



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0165

Introduced 01/14/09, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.8 new
720 ILCS 5/24-1.9 new

Amends the Criminal Code of 1961. Provides that 90 days after the effective date of this amendatory Act, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed a semi-automatic assault weapon, an assault weapon attachment, any .50 caliber rifle, or .50 caliber cartridge. Provides that beginning 90 days after the effective date of this amendatory Act, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed a large capacity ammunition feeding device. Provides that these provisions do not apply to a person who possessed a prohibited weapon, device, or attachment before the effective date of this amendatory Act if the person has provided proof of ownership to the Department of State Police within 90 days after the effective date of this amendatory Act. Provides that on or after the effective date of this amendatory Act, such person may transfer such device only to an heir, an individual residing in another state maintaining that device in another state, or a dealer licensed as a federal firearms dealer. Specifies penalties for violations. Provides exemptions. Provides that the provisions of the Act are severable. Effective immediately.

LRB096 04152 RLC 14194 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 Sections 24-1.8 and 24-1.9 as follows:

6 (720 ILCS 5/24-1.8 new)

7 Sec. 24-1.8. Manufacture, possession, delivery, sale, and
8 purchase of semi-automatic assault weapons, assault weapon
9 attachments, .50 caliber rifles, and .50 caliber cartridges.

10 (a) Definitions. In this Section:

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

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

14 (i) Norinco, Mitchell, and Poly Technologies
15 Avtomat Kalashnikovs (all models);

16 (ii) Action Arms Israeli Military Industries
17 UZI and Galil;

18 (iii) Beretta AR-70 (SC-70);

19 (iv) Colt AR-15;

20 (v) Fabrique Nationale FN/FAL, FN/LAR, and
21 FNC;

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

23 (vii) Steyr AUG;

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2

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

3

and

4

(ix) any shotgun which contains its ammunition

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in a revolving cylinder, such as (but not limited

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to) the Street Sweeper and Striker 12;

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(B) a semi-automatic rifle that has an ability to

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accept a detachable magazine and has any of the

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following:

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(i) a folding or telescoping stock;

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(ii) a pistol grip or thumbhole stock;

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(iii) a shroud that is attached to, or

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partially or completely encircles the barrel, and

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that permits the shooter to hold the firearm with

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the non-trigger hand without being burned; or

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(iv) a fixed magazine that has the capacity to

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accept more than 10 rounds of ammunition;

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(C) a semi-automatic pistol that has an ability to

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accept a detachable magazine and has any of the

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following:

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(i) a folding, telescoping, or thumbhole

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stock;

23

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

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or completely encircles the barrel, and that

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permits the shooter to hold the firearm with the

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non-trigger hand without being burned;

1 (iii) an ammunition magazine that attaches to
2 the pistol outside of the pistol grip;

3 (iv) a fixed magazine that has the capacity to
4 accept more than 10 rounds of ammunition;

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

7 (vi) a semi-automatic version of an automatic
8 firearm;

9 (D) a semi-automatic shotgun that has any of the
10 following:

11 (i) a folding or telescoping stock;

12 (ii) a pistol grip or thumbhole stock;

13 (iii) a fixed magazine capacity in excess of 5
14 rounds; or

15 (iv) an ability to accept a detachable
16 magazine.

17 "Semi-automatic assault weapon" does not
18 include:

19 (A) any firearm that:

20 (i) is manually operated by bolt, pump, lever,
21 or slide action;

22 (ii) is an "unserviceable firearm" or has been
23 made permanently inoperable; or

24 (iii) is an antique firearm;

25 (B) any air rifle as defined in Section 1 of the
26 Air Rifle Act.

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

6 (3) "Antique firearm" has the meaning ascribed to it in
7 18 U.S.C. Section 921 (a) (16).

8 (4) ".50 caliber rifle" means a centerfire rifle
9 capable of firing a .50 caliber cartridge. The term does
10 not include any antique firearm as defined in 18 U.S.C.
11 Section 921 (a) (16), any shotgun including a shotgun that
12 has a rifle barrel, or a muzzle-loader used for "black
13 powder" hunting or battle re-enactments.

14 (5) ".50 caliber cartridge" means a cartridge in .50
15 BMG caliber, either by designation or actual measurement,
16 that is capable of being fired from a centerfire rifle. The
17 term ".50 caliber cartridge" does not include any
18 memorabilia or display item that is filled with a permanent
19 inert substance or that is otherwise permanently altered in
20 a manner that prevents ready modification for use as live
21 ammunition or shotgun ammunition with a caliber
22 measurement that is equal to or greater than .50 caliber.

23 (b) Except as provided in subsections (c) and (d), 90 days
24 after the effective date of this amendatory Act of the 96th
25 General Assembly, it is unlawful for any person within this
26 State to knowingly manufacture, deliver, sell, purchase, or

1 possess or cause to be manufactured, delivered, sold,
2 purchased, or possessed, a semi-automatic assault weapon, an
3 assault weapon attachment, any .50 caliber rifle, or .50
4 caliber cartridge.

5 (c) This Section does not apply to a person who possessed a
6 weapon or attachment prohibited by subsection (b) before the
7 effective date of this amendatory Act of the 96th General
8 Assembly, provided that the person has provided proof of
9 ownership to the Department of State Police within 90 days
10 after the effective date of this amendatory Act of the 96th
11 General Assembly as required by law. On or after the effective
12 date of this amendatory Act of the 96th General Assembly, such
13 person may transfer such weapon or attachment only to an heir,
14 an individual residing in another state maintaining that weapon
15 in another state, or a dealer licensed as a federal firearms
16 dealer under Section 923 of the federal Gun Control Act of
17 1968.

18 (d) This Section does not apply to or affect any of the
19 following:

20 (1) Peace officers as defined in Section 2-13 of this
21 Code and retired peace officers not otherwise prohibited
22 from receiving a firearm, in possession of a semi-automatic
23 assault weapon, assault weapon attachment, or .50 caliber
24 rifle transferred to the retired peace officer by his or
25 her law enforcement agency upon retirement.

26 (2) Wardens, superintendents, and keepers of prisons,

1 penitentiaries, jails, and other institutions for the
2 detention of persons accused or convicted of an offense.

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

7 (4) Manufacture, transportation, or sale of weapons,
8 attachments, or ammunition to persