



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0042

Introduced 1/16/2013, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act. Exempts assault weapon registration affidavits. Amends the State Police Act. Authorizes emergency procurement for an assault weapon registration system. Amends the Firearm Owners Identification Card Act. Raises penalty for failure to keep a firearm transfer record. Amends the Criminal Code of 2012. Provides that after the effective date, it is unlawful to knowingly deliver, sell, or purchase a semi-automatic assault weapon, attachment, .50 caliber rifle, or .50 caliber cartridge. Prohibits possession of these weapons and attachments, 270 days after the effective date. Allows possession of a weapon or attachment possessed before the effective date if the person provides a registration affidavit. Provides that a retired peace officer may possess a weapon or attachment, if lawfully acquired and possessed prior to retirement and a registration affidavit filed. Provides that the person or retired peace officer may only transfer the weapon or attachment to an heir, an individual residing in another state, or a licensed federal firearms dealer. Establishes registration fees. Provides that 60 days after the effective date, it is unlawful to knowingly deliver, sell, purchase, or possess a large capacity ammunition feeding device. Provides exemptions and penalties. Raises gunrunning penalties. Provides that a person who possesses or acquires a handgun, semi-automatic assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device and later loses or has it stolen, must report the loss or theft to law enforcement. Provides severability. Effective immediately.

LRB098 05552 MRW 35589 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential under
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library Records
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records
16 received by the Experimental Organ Transplantation Procedures
17 Board and any and all documents or other records prepared by
18 the Experimental Organ Transplantation Procedures Board or its
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating to
22 known or suspected cases of sexually transmissible disease or
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the
5 Architectural, Engineering, and Land Surveying Qualifications
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under
10 the State Officials and Employees Ethics Act, and records of
11 any lawfully created State or local inspector general's office
12 that would be exempt if created or obtained by an Executive
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan
15 submitted to a municipality in accordance with a local
16 emergency energy plan ordinance that is adopted under Section
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of
19 surcharge moneys collected and remitted by wireless carriers
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or
22 driver identification information compiled by a law
23 enforcement agency or the Department of Transportation under
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review
2 Team Act.

3 (m) Information provided to the predatory lending database
4 created pursuant to Article 3 of the Residential Real Property
5 Disclosure Act, except to the extent authorized under that
6 Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial counsel as
9 provided under Sections 10 and 15 of the Capital Crimes
10 Litigation Act. This subsection (n) shall apply until the
11 conclusion of the trial of the case, even if the prosecution
12 chooses not to pursue the death penalty prior to trial or
13 sentencing.

14 (o) Information that is prohibited from being disclosed
15 under Section 4 of the Illinois Health and Hazardous Substances
16 Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act or the St. Clair County
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the
26 Illinois School Student Records Act.

1 (s) Information the disclosure of which is restricted under
2 Section 5-108 of the Public Utilities Act.

3 (t) All identified or deidentified health information in
4 the form of health data or medical records contained in, stored
5 in, submitted to, transferred by, or released from the Illinois
6 Health Information Exchange, and identified or deidentified
7 health information in the form of health data and medical
8 records of the Illinois Health Information Exchange in the
9 possession of the Illinois Health Information Exchange
10 Authority due to its administration of the Illinois Health
11 Information Exchange. The terms "identified" and
12 "deidentified" shall be given the same meaning as in the Health
13 Insurance Accountability and Portability Act of 1996, Public
14 Law 104-191, or any subsequent amendments thereto, and any
15 regulations promulgated thereunder.

16 (u) Records and information provided to an independent team
17 of experts under Brian's Law.

18 (v) Names, affidavit, and information of people who have:

19 (1) applied for or received Firearm Owner's
20 Identification Cards under the Firearm Owners
21 Identification Card Act; or

22 (2) provided a registration affidavit to the
23 Department of State Police for a weapon, attachment, or
24 device under Section 24-1.9 or 24-1.10 of the Criminal Code
25 of 2012.

26 (w) Personally identifiable information which is exempted

1 from disclosure under subsection (g) of Section 19.1 of the
2 Toll Highway Act.

3 (x) Information which is exempted from disclosure under
4 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
5 Illinois Municipal Code.

6 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
7 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
8 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
9 eff. 1-1-13.)

10 Section 10. The State Police Act is amended by adding
11 Section 24 as follows:

12 (20 ILCS 2610/24 new)

13 Sec. 24. Assault weapons and large ammunition feeding
14 device registration eligibility verification system vendor
15 contract.

16 (a) For the purposes of this Section, "Department" means
17 the Department of State Police.

