply to or affect transportation of weapons that meet one of the following conditions: (i) are broken down in a non-functioning state; or (ii) are not immediately accessible; or (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or (iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act	Class A Misdemeanor Second or Subsequent Class 3 Felony	
720 ILCS 5/24-1(a)(5)	Sets a spring gun	Class A Misdemeanor	
720 ILCS 5/24-1(a)(6)	Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm	Class 3 Felony	

UUW			
Statute Citation	Offense Description	Offense Class	Enhanced Sentence
720 ILCS 5/24-1(a)(7)(i)	Sells, manufactures, purchases, possesses or carries: a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person	Class 2 Felony	Shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years
	If the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, or on the person, while the weapon is loaded	Class X Felony	
720 ILCS 5/24-1(a)(7)(ii)	any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches	Class 3 Felony	
720 ILCS 5/24-1(a)(7)(iii)	any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles	Class 3 Felony	
720 ILCS 5/24-1(a)(8)	Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted	Class 4 Felony Second or Subsequent Class 3 Felony	
721 ILCS 5/24-1(a)(9)	Carries or possesses in a vehicle or on or about his or her person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he or she is hooded, robed or masked in such manner as to conceal his or her identity	Class 4 Felony Second or Subsequent Class 3 Felony	

UUW			
Statute Citation	Offense Description	Offense Class	Enhanced Sentence
722 ILCS 5/24-1(a)(10)	<p>Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village, or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun, or taser or other firearm, except that this subsection (a) (10) does not apply to or affect transportation of weapons that meet one of the following conditions:</p> <ul style="list-style-type: none"> (i) are broken down in a non-functioning state; or (ii) are not immediately accessible; or (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or (iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act. 	<p>Class A Misdemeanor</p> <p>Second or Subsequent Class 3 Felony</p>	
723 ILCS 5/24-1(a)(11)	<p>Sells, manufactures, or purchases any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap</p>	<p>Class A Misdemeanor</p>	
724 ILCS 5/24-1(a)(12)	<p>Blank</p>		
725 ILCS 5/24-1(a)(13)	<p>Carries or possesses on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. For the purposes of this Section, "billy club" means a short stick or club commonly carried by police officers which is either telescopic or constructed of a solid piece of wood or other man-made material</p>	<p>Class A Misdemeanor</p>	

UUW			
Statute Citation	Offense Description	Offense Class	Enhanced Sentence
726 ILCS 5/24-1(c)(1)	person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development	Class 2 Felony	Shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years
727 ILCS 5/24-1(c)(1.5)	A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development	Class 3 Felony	

UUW			
Statute Citation	Offense Description	Offense Class	Enhanced Sentence
728 ILCS 5/24-1(c)(2)	A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development	Class 4 Felony	

Table A6: Aggravates Unlawful Use of a Weapon Offense Citation

Aggravated UUW			
Statute Citation	Offense Description	Offense Class	Enhanced Sentence
720 ILCS 24-1.6(a)(1)	Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm	Class 4 felony <u>Second or Subsequent</u> Class 2 Felony	
720 ILCS 24-1.6(a)(2)	Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm and (3) One of the following factors is present:		
720 ILCS 24-1.6(a)(3)(A)	the firearm, other than a pistol, revolver, or handgun, possessed was uncased, loaded, and immediately accessible at the time of the offense		
720 ILCS 24-1.6(a)(3)(A-5)	the pistol, revolver, or handgun possessed was uncased, loaded, and immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been		

	issued a currently valid license under the Firearm Concealed Carry Act		
720 ILCS 24-1.6(a)(3)(B)	the firearm, other than a pistol, revolver, or handgun, possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense		
720 ILCS 24-1.6(a)(3)(B-5)	the pistol, revolver, or handgun possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act		
720 ILCS 24-1.6(a)(3)(C)	the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card		
720 ILCS 24-1.6(a)(3)(D)	the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony		
720 ILCS 24-1.6(a)(3)(E)	the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act, in a misdemeanor violation of the Illinois Controlled Substances Act, or in a misdemeanor violation of the Methamphetamine Control and Community Protection Act		
720 ILCS 24-1.6(a)(3)(G)	the person possessing the weapon had an order of protection issued against him or her within the previous 2 years		
720 ILCS 24-1.6(a)(3)(H)	the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another		
720 ILCS 24-1.6(a)(3)(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 or described in subsection 24-2(b)(1), (b)(3), or 24-2(f)		
720 ILCS 24-1.6(a)(2)	A first offense of aggravated unlawful use of a weapon committed with a firearm by a person 18 years of age or older where the factors listed in both items (A) and (C) or both items (A-5) and (C) of paragraph (3) of subsection (a) are present	Class 4 felony	Shall be sentenced to a term of imprisonment of not less than one year and not more than 3 years
720 ILCS 24-1.6(a)(3)	Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction	Class 2 felony	Shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years
720 ILCS 24-1.6(a)(4)	Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act	Class X Felony	

Table A7: Unlawful Use of a Weapon by a Felon Statute Citation

UUW Felon			
Statute Citation	Offense Description	Offense Class	Enhanced Sentence
720 ILCS 5/24-1.1(a) UUW Felon not in Penal Institution	It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Illinois State Police under Section 10 of the Firearm Owners Identification Card Act.	Class 3 felony Second or Subsequent Class 2 felony	Shall be sentenced to no less than 2 years and no more than 10 years <u>Second or Subsequent</u> Shall be sentenced to a term of imprisonment of not less than 3 years and not more than 14 years
	been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act	Class 2 felony	Shall be sentenced to not less than 3 years and not more than 14 years
	Violation of this Section by a person who is on parole or mandatory supervised release	Class 2 felony	Shall be sentenced to not less than 3 years and not more than 14 years
	When the firearm possessed is a machine gun	Class X felony	
721 ILCS 5/24-1.1(b) UUW Felon in Penal Institution	It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under Section 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it	Class 1 felony	
	If he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it	Class X felony	
	If he possesses any firearm, firearm ammunition or explosive	Class X felony	
	When the firearm possessed is a machine gun	Class X felony	shall be sentenced to not less than 12 years and not more than 50 years
UUW Felon with Body Armor	A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1	Class X felony	Shall be sentenced to a term of imprisonment of not less than 10 years and not more than 40 years

Table A8: Unlawful Use of a Weapon by a Gang Member Statute Citation

UUW by a Street Gang Member			
Statute Citation	Offense Description	Offense Class	Sentence Range
720 ILCS 5/24-1.8(a)(1)	possesses, carries, or conceals on or about his or her person a firearm and firearm ammunition while on any street, road, alley, gangway, sidewalk, or any other lands, except when inside his or her own abode or inside his or her fixed place of business, and has not been issued a currently valid Firearm Owner's Identification Card and is a member of a street gang	Class 2 felony	If sentenced to a term of imprisonment, shall be sentenced to no less than 3 years and no more than 10 years.
720 ILCS 5/24-1.8(a)(2)	possesses or carries in any vehicle a firearm and firearm ammunition which are both immediately accessible at the time of the offense while on any street, road, alley, or any other lands, except when inside his or her own abode or garage, and has not been issued a currently valid Firearm Owner's Identification Card and is a member of a street gang.	Class 2 felony	If sentenced to a term of imprisonment, shall be sentenced to no less than 3 years and no more than 10 years.
720 ILCS 5/24-1.8(b)	A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the offense of unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition	Class 2 felony	The court shall sentence the offender to not less than the minimum term of imprisonment authorized