



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1098

Introduced 02/08/05, by Rep. Elaine Nekritz - Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/Art. 24A heading new
720 ILCS 5/24A-1 new
720 ILCS 5/24A-5 new
720 ILCS 5/24A-10 new
720 ILCS 5/24A-15 new
720 ILCS 5/24A-20 new
720 ILCS 5/24A-25 new
720 ILCS 5/24A-30 new
720 ILCS 5/24A-35 new
720 ILCS 5/24A-40 new
720 ILCS 5/24A-45 new
720 ILCS 5/24A-50 new

Creates the 50 Caliber Rifle and 50 Caliber Ammunition Regulation Law in the Criminal Code of 1961. Provides that any person who, within this State, manufactures or causes to be manufactured, distributes, transports, or imports into the State, keeps for sale, or offers or exposes for sale, or who gives or lends a 50 caliber rifle or 50 caliber ammunition is guilty of a Class 2 felony. Provides that any person who, within this State, possesses a 50 caliber rifle or 50 caliber ammunition is guilty of a Class A misdemeanor. Provides that a first violation of these provisions is a petty offense punishable by a fine not exceeding \$500, if the person was found in possession of no more than 2 firearms and certain conditions are met. Permits certain persons and entities to obtain a permit to possess or manufacture 50 caliber rifles and 50 caliber ammunition.

LRB094 09205 RLC 39439 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Criminal Code of 1961 is amended by adding
5 Article 24A as follows:

6 (720 ILCS 5/Art. 24A heading new)

7 ARTICLE 24A. 50 CALIBER RIFLE and 50 CALIBER AMMUNITION

8 REGULATION LAW

9 (720 ILCS 5/24A-1 new)

10 Sec. 24A-1. Short title. This Article may be cited as the
11 50 Caliber Rifle and 50 Caliber Ammunition Regulation Law.

12 (720 ILCS 5/24A-5 new)

13 Sec. 24A-5. Legislative intent. The General Assembly
14 hereby finds and declares that the proliferation and use of 50
15 caliber rifles, as defined in this Article, and 50 caliber
16 ammunition pose a clear and present terrorist threat to the
17 health, safety, and security of all residents of, and visitors
18 to, this State, based upon findings that those firearms have
19 such a high capacity for long distance and highly destructive
20 firepower that they pose an unacceptable risk to the death and
21 serious injury of human beings, destruction or serious damage
22 of vital public and private buildings, civilian, police and
23 military vehicles, power generation and transmission
24 facilities, petrochemical production and storage facilities,
25 and transportation infrastructure. It is the intent of the
26 General Assembly in enacting this Article to place restrictions
27 on the use of these rifles and ammunition and to establish a
28 registration and permit procedure for their lawful sale and
29 possession.

1 (720 ILCS 5/24A-10 new)

2 Sec. 24A-10. 50 caliber defined. As used in this Article:

3 "50 caliber rifle" means a centerfire rifle capable of
4 firing a 50 caliber cartridge. The term "50 caliber rifle" does
5 not include any antique firearm as defined in 18 U.S.C. Section
6 921(a)(16).

7 "50 caliber cartridge" means a cartridge in 50 caliber,
8 either by designation or actual measurement, including, but not
9 limited to, a .50 BMG cartridge. "50 caliber cartridge" does
10 not include any memorabilia or display item that is filled with
11 a permanent inert substance or that is otherwise permanently
12 altered in a manner that prevents ready modification for use as
13 live ammunition.

14 ".50 BMG cartridge" means a cartridge that is designed and
15 intended to be fired from a centerfire rifle and that meets all
16 of the following criteria:

17 (1) It has an overall length of 5.45 inches from the
18 base to the tip of the bullet.

19 (2) The bullet diameter for the cartridge is from .510
20 to, and including, .511 inch.

21 (3) The case base diameter for the cartridge is from
22 .800 inch to, and including, .804 inch.

23 (4) The cartridge case length is 3.91 inches.

24 A ".50 BMG rifle" does not include any "antique firearm"
25 nor any curio or relic as defined in Section 178.11 of Title 27
26 of the Code of Federal Regulations.

27 (720 ILCS 5/24A-15 new)

28 Sec. 24A-15. Violations.

29 (a)(1) Any person who, within this State, manufactures or
30 causes to be manufactured, distributes, transports, or imports
31 into the State, keeps for sale, or offers or exposes for sale,
32 or who gives or lends any 50 caliber rifle or 50 caliber
33 ammunition, except as provided by this Article, is guilty of a
34 Class 2 felony.

35 (2) In addition and consecutive to the punishment imposed

1 under paragraph (1), any person who transfers, lends, sells, or
2 gives any 50 caliber rifle or 50 caliber ammunition to a minor
3 in violation of paragraph (1) shall receive an additional term
4 of imprisonment of one year.

5 (b) Any person who, within this State, possesses any 50
6 caliber rifle or 50 caliber ammunition, except as provided in
7 this Article, is guilty of a Class A misdemeanor. However, a
8 first violation of these provisions is a petty offense
9 punishable by a fine not exceeding \$500, if the person was
10 found in possession of no more than 2 firearms in compliance
11 with subdivision (c) of this Section and the person meets all
12 of the following conditions:

13 (1) The person possessed the 50 caliber rifle or 50
14 caliber ammunition before the effective date of this
15 amendatory Act of the 94th General Assembly.

16 (2) The person has not previously been convicted of a
17 violation of this Section.

18 (3) The person was found to be in possession of the 50
19 caliber rifle or 50 caliber ammunition within one year
20 following the end of the one-year registration period
21 established pursuant to subdivision (a) of Section 24A-20.

22 (4) The person relinquished the firearm pursuant to
23 Section 24A-30, in which case the 50 caliber rifle or 50
24 caliber ammunition shall be destroyed pursuant to Section
25 24-6.

26 (c) A person who has registered a 50 caliber rifle or 50
27 caliber ammunition under this Section may possess it only under
28 any of the following:

29 (1) At that person's residence, place of business, or
30 other property owned by that person, or on property owned
31 by another with the owner's express permission.

32 (2) While on the premises of a target range of a public
33 or private club or organization organized for the purpose
34 of practicing shooting at targets.

35 (3) While on a target range that holds a regulatory or
36 business license for the purpose of practicing shooting at

1 that target range.

2 (4) While on the premises of a shooting club approved
3 by the Department of State Police.

4 (5) While attending any exhibition, display, or
5 educational project which is about firearms and which is
6 sponsored by, conducted under the auspices of, or approved
7 by a law enforcement agency or a nationally or state
8 recognized entity that fosters proficiency in, or promotes
9 education about, firearms.

10 (6) While on publicly owned land if the possession and
11 use of a firearm described in this Article is specifically
12 permitted by the managing agency of the land.

13 (7) While transporting the 50 caliber rifle or 50
14 caliber ammunition between any of the places mentioned in
15 this subdivision, or in regard to 50 caliber rifles, to any
16 licensed gun dealer for servicing or repair pursuant to
17 subdivision (b) of Section 24A-50, if the 50 caliber rifle
18 is transported broken down in a nonfunctioning state or is
19 immediately inaccessible and the 50 caliber ammunition is
20 immediately inaccessible.

21 (d) Notwithstanding any other provision of law, any person
22 who commits another crime while violating this Section may
23 receive an additional, consecutive punishment of one year for
24 violating this Section, in addition and consecutive to the
25 punishment, including enhancements, which is prescribed for
26 the other crime.

27 (e) Subdivisions (a), (b), and (c) do not apply to the sale
28 to, purchase by, importation of, or possession of a 50 caliber
29 rifle or 50 caliber ammunition by the Department of State
30 Police, police departments, sheriffs' offices, the Department
31 of Corrections, State's Attorneys' offices, the Department of
32 Natural Resources, or the military or naval forces of this
33 State or of the United States, or any federal law enforcement
34 agency for use in the discharge of their official duties.

35 (f) (1) Subdivisions (b) and (c) do not prohibit the
36 possession or use of a 50 caliber rifle or 50 caliber

1 ammunition by sworn peace officer members of those agencies
2 specified in subdivision (e) for law enforcement purposes,
3 whether on or off duty.

4 (2) Subdivisions (a), (b), and (c) do not prohibit the
5 delivery, transfer, or sale of a 50 caliber rifle or 50 caliber
6 ammunition to, or the possession of a 50 caliber rifle or 50
7 caliber ammunition by, a sworn peace officer member of an
8 agency specified in subdivision (e); provided that the peace
9 officer is authorized by his or her employer to possess or
10 receive the 50 caliber rifle or 50 caliber ammunition. Required
11 authorization is defined as verifiable written certification
12 from the head of the agency, identifying the recipient or
13 possessor of the 50 caliber rifle or 50 caliber ammunition as a
14 peace officer and authorizing him or her to receive or possess
15 the specific 50 caliber rifle or 50 caliber ammunition. For
16 this exemption to apply, in the case of a peace officer who
17 possesses or receives the 50 caliber rifle or 50 caliber
18 ammunition prior to the effective date of this amendatory Act
19 of the 94th General Assembly, the officer shall register the 50
20 caliber rifle or 50 caliber ammunition pursuant to Section
21 24A-20 on or before April 1, 2006; in the case of a peace
22 officer who possesses or receives the 50 caliber rifle or 50
23 caliber ammunition on or after January 1, 2006, the officer
24 shall register the 50 caliber rifle or 50 caliber ammunition
25 pursuant to Section 24A-20 not later than 90 days after
26 possession or receipt.

27 (3) Nothing in this Section shall be construed to limit or
28 prohibit the delivery, transfer, or sale of a 50 caliber rifle
29 or 50 caliber ammunition to, or the possession of a 50 caliber
30 rifle or 50 caliber ammunition by, a member of a federal law
31 enforcement agency provided that person is authorized by the
32 employing agency to possess the 50 caliber rifle or 50 caliber
33 ammunition.

34 (g) Subdivision (b) does not apply to the possession of a
35 50 caliber rifle or 50 caliber ammunition during the one-year
36 period after the effective date of this amendatory Act of the

1 94th General Assembly, if all of the following are applicable:

2 (1) The person is eligible under this Article to
3 register the particular 50 caliber rifle or 50 caliber
4 ammunition.

5 (2) The person lawfully possessed the particular 50
6 caliber rifle or 50 caliber ammunition prior to the
7 effective date of this amendatory Act of the 94th General
8 Assembly.

9 (3) The person is otherwise in compliance with this
10 Article.

11 (h) Subdivisions (a), (b), and (c) do not apply to the
12 manufacture by persons who are issued permits pursuant to
13 Section 24A-25 for a 50 caliber rifle or 50 caliber ammunition
14 for sale to the following:

15 (1) Exempt entities listed in subdivision (e).

16 (2) Entities and persons who have been issued permits
17 pursuant to Section 24A-20 or 24A-25.

18 (3) Entities outside the state who have, in effect, a
19 federal firearms dealer's license solely for the purpose of
20 distribution to an entity listed in paragraphs (4) to (6),
21 inclusive.

22 (4) Federal military and law enforcement agencies.

23 (5) Law enforcement and military agencies of other
24 states.

25 (6) Foreign governments and agencies approved by the
26 United States State Department.

27 (i) Subdivision (a) does not apply to a person who is the
28 executor or administrator of an estate that includes a 50
29 caliber rifle or 50 caliber ammunition registered under Section
30 24A-30 or that was possessed pursuant to paragraph (1) of
31 subdivision (f) which is disposed of as authorized by the
32 circuit court, if the disposition is otherwise permitted by
33 this Article.

34 (j) Subdivisions (b) and (c) do not apply to a person who
35 is the executor or administrator of an estate that includes a
36 50 caliber rifle or 50 caliber ammunition registered under

1 Section 24A-20 or that was possessed pursuant to paragraph (1)
2 of subdivision (f), if the 50 caliber rifle or 50 caliber
3 ammunition is possessed at a place set forth in paragraph (1)
4 of subdivision (c) of this Section.

5 (k) Subdivision (a) does not apply to:

6 (1) A person who lawfully possesses and has registered
7 a 50 caliber rifle or 50 caliber ammunition pursuant to
8 this Article who lends that 50 caliber rifle or 50 caliber
9 ammunition to another if all the following apply:

10 (A) The person to whom the 50 caliber rifle or 50
11 caliber ammunition is lent is 18 years of age or over
12 and is not in a class of persons prohibited from
13 possessing firearms by virtue of Sections 4 and 8 of
14 the Firearm Owners Identification Card Act. The person
15 to whom the 50 caliber rifle or 50 caliber ammunition
16 was lent remains in the presence of the registered
17 possessor of the 50 caliber rifle or 50 caliber
18 ammunition.

19 (B) The 50 caliber rifle or 50 caliber ammunition
20 is possessed at any of the following locations:

21 (i) While on a target range that holds a
22 regulatory or business license for the purpose of
23 practicing shooting at that target range.

24 (ii) While on the premises of a target range of
25 a public or private club or organization organized
26 for the purpose of practicing shooting at targets.

27 (iii) While attending any exhibition, display,
28 or educational project that is about firearms and
29 that is sponsored by, conducted under the auspices
30 of, or approved by a law enforcement agency or a
31 nationally or state recognized entity that fosters
32 proficiency in, or promotes education about,
33 firearms.

34 (2) The return of a 50 caliber rifle or 50 caliber
35 ammunition to the registered possessor, or lawful
36 possessor, which is lent by the same pursuant to paragraph

1 (1).

2 (l) Subdivisions (b) and (c) do not apply to the possession
3 of a 50 caliber rifle or 50 caliber ammunition by a person to
4 whom a 50 caliber rifle or 50 caliber ammunition is lent
5 pursuant to subdivision (k).

6 (m) Subdivisions (a), and (b), and (c) do not apply to the
7 possession and importation of a 50 caliber rifle or 50 caliber
8 ammunition into this State by a nonresident if all of the
9 following conditions are met:

10 (1) The person is attending or going directly to or
11 coming directly from an organized competitive match or
12 league competition that involves the use of a 50 caliber
13 rifle or 50 caliber ammunition.

14 (2) The competition or match is conducted on the
15 premises of one of the following:

16 (A) A target range that holds a regulatory or
17 business license for the purpose of practicing
18 shooting at that target range.

19 (B) A target range of a public or private club or
20 organization that is organized for the purpose of
21 practicing shooting at targets.

22 (3) The match or competition is sponsored by, conducted
23 under the auspices of, or approved by, a law enforcement
24 agency or a nationally or state recognized entity that
25 fosters proficiency in, or promotes education about,
26 firearms.

27 (4) During transportation, the 50 caliber rifle is
28 broken down in a nonfunctioning state or is not immediately
29 accessible and the 50 caliber ammunition is not immediately
30 accessible.

31 (5) The person is 18 years of age or over and is not in
32 a class of persons prohibited from possessing firearms by
33 virtue of Section 4 or 8 of the Firearm Owners
34 Identification Card Act.

35 (n) Subdivisions (b) and (c) do not apply to any of the
36 following persons:

1 (1) A person acting in accordance with Section 24A-25.

2 (2) A person who has a permit to possess a 50 caliber
3 rifle or 50 caliber ammunition issued pursuant to Section
4 24A-25 when he or she is acting in accordance with Section
5 24A-20 or 24A-25.

6 (o) Subdivisions (a), (b), and (c) do not apply to any of
7 the following persons:

8 (1) A person acting in accordance with Section 24A-20.

9 (2) A person acting in accordance with Section 24A-25
10 or 24A-50.