18 (b) Because of the urgent need to protect the public safety
19 from firearm violence, the Department shall enter into a
20 contract or contracts with one or more third-party entities to
21 provide the services as set forth in subsection (c) of this
22 Section. Any of these procurements by the Department to perform
23 functions related to this Section shall be deemed to be
24 emergency purchases necessary to prevent or minimize serious

1 disruption in critical State services that affect public
2 safety. The procurement of this contract or contracts shall be
3 conducted in accordance with the emergency purchase provisions
4 prescribed in Section 20-30 of the Illinois Procurement Code.
5 However, the term of these emergency contracts shall not be
6 limited to 90 days but may be for an initial term of up to 2
7 years. In procuring any emergency contract or contracts, (i)
8 the State Procurement Officer, in consultation with the
9 Department, shall cause a notice to be posted to the Illinois
10 Procurement Bulletin of the Department's intent to procure, a
11 description of the anticipated contract objectives, and the
12 duties and responsibilities of any third-party entity; (ii) the
13 Department may invite an interested third-party entity or
14 entities to one or more meetings to discuss the procurement,
15 the contents thereof, and the scope of the procurement, and to
16 answer questions; (iii) the interested third-party entity or
17 entities shall be invited to submit their solutions in writing;
18 (iv) the Department shall select the third-party entity or
19 entities whose solutions best fit the Department's needs as
20 described by the Department in the notice posted to the
21 Illinois Procurement Bulletin and shall enter into
22 negotiations with one or more to settle on final duties and
23 responsibilities and the price for the final contract or
24 contracts; and (v) the State Purchasing Officer, in
25 consultation with the Department, shall cause any award to be
26 posted to the Illinois Procurement Bulletin. The provisions

1 prescribed in Section 50-39 of the Illinois Procurement Code do
2 not apply to any emergency purchases procured under this
3 Section. Notwithstanding any other provision of the Illinois
4 Procurement Code to the contrary, any amendments to any
5 contract or contracts that the Chief Procurement Officer, in
6 consultation with the Department, determines are necessary to
7 implement this Section shall be deemed to be within the scope
8 of the emergency purchases allowed under this Section and under
9 Section 20-30 of the Illinois Procurement Code.

10 (c) No later than 60 days after the effective date of this
11 amendatory Act of the 98th General Assembly, the Department, in
12 consultation with the Chief Procurement Officer, shall conduct
13 and complete any procurement necessary to procure a vendor to
14 create, implement, and administer a registration eligibility
15 verification system for semi-automatic assault weapons,
16 assault weapon attachments, .50 caliber rifles, .50 caliber
17 cartridges, and large capacity ammunition feeding devices as
18 provided in Sections 24-1.9 and 24-1.10 of the Criminal Code of
19 2012 and as required by the Department. The registration
20 eligibility verification system must ensure the firearms and
21 devices are registered to persons with valid Firearm Owner's
22 Identification cards whom may lawfully possess the weapons,
23 attachments, or devices. Notwithstanding any other provision
24 of the Illinois Procurement Code to the contrary:

25 (1) The procurement may include procurement of a vendor
26 to assist the Department in conducting the procurement.

1 This vendor shall be precluded from working on any contract
2 awarded under this subsection (c).

3 (2) The Department, in consultation with the Chief
4 Procurement Officer, shall negotiate final contract terms
5 with a vendor selected by the Department and within 30 days
6 of selection of a registration eligibility verification
7 vendor, the Department shall enter into a contract with the
8 selected vendor.

9 Section 15. The Firearm Owners Identification Card Act is
10 amended by changing Sections 3 and 8 as follows:

11 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

12 Sec. 3. (a) Except as provided in Section 3a, no person may
13 knowingly transfer, or cause to be transferred, any firearm,
14 firearm ammunition, stun gun, or taser to any person within
15 this State unless the transferee with whom he deals displays a
16 currently valid Firearm Owner's Identification Card which has
17 previously been issued in his name by the Department of State
18 Police under the provisions of this Act. In addition, all
19 firearm, stun gun, and taser transfers by federally licensed
20 firearm dealers are subject to Section 3.1.

21 (a-5) Any person who is not a federally licensed firearm
22 dealer and who desires to transfer or sell a firearm while that
23 person is on the grounds of a gun show must, before selling or
24 transferring the firearm, request the Department of State

1 Police to conduct a background check on the prospective
2 recipient of the firearm in accordance with Section 3.1.

3 (b) Any person within this State who transfers or causes to
4 be transferred any firearm, stun gun, or taser shall keep a
5 record of such transfer for a period of 10 years from the date
6 of transfer. Such record shall contain the date of the
7 transfer; the description, serial number or other information
8 identifying the firearm, stun gun, or taser if no serial number
9 is available; and, if the transfer was completed within this
10 State, the transferee's Firearm Owner's Identification Card
11 number. On or after January 1, 2006, the record shall contain
12 the date of application for transfer of the firearm. On demand
13 of a peace officer such transferor shall produce for inspection
14 such record of transfer. Failure to keep a record of the
15 transfer is a Class 4 felony. If the transfer or sale took
16 place at a gun show, the record shall include the unique
17 identification number. Failure to record the unique
18 identification number is a Class 4 felony ~~petty offense~~.

19 (b-5) Any resident may purchase ammunition from a person
20 within or outside of Illinois if shipment is by United States
21 mail or by a private express carrier authorized by federal law
22 to ship ammunition. Any resident purchasing ammunition within
23 or outside the State of Illinois must provide the seller with a
24 copy of his or her valid Firearm Owner's Identification Card
25 and either his or her Illinois driver's license or Illinois
26 State Identification Card prior to the shipment of the

1 ammunition. The ammunition may be shipped only to an address on
2 either of those 2 documents.

3 (c) The provisions of this Section regarding the transfer
4 of firearm ammunition shall not apply to those persons
5 specified in paragraph (b) of Section 2 of this Act.

6 (Source: P.A. 97-1135, eff. 12-4-12.)

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

8 Sec. 8. Grounds for denial and revocation.

9 (A) The Department of State Police has authority to deny an
10 application for or to revoke and seize a Firearm Owner's
11 Identification Card previously issued under this Act only if
12 the Department finds that the applicant or the person to whom
13 such card was issued is or was at the time of issuance:

14 (a) A person under 21 years of age who has been
15 convicted of a misdemeanor other than a traffic offense or
16 adjudged delinquent;

17 (b) A person under 21 years of age who does not have
18 the written consent of his parent or guardian to acquire
19 and possess firearms and firearm ammunition, or whose
20 parent or guardian has revoked such written consent, or
21 where such parent or guardian does not qualify to have a
22 Firearm Owner's Identification Card;

23 (c) A person convicted of a felony under the laws of
24 this or any other jurisdiction;

25 (d) A person addicted to narcotics;

1 (e) A person who has been a patient of a mental
2 institution within the past 5 years or has been adjudicated
3 as a mental defective;

4 (f) A person whose mental condition is of such a nature
5 that it poses a clear and present danger to the applicant,
6 any other person or persons or the community;

7 For the purposes of this Section, "mental condition" means
8 a state of mind manifested by violent, suicidal, threatening or
9 assaultive behavior.

10 (g) A person who is intellectually disabled;

11 (h) A person who intentionally makes a false statement
12 in the Firearm Owner's Identification Card application;

13 (i) An alien who is unlawfully present in the United
14 States under the laws of the United States;

15 (i-5) An alien who has been admitted to the United
16 States under a non-immigrant visa (as that term is defined
17 in Section 101(a)(26) of the Immigration and Nationality
18 Act (8 U.S.C. 1101(a)(26))), except that this subsection
19 (i-5) does not apply to any alien who has been lawfully
20 admitted to the United States under a non-immigrant visa if
21 that alien is:

22 (1) admitted to the United States for lawful
23 hunting or sporting purposes;

24 (2) an official representative of a foreign
25 government who is:

26 (A) accredited to the United States Government

1 or the Government's mission to an international
2 organization having its headquarters in the United
3 States; or

4 (B) en route to or from another country to
5 which that alien is accredited;

6 (3) an official of a foreign government or
7 distinguished foreign visitor who has been so
8 designated by the Department of State;

9 (4) a foreign law enforcement officer of a friendly
10 foreign government entering the United States on
11 official business; or

12 (5) one who has received a waiver from the Attorney
13 General of the United States pursuant to 18 U.S.C.
14 922(y)(3);

15 (j) (Blank);

16 (k) A person who has been convicted within the past 5
17 years of battery, assault, aggravated assault, violation
18 of an order of protection, or a substantially similar
19 offense in another jurisdiction, in which a firearm was
20 used or possessed;

21 (l) A person who has been convicted of domestic
22 battery, aggravated domestic battery, or a substantially
23 similar offense in another jurisdiction committed before,
24 on or after January 1, 2012 (the effective date of Public
25 Act 97-158). If the applicant or person who has been
26 previously issued a Firearm Owner's Identification Card

1 under this Act knowingly and intelligently waives the right
2 to have an offense described in this paragraph (l) tried by
3 a jury, and by guilty plea or otherwise, results in a
4 conviction for an offense in which a domestic relationship
5 is not a required element of the offense but in which a
6 determination of the applicability of 18 U.S.C. 922(g)(9)
7 is made under Section 112A-11.1 of the Code of Criminal
8 Procedure of 1963, an entry by the court of a judgment of
9 conviction for that offense shall be grounds for denying an
10 application for and for revoking and seizing a Firearm
11 Owner's Identification Card previously issued to the
12 person under this Act;

13 (m) (Blank);

14 (n) A person who is prohibited from acquiring or
15 possessing firearms or firearm ammunition by any Illinois
16 State statute or by federal law;

17 (o) A minor subject to a petition filed under Section
18 5-520 of the Juvenile Court Act of 1987 alleging that the
19 minor is a delinquent minor for the commission of an
20 offense that if committed by an adult would be a felony;

21 (p) An adult who had been adjudicated a delinquent
22 minor under the Juvenile Court Act of 1987 for the
23 commission of an offense that if committed by an adult
24 would be a felony; or

25 (q) A person who is not a resident of the State of
26 Illinois, except as provided in subsection (a-10) of

1 Section 4.

2 (B) The Department of State Police may revoke and seize a
3 Firearm Owner's Identification Card previously issued under
4 this Act of a person who fails to report the loss or theft of a
5 handgun a second time to the local law enforcement agency
6 within 72 hours after the person should have known of the
7 second loss or theft.

8 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
9 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

10 Section 20. The Criminal Code of 2012 is amended by
11 changing Section 24-3A and by adding Sections 24-1.9, 24-1.10,
12 and 24-4.1 as follows:

13 (720 ILCS 5/24-1.9 new)

14 Sec. 24-1.9. Possession, delivery, sale, and purchase of
15 semi-automatic assault weapons, assault weapon attachments,
16 .50 caliber rifles, and .50 caliber cartridges.

17 (a) Definitions. In this Section:

18 (1) "Semi-automatic assault weapon" means:

19 (A) any of the firearms or types, replicas, or
20 duplicates in any caliber of the firearms, known as:

21 (i) Norinco, Mitchell, and Poly Technologies
22 Avtomat Kalashnikovs (all models);

23 (ii) Action Arms Israeli Military Industries
24 UZI and Galil;

1 (iii) Beretta AR-70 (SC-70);
2 (iv) Colt AR-15;
3 (v) Fabrique Nationale FN/FAL, FN/LAR, and
4 FNC;

5 (vi) SWD M-10, M-11, M-11/9, and M-12;

6 (vii) Steyr AUG;

7 (viii) INTRATEC TEC-9, TEC-DC9, and TEC-22;

8 and

9 (ix) any shotgun which contains its ammunition
10 in a revolving cylinder, such as (but not limited
11 to) the Street Sweeper and Striker 12;

12 (B) a semi-automatic rifle or pump-action rifle
13 that has an ability to accept a detachable magazine and
14 has any of the following:

15 (i) a folding or telescoping stock;

16 (ii) a pistol grip or thumbhole stock;

17 (iii) a shroud that is attached to, or
18 partially or completely encircles the barrel, and
19 that permits the shooter to hold the firearm with
20 the non-trigger hand without being burned;

21 (C) a semi-automatic pistol that has an ability to
22 accept a detachable magazine and has any of the
23 following:

24 (i) a folding, telescoping, or thumbhole
25 stock;

26 (ii) a shroud that is attached to, or partially

1 or completely encircles the barrel, and that
2 permits the shooter to hold the firearm with the
3 non-trigger hand without being burned;

4 (iii) an ammunition magazine that attaches to
5 the pistol outside of the pistol grip;

6 (iv) a manufactured weight of 50 ounces or more
7 when the pistol is unloaded; or

8 (v) a semi-automatic version of an automatic
9 firearm;

10 (C-1) a semi-automatic rifle or pistol with a fixed
11 magazine that has the capacity to accept more than 10
12 rounds of ammunition;

13 (D) a semi-automatic shotgun that has any of the
14 following:

15 (i) a folding or telescoping stock;

16 (ii) a pistol grip or thumbhole stock;

17 (iii) a fixed magazine capacity in excess of 5
18 rounds; or

19 (iv) an ability to accept a detachable
20 magazine.

21 "Semi-automatic assault weapon" does not
22 include:

23 (A) any firearm that:

24 (i) is manually operated by bolt, pump, lever,
25 or slide action;

26 (ii) is an "unserviceable firearm" or has been

1 made permanently inoperable; or

2 (iii) is an antique firearm;

3 (B) any air rifle as defined in Section 24.8-0.1 of
4 this Code.

5 For the purposes of this Section, a firearm is considered
6 to have the ability to accept a detachable magazine unless the
7 magazine or ammunition feeding device can only be removed
8 through disassembly of the firearm action.

9 (2) "Assault weapon attachment" means any device
10 capable of being attached to a firearm that is specifically
11 designed for making or converting a firearm into any of the
12 firearms listed in paragraph (1) of subsection (a) of this
13 Section.

14 (3) "Antique firearm" has the meaning ascribed to it in
15 18 U.S.C. Section 921 (a) (16).

16 (4) ".50 caliber rifle" means a centerfire rifle
17 capable of firing a .50 caliber cartridge. The term does
18 not include any antique firearm as defined in 18 U.S.C.
19 Section 921 (a) (16), any shotgun including a shotgun that
20 has a rifle barrel, or a muzzle-loader used for "black
21 powder" hunting or battle re-enactments.

22 (5) ".50 caliber cartridge" means a cartridge in .50
23 BMG caliber, either by designation or actual measurement,
24 that is capable of being fired from a centerfire rifle. The
25 term ".50 caliber cartridge" does not include any
26 memorabilia or display item that is filled with a permanent

1 inert substance or that is otherwise permanently altered in
2 a manner that prevents ready modification for use as live
3 ammunition or shotgun ammunition with a caliber
4 measurement that is equal to or greater than .50 caliber.

5 (6) "Fore grip" includes any feature of a rifle,
6 shotgun, or pistol capable of functioning as a protruding
7 grip that can be held by the non-trigger hand.

8 (b) The Department of State Police shall take all steps
9 necessary to carry out the requirements of this Section within
10 180 days after the effective date of this amendatory Act of the
11 98th General Assembly.

