



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1698

Introduced 2/9/2017, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

Amends the Firearm Owners Identification Card Act. Provides that the regulation of the possession or ownership of dangerous and unusual weapons are exclusive powers of the State and any ordinance or regulation that purports to regulate the possession or ownership of a dangerous and unusual weapon in a manner inconsistent with the Act shall be invalid. Defines "dangerous and unusual weapon". Deletes provision that the regulation of the possession or ownership of assault weapons are exclusive powers and functions of this State. Deletes provision that any ordinance or regulation, or portion of that ordinance or regulation, that purports to regulate the possession or ownership of assault weapons in a manner that is inconsistent with the Act, shall be invalid unless the ordinance or regulation is enacted on, before, or within 10 days after the effective date of Public Act 98-63 (July 9, 2013). Deletes provision that any ordinance or regulation described in the stricken provision enacted more than 10 days after the effective date of Public Act 98-63 is invalid. Effective immediately.

LRB100 09591 SLF 19759 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 13.1 as follows:

6 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

7 Sec. 13.1. Preemption.

8 (a) Except as otherwise provided in the Firearm Concealed
9 Carry Act and subsections (b) and (c-5) ~~(e)~~ of this Section,
10 the provisions of any ordinance enacted by any municipality
11 which requires registration or imposes greater restrictions or
12 limitations on the acquisition, possession and transfer of
13 firearms than are imposed by this Act, are not invalidated or
14 affected by this Act.

15 (b) Notwithstanding subsection (a) of this Section, the
16 regulation, licensing, possession, and registration of
17 handguns and ammunition for a handgun, and the transportation
18 of any firearm and ammunition by a holder of a valid Firearm
19 Owner's Identification Card issued by the Department of State
20 Police under this Act are exclusive powers and functions of
21 this State. Any ordinance or regulation, or portion of that
22 ordinance or regulation, enacted on or before the effective
23 date of this amendatory Act of the 98th General Assembly that

1 purports to impose regulations or restrictions on a holder of a
2 valid Firearm Owner's Identification Card issued by the
3 Department of State Police under this Act in a manner that is
4 inconsistent with this Act, on the effective date of this
5 amendatory Act of the 98th General Assembly, shall be invalid
6 in its application to a holder of a valid Firearm Owner's
7 Identification Card issued by the Department of State Police
8 under this Act.

9 (c) (Blank). ~~Notwithstanding subsection (a) of this~~
10 ~~Section, the regulation of the possession or ownership of~~
11 ~~assault weapons are exclusive powers and functions of this~~
12 ~~State. Any ordinance or regulation, or portion of that~~
13 ~~ordinance or regulation, that purports to regulate the~~
14 ~~possession or ownership of assault weapons in a manner that is~~
15 ~~inconsistent with this Act, shall be invalid unless the~~
16 ~~ordinance or regulation is enacted on, before, or within 10~~
17 ~~days after the effective date of this amendatory Act of the~~
18 ~~98th General Assembly. Any ordinance or regulation described in~~
19 ~~this subsection (c) enacted more than 10 days after the~~
20 ~~effective date of this amendatory Act of the 98th General~~
21 ~~Assembly is invalid. An ordinance enacted on, before, or within~~
22 ~~10 days after the effective date of this amendatory Act of the~~
23 ~~98th General Assembly may be amended. The enactment or~~
24 ~~amendment of ordinances under this subsection (c) are subject~~
25 ~~to the submission requirements of Section 13.3. For the~~
26 ~~purposes of this subsection, "assault weapons" means firearms~~

1 ~~designated by either make or model or by a test or list of~~
2 ~~cosmetic features that cumulatively would place the firearm~~
3 ~~into a definition of "assault weapon" under the ordinance.~~

4 (c-5) Notwithstanding subsection (a) of this Section, the
5 regulation of the possession or ownership of dangerous and
6 unusual weapons are exclusive powers and functions of this
7 State. Any ordinance or regulation that purports to regulate
8 the possession or ownership of a dangerous and unusual weapon
9 in a manner that is inconsistent with this Act shall be
10 invalid.

11 (d) For the purposes of this Section: 7

12 "Dangerous and unusual weapon" means a weapon not typically
13 possessed by law-abiding citizens for lawful purposes,
14 including, but not limited to, a short-barreled shotgun or
15 machine gun.

16 "Handgun" "handgun" has the meaning ascribed to it in
17 Section 5 of the Firearm Concealed Carry Act.

18 (e) This Section is a denial and limitation of home rule
19 powers and functions under subsection (h) of Section 6 of
20 Article VII of the Illinois Constitution.

21 (Source: P.A. 98-63, eff. 7-9-13.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.