11 (p) Subdivisions (b) and (c) do not apply to the registered
12 owner of a 50 caliber rifle or 50 caliber ammunition possessing
13 that firearm in accordance with subdivision (c) of this
14 Section.

15 (q) Subdivision (a) does not apply to the importation into
16 this State of a 50 caliber rifle or 50 caliber ammunition by
17 the registered owner of that 50 caliber rifle or 50 caliber
18 ammunition, if it is in accordance with the provisions of
19 subdivision (c) of this Section.

20 (720 ILCS 5/24A-20 new)

21 Sec. 24A-20. Permits. Any person who lawfully acquired a 50
22 caliber rifle or 50 caliber ammunition before the effective
23 date of this amendatory Act of the 94th General Assembly and
24 wishes to use it in a manner different than specified in
25 subdivision (c) of Section 24A-15, who lawfully acquired a 50
26 caliber rifle or 50 caliber ammunition between the effective
27 date of this amendatory Act of the 94th General Assembly and
28 January 1, 2007, and wishes to keep it after January 1, 2007,
29 or who wishes to acquire a 50 caliber rifle or 50 caliber
30 ammunition after January 1, 2007 shall first obtain a permit
31 from the Department of State Police in the same manner as
32 specified in this Article.

33 (720 ILCS 5/24A-25 new)

34 Sec. 24A-25. Entities that may obtain permits.

1 (a) The Department of State Police may, upon a finding of
2 good cause, issue permits for the manufacture or sale of 50
3 caliber rifle or 50 caliber ammunition for the sale to,
4 purchase by, or possession of 50 caliber rifle or 50 caliber
5 ammunition by, any of the following:

6 (1) The agencies listed in subdivision (e) of Section
7 24A-15, and the officers described in subdivision (f) of
8 Section 24A-15.

9 (2) Entities and persons who have been issued permits
10 pursuant to this Section or Section 24A-20.

11 (3) Entities outside the state who have, in effect, a
12 federal firearms dealer's license solely for the purpose of
13 distribution to an entity listed in paragraphs (4) to (6),
14 inclusive.

15 (4) Federal law enforcement and military agencies.

16 (5) Law enforcement and military agencies of other
17 states.

18 (6) Foreign governments and agencies approved by the
19 United States State Department.

20 (b) Application for the permits, the keeping and inspection
21 of those permits, and the revocation of permits shall be
22 undertaken in the same manner as specified in the Firearm
23 Owner's Identification Card Act for the issuance of Firearm
24 Owner's Identification Cards.

25 (720 ILCS 5/24A-30 new)

26 Sec. 24A-30. Relinquishment of 50 caliber rifle or 50
27 caliber ammunition. Any individual may arrange in advance to
28 relinquish a 50 caliber rifle or 50 caliber ammunition to a
29 police or sheriff's department. The 50 caliber rifle shall be
30 transported broken down in a nonfunctioning State and not
31 immediately accessible and the 50 caliber ammunition may not be
32 immediately accessible.

33 (720 ILCS 5/24A-35 new)

34 Sec. 24A-35. Broadcast of permit holders.

1 (a) No peace officer or dispatcher shall broadcast over a
2 police radio that an individual has registered, or has obtained
3 a permit to possess, a 50 caliber rifle or 50 caliber ammunition
4 pursuant to this Article, unless there exists a reason to
5 believe in good faith that one of the following conditions
6 shall exist:

7 (1) The individual has engaged, or may be engaged, in
8 criminal conduct.

9 (2) The police responding to a call in which the person
10 allegedly committing a criminal violation may gain access
11 to the 50 caliber rifle or 50 caliber ammunition.

12 (3) The victim, witness, or person who reported the
13 alleged criminal violation may be using the 50 caliber
14 rifle or 50 caliber ammunition to hold the person allegedly
15 committing the criminal violation or may be using the
16 weapon in defense of himself, herself, or other persons.

17 (b) This Section does not prohibit a peace officer or
18 dispatcher from broadcasting over a police radio that an
19 individual has not registered, or has not obtained a permit to
20 possess, a 50 caliber rifle or 50 caliber ammunition pursuant
21 to this Article.

22 (c) This Section does not limit the transmission of a 50
23 caliber rifle or 50 caliber ammunition ownership status via law
24 enforcement computers or any other medium that is legally
25 accessible only to peace officers or other authorized
26 personnel.

27
28 (720 ILCS 5/24A-40 new)

29 Sec. 24A-40. Public education program.

30 (a) The Department of State Police shall conduct a public
31 education and notification program regarding the registration
32 of 50 caliber rifle or 50 caliber ammunition. The public
33 education and notification program shall include outreach to
34 local law enforcement agencies and utilization of public
35 service announcements in a variety of media approaches, to

1 ensure maximum publicity of the limited forgiveness period of
2 the registration requirement specified in subdivision (f) of
3 Section 24A-15 and the consequences of nonregistration. The
4 Department shall develop posters describing gun owners'
5 responsibilities under this Article which shall be posted in a
6 conspicuous place in every licensed gun store in the State
7 during the forgiveness period.

8 (b) Any costs incurred by the Department of State Police to
9 implement this Section which cannot be absorbed by the
10 Department shall be funded upon appropriation by the General
11 Assembly.

12 (720 ILCS 5/24A-45 new)

13 Sec. 24A-45. Inspections.

14 (a) Except as provided in subdivision (b) the Department of
15 State Police shall, for every person, firm, or corporation to
16 whom a permit is issued pursuant to this Article, annually
17 conduct an inspection for security and safe storage purposes,
18 and to reconcile the inventory of 50 caliber rifles or 50
19 caliber ammunition.

20 (b) A person, firm, or corporation with an inventory of
21 fewer than five devices that require any Department of State
22 Police permit shall be subject to an inspection for security
23 and safe storage purposes, and to reconcile inventory, once
24 every 5 years, or more frequently if determined by the
25 Department.

26 (720 ILCS 5/24A-50 new)

27 Sec. 24A-50. Licensed gun dealers.

28 (a) Any licensed gun dealer, as defined in subdivision (c),
29 who lawfully possesses a 50 caliber rifle or 50 caliber
30 ammunition pursuant to Section 24A-20, in addition to the uses
31 allowed in Section 24A-20, may transport the firearm between
32 dealers or out of the state if that person is permitted
33 pursuant to the National Firearms Act, display it at any gun
34 show licensed by a State or local governmental entity, sell it

1 to a resident outside the State, or sell it to a person who has
2 been issued a permit pursuant to Section 24A-25. Any
3 transporting allowed by this Section must be broken down in a
4 nonfunctioning state and not immediately accessible.

5 (b) (1) Any licensed gun dealer, as defined in subdivision
6 (c), may take possession of any 50 caliber rifle or 50 caliber
7 ammunition for the purposes of servicing or repair from any
8 person to whom it is legally registered or who has been issued
9 a permit to possess it pursuant to this Article.

10 (2) Any licensed gun dealer, as defined in subdivision (c),
11 may transfer possession of any 50 caliber rifle or 50 caliber
12 ammunition received pursuant to paragraph (1) to a gunsmith for
13 purposes of accomplishing service or repair of the same.
14 Transfers are permissible only to the following persons:

15 (A) A gunsmith who is in the dealer's employ.

16 (B) A gunsmith with whom the dealer has contracted for
17 gunsmithing services. In order for this subparagraph to
18 apply, the gunsmith receiving the 50 caliber rifle or shall
19 hold all of the following:

20 (i) A dealer's license issued pursuant to Article
21 44 (commencing with Section 921) of Title 18 of the
22 United States Code and the regulations issued pursuant
23 to that Article.

24 (ii) Any business license required by a State or
25 local governmental entity.

26 (c) The term "licensed gun dealer", as used in this
27 Article, means a person who is licensed as a firearm dealer
28 pursuant to Title 18 U.S.C., Section 923 and who has a permit
29 to sell 50 caliber rifle or 50 caliber ammunition.