12 (c) Except as provided in subsections (d), (e), (f), and
13 (h) of this Section, on or after the effective date of this
14 amendatory Act of the 98th General Assembly, it is unlawful for
15 any person within this State to knowingly deliver, sell, or
16 purchase or cause to be delivered, sold, or purchased or cause
17 to be possessed by another, a semi-automatic assault weapon, an
18 assault weapon attachment, any .50 caliber rifle, or .50
19 caliber cartridge.

20 (d) Except as otherwise provided in subsections (e), (f),
21 and (h) of this Section, 270 days after the effective date of
22 this amendatory Act of the 98th General Assembly, it is
23 unlawful for any person within this State to knowingly possess
24 a semi-automatic assault weapon, an assault weapon attachment,
25 any .50 caliber rifle, or .50 caliber cartridge.

26 (e) This Section does not apply to a person who possessed a

1 weapon or attachment prohibited by subsection (d) of this
2 Section before the effective date of this amendatory Act of the
3 98th General Assembly, provided that the person has provided in
4 a registration affidavit, under oath or affirmation and in the
5 form and manner prescribed by the Department of State Police,
6 his or her name, date of birth, Firearm Owners Identification
7 Card Number, the weapon's or attachment's make, model, caliber,
8 and serial number, and proof of a locking mechanism that
9 properly fits the weapon, on or after 180 days after the
10 effective date of this amendatory Act of the 98th General
11 Assembly but within 270 days after the effective date of this
12 amendatory Act of the 98th General Assembly. The affidavit
13 shall include a statement that the weapon or attachment is
14 owned by the person submitting the affidavit and that he or she
15 owns the proper locking mechanism for the weapon. Each
16 affidavit form shall include the following statement printed in
17 bold type: "Warning: Entering false information on this form is
18 punishable as perjury under Section 32-2 of the Criminal Code
19 of 2012.". Beginning 270 days after the effective date of this
20 amendatory Act of the 98th General Assembly, the person may
21 transfer the weapon or attachment only to an heir, an
22 individual residing in another state maintaining that weapon in
23 another state, or a dealer licensed as a federal firearms
24 dealer under Section 923 of the federal Gun Control Act of
25 1968. Within 10 days after transfer of the weapon or
26 attachment, the person shall notify the Department of State

1 Police of the name and address of the transferee and comply
2 with the requirements of subsection (b) of Section 3 of the
3 Firearm Owners Identification Card Act. The person to whom the
4 weapon or attachment is transferred shall, within 60 days of
5 the transfer, complete an affidavit and pay the required
6 registration fee as set forth in this Section. A person to whom
7 the weapon or attachment is transferred may transfer the weapon
8 or attachment only as provided in this subsection.

9 (f) This Section does not apply to a peace officer who has
10 retired in good standing from a law enforcement agency of this
11 State and who possesses a weapon or attachment prohibited by
12 subsection (d) of this Section, if the weapon or attachment was
13 lawfully possessed and acquired by the peace officer prior to
14 retirement and the retired peace officer within 10 days of
15 retirement registers the weapon or attachment with the
16 Department of State Police and pays the required registration
17 fee as provided in this Section. The retired peace officer
18 shall comply with the transfer and notification requirements
19 provided in subsection (e) of this Section.

20 (g) For the purpose of registration required under
21 subsections (e) and (f) of this Section, the Department of
22 State Police shall charge a registration fee of \$25 per person
23 to the owner of a semi-automatic assault weapon and \$25 per
24 person to the owner of a .50 caliber rifle. The fees shall be
25 deposited into the LEADS Maintenance Fund.

26 (h) This Section does not apply to or affect any of the

1 following:

2 (1) Peace officers as defined in Section 2-13 of this
3 Code.

4 (2) Acquisition and possession by a local law
5 enforcement agency for the purpose of equipping the
6 agency's peace officers as defined in paragraph (1) of this
7 subsection.

8 (3) Wardens, superintendents, and keepers of prisons,
9 penitentiaries, jails, and other institutions for the
10 detention of persons accused or convicted of an offense.

11 (4) Members of the Armed Services or Reserve Forces of
12 the United States or the Illinois National Guard, while in
13 the performance of their official duties or while traveling
14 to or from their place of duty.

15 (5) Any company that employs armed security officers in
16 this State at a nuclear energy, storage, weapons, or
17 development site or facility regulated by the federal
18 Nuclear Regulatory Commission and persons employed as an
19 armed security force member at a nuclear energy, storage,
20 weapons, or development site or facility regulated by the
21 federal Nuclear Regulatory Commission who have completed
22 the background screening and training mandated by the rules
23 and regulations of the federal Nuclear Regulatory
24 Commission and while in the performance of their official
25 duties.

26 (6) Manufacture, transportation, or sale of weapons,

1 attachments, or ammunition to persons authorized under
2 subdivisions (1) through (5) of this subsection (h) to
3 possess those items.

4 (7) Manufacture, transportation, or sale of weapons,
5 attachments, or ammunition for sale or transfer in another
6 state.

7 (8) Possession of any firearm if that firearm is
8 sanctioned by the International Olympic Committee and by
9 USA Shooting, the national governing body for
10 international shooting competition in the United States,
11 but only when the firearm is in the actual possession of an
12 Olympic target shooting competitor or target shooting
13 coach for the purpose of storage, transporting to and from
14 Olympic target shooting practice or events if the firearm
15 is broken down in a non-functioning state, is not
16 immediately accessible, or is unloaded and enclosed in a
17 case, firearm carrying box, shipping box, or other
18 container, and when the Olympic target shooting competitor
19 or target shooting coach is engaging in those practices or
20 events. For the purposes of this paragraph (8), "firearm"
21 is as defined in Section 1.1 of the Firearm Owners
22 Identification Card Act.

23 (9) Any non-resident who transports, within 24 hours, a
24 semi-automatic assault weapon for any lawful purpose from
25 any place where he or she may lawfully possess and carry
26 that weapon to any other place where he or she may lawfully

1 possess and carry that weapon if, during the transportation
2 the weapon is unloaded, and neither the weapon nor any
3 ammunition being transported is readily accessible or is
4 directly accessible from the passenger compartment of the
5 transporting vehicle. Provided that, in the case of a
6 vehicle without a compartment separate from the driver's
7 compartment the weapon or ammunition shall be contained in
8 a locked container other than the glove compartment or
9 console.

10 (10) Possession of a semi-automatic assault weapon, an
11 assault weapon attachment, a .50 caliber rifle, or .50
12 caliber cartridge at events taking place at the World
13 Shooting and Recreational Complex at Sparta, only while
14 engaged in the legal use of this firearm or attachment, or
15 while traveling to or from this location if the item is
16 broken down in a non-functioning state, or is not
17 immediately accessible, or is unloaded and enclosed in a
18 case, firearm carrying box, shipping box, or other
19 container.

20 (11) Possession of a semi-automatic assault weapon, an
21 assault weapon attachment, a .50 caliber rifle, or .50
22 caliber cartridge only for hunting use expressly permitted
23 under the Wildlife Code, or while traveling to or from a
24 location authorized for this hunting use under the Wildlife
25 Code if the item is broken down in a non-functioning state,
26 or is not immediately accessible, or is unloaded and

1 enclosed in a case, firearm carrying box, shipping box, or
2 other container.

3 (12) The manufacture, transportation, possession,
4 sale, or rental of blank-firing semi-automatic assault
5 weapons and .50 caliber rifles, or the weapon's respective
6 attachments, to persons authorized or permitted, or both
7 authorized and permitted to acquire and possess these
8 weapons or attachments for the purpose of rental for use
9 solely as props for a motion picture, television, or video
10 production or entertainment event.

11 (i) Sentence.

12 (1) A person who knowingly delivers, sells, purchases,
13 or possesses or causes to be delivered, sold, purchased, or
14 possessed a semi-automatic assault weapon in violation of
15 this Section commits a Class 3 felony for a first violation
16 and a Class 2 felony for a second or subsequent violation
17 or for the possession or delivery of 2 or more of these
18 weapons at the same time.

19 (2) A person who knowingly delivers, sells, purchases,
20 or possesses or causes to be delivered, sold, purchased, or
21 possessed in violation of this Section an assault weapon
22 attachment commits a Class 4 felony for a first violation
23 and a Class 3 felony for a second or subsequent violation.

24 (3) A person who knowingly delivers, sells, purchases,
25 or possesses or causes to be delivered, sold, purchased, or
26 possessed in violation of this Section a .50 caliber rifle

1 commits a Class 3 felony for a first violation and a Class
2 2 felony for a second or subsequent violation or for the
3 possession or delivery of 2 or more of these weapons at the
4 same time.

5 (4) A person who knowingly delivers, sells, purchases,
6 or possesses or causes to be delivered, sold, purchased, or
7 possessed in violation of this Section a .50 caliber
8 cartridge commits a Class A misdemeanor.

9 (5) Any other violation of this Section is a Class A
10 misdemeanor.

11 (720 ILCS 5/24-1.10 new)

12 Sec. 24-1.10. Possession, delivery, sale, and purchase of
13 large capacity ammunition feeding devices.

14 (a) As used in this Section:

15 "Large capacity ammunition feeding device" means:

16 (1) a magazine, belt, drum, feed strip, or similar
17 device that has a capacity of, or that can be readily
18 restored or converted to accept, more than 10 rounds of
19 ammunition; or

20 (2) any combination of parts from which a device
21 described in paragraph (1) can be assembled.

22 "Large capacity ammunition feeding device" does not
23 include an attached tubular device designed to accept, and
24 capable of operating only with, .22 caliber rimfire ammunition.

25 "Large capacity ammunition feeding device" does not include a

1 tubular magazine that is contained in a lever-action firearm or
2 any device that has been made permanently inoperable.

3 (b) The Department of State Police shall take all steps
4 necessary to carry out the requirements of this Section within
5 180 days after the effective date of this amendatory Act of the
6 98th General Assembly.

7 (c) Except as provided in subsection (d) and (e), 60 days
8 after the effective date of this amendatory Act of the 98th
9 General Assembly, it is unlawful for any person within this
10 State to knowingly deliver, sell, purchase, or possess or cause
11 to be delivered, sold, purchased, or possessed, a large
12 capacity ammunition feeding device.

13 (d) This Section does not apply to a peace officer who has
14 retired in good standing from a law enforcement agency of this
15 State and who possesses a device prohibited by subsection (c)
16 of this Section, if the device was lawfully possessed and
17 acquired by the peace officer prior to retirement and the
18 retired peace officer within 10 days of retirement, provides in
19 a registration affidavit, under oath or affirmation and in the
20 form and manner prescribed by the Department of State Police,
21 his or her name, date of birth, Firearm Owners Identification
22 Card Number, the device's make, model, and caliber. The
23 affidavit shall include a statement that the device is owned by
24 the person submitting the affidavit. Each affidavit form shall
25 include the following statement printed in bold type: "Warning:
26 Entering false information on this form is punishable as

1 perjury under Section 32-2 of the Criminal Code of 2012.". The
2 retired officer may transfer the device only to an heir, an
3 individual residing in another state maintaining that device in
4 another state, or a dealer licensed as a federal firearms
5 dealer under Section 923 of the federal Gun Control Act of
6 1968. Within 10 days after transfer of the device, the person
7 shall notify the Department of State Police of the name and
8 address of the transferee and comply with the requirements of
9 subsection (b) of Section 3 of the Firearm Owners
10 Identification Card Act. The person to whom the device is
11 transferred shall, within 60 days of the transfer, complete an
12 affidavit as set forth in this subsection. A person to whom the
13 device is transferred may transfer the device only as provided
14 in this subsection.

15 (e) This Section does not apply to or affect any of the
16 following:

17 (1) Peace officers as defined in Section 2-13 of this
18 Code.

19 (2) Acquisition and possession by a local law
20 enforcement agency for the purpose of equipping the
21 agency's peace officers as defined in paragraph (1) of this
22 subsection.

23 (3) Wardens, superintendents, and keepers of prisons,
24 penitentiaries, jails, and other institutions for the
25 detention of persons accused or convicted of an offense.

26 (4) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in
2 the performance of their official duties or while traveling
3 to or from their place of duty.

4 (5) Any company that employs armed security officers in
5 this State at a nuclear energy, storage, weapons, or
6 development site or facility regulated by the federal
7 Nuclear Regulatory Commission and persons employed as an
8 armed security force member at a nuclear energy, storage,
9 weapons, or development site or facility regulated by the
10 federal Nuclear Regulatory Commission who have completed
11 the background screening and training mandated by the rules
12 and regulations of the federal Nuclear Regulatory
13 Commission and while in the performance of their official
14 duties.

15 (6) Manufacture, transportation, or sale of large
16 capacity ammunition feeding devices to persons authorized
17 under subdivisions (1) through (5) of this subsection (d)
18 to possess those devices.

19 (7) Manufacture, transportation, or sale of large
20 capacity ammunition feeding devices for sale or transfer in
21 another state.

22 (8) Possession of any large capacity ammunition
23 feeding device if that large capacity ammunition feeding
24 device is sanctioned by the International Olympic
25 Committee and by USA Shooting, the national governing body
26 for international shooting competition in the United

1 States, but only when the large capacity ammunition feeding
2 device is in the actual possession of an Olympic target
3 shooting competitor or target shooting coach for the
4 purpose of storage, transporting to and from Olympic target
5 shooting practice or events if the device is broken down in
6 a non-functioning state, is not immediately accessible, or
7 is unloaded and enclosed in a case, firearm carrying box,
8 shipping box, or other container, and when the Olympic
9 target shooting competitor or target shooting coach is
10 engaging in those practices or events.

11 (9) Any non-resident who transports, within 24 hours, a
12 large capacity ammunition feeding device for any lawful
13 purpose from any place where he or she may lawfully possess
14 and carry that device to any other place where he or she
15 may lawfully possess and carry that device if, during the
16 transportation the device is unattached to a firearm, and
17 the device is not readily accessible nor is directly
18 accessible from the passenger compartment of the
19 transporting vehicle. Provided that, in the case of a
20 vehicle without a compartment separate from the driver's
21 compartment the device shall be contained in a locked
22 container other than the glove compartment or console.

23 (10) Possession of a large capacity ammunition feeding
24 device at events taking place at the World Shooting and
25 Recreational Complex at Sparta, only while engaged in the
26 legal use of this device, or while traveling to or from

1 this location if the device is broken down in a
2 non-functioning state, or is not immediately accessible,
3 or is unloaded and enclosed in a case, firearm carrying
4 box, shipping box, or other container.

5 (11) Possession of a large capacity ammunition feeding
6 device only for hunting use expressly permitted under the
7 Wildlife Code, or while traveling to or from a location
8 authorized for this hunting use under the Wildlife Code if
9 the device is broken down in a non-functioning state, or is
10 not immediately accessible, or is unloaded and enclosed in
11 a case, firearm carrying box, shipping box, or other
12 container.

13 (12) The manufacture, transportation, possession,
14 sale, or rental of large capacity ammunition feeding
15 devices for blank-firing semi-automatic assault weapons
16 and .50 caliber rifles, to persons authorized or permitted,
17 or both authorized and permitted to acquire and possess
18 these devices for the purpose of rental for use solely as
19 props for a motion picture, television, or video production
20 or entertainment event.

21 (f) Sentence. A person who knowingly delivers, sells,
22 purchases, or possesses or causes to be delivered, sold,
23 purchased, or possessed in violation of this Section a large
24 capacity ammunition feeding device capable of holding more than
25 10 rounds of ammunition commits a Class 3 felony for a first
26 violation and a Class 2 felony for a second or subsequent

1 violation or for possession or delivery of 2 or more of these
2 devices at the same time. Any other violation of this Section
3 is a Class A misdemeanor.

4 (720 ILCS 5/24-3A)

5 Sec. 24-3A. Gunrunning.

6 (a) A person commits gunrunning when he or she transfers 3
7 or more firearms in violation of any of the paragraphs of
8 Section 24-3 of this Code.

9 (b) Sentence. A person who commits gunrunning:

10 (1) is guilty of a Class ~~X~~ X felony;

11 (2) is guilty of a Class X felony for which the
12 sentence shall be a term of imprisonment of not less than
13 10 ~~8~~ years and not more than 40 years if the transfer is of
14 not less than 11 firearms and not more than 20 firearms;

15 (3) is guilty of a Class X felony for which the
16 sentence shall be a term of imprisonment of not less than
17 15 ~~10~~ years and not more than 50 years if the transfer is
18 of more than 20 firearms.

19 A person who commits gunrunning by transferring firearms to a
20 person who, at the time of the commission of the offense, is
21 under 18 years of age is guilty of a Class X felony for which
22 the sentence shall be a term of imprisonment of not less than 8
23 years.

24 (Source: P.A. 93-906, eff. 8-11-04.)

1 (720 ILCS 5/24-4.1 new)

2 Sec. 24-4.1. Report of lost or stolen handguns,
3 semi-automatic assault weapons, assault weapon attachments,
4 .50 caliber rifles, .50 caliber cartridges, or large capacity
5 ammunition feeding device.

6 (a) A person who possesses a valid Firearm Owner's
7 Identification Card and who possesses or acquires a handgun,
8 semi-automatic assault weapon, assault weapon attachment, .50
9 caliber rifle, or .50 caliber cartridge and thereafter loses or
10 misplaces the handgun, semi-automatic assault weapon, assault
11 weapon attachment, .50 caliber rifle, or .50 caliber cartridge,
12 or the handgun, semi-automatic assault weapon, assault weapon
13 attachment, .50 caliber rifle, or .50 caliber cartridge is
14 stolen from the person, the person must report the loss or
15 theft to the local law enforcement agency within 72 hours after
16 obtaining knowledge of the loss or theft.

17 (b) A person who possesses a valid Firearm Owner's
18 Identification Card and who possesses or acquires a large
19 capacity ammunition feeding device under an exception in
20 subsection (d) or (e) of Section 24-1.10 of this Code and
21 thereafter loses or misplaces the device, or the device is
22 stolen from the person, the person must report the loss or
23 theft to the local law enforcement agency within 72 hours after
24 the person should have known of the loss or theft.

25 (c) For the purposes of this Section:

26 "Assault weapon attachment" has the meaning ascribed

1 to it in Section 24-1.9 of this Code.

2 ".50 caliber rifle" has the meaning ascribed to it in
3 Section 24-1.9 of this Code.

4 ".50 caliber cartridge" has the meaning ascribed to it
5 in Section 24-1.9 of this Code.

6 "Handgun" means a firearm designed to be held and fired
7 by the use of a single hand, and includes a combination of
8 parts from which the firearm can be assembled.

9 "Large capacity ammunition feeding device" has the
10 meaning ascribed to it in Section 24-1.10 of this Code.

11 "Semi-automatic assault weapon" has the meaning
12 ascribed to it in Section 24-1.9 of this Code.

13 (d) Sentence. A person who violates this Section is guilty
14 of a Class A misdemeanor for a first violation. A second or
15 subsequent violation of this Section is a Class 4 felony.

16 Section 97. Severability. The provisions of this Act are
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 140/7.5

4 20 ILCS 2610/24 new

5 430 ILCS 65/3 from Ch. 38, par. 83-3

6 430 ILCS 65/8 from Ch. 38, par. 83-8

7 720 ILCS 5/24-1.9 new

8 720 ILCS 5/24-1.10 new

9 720 ILCS 5/24-3A

10 720 ILCS 5/24-4.1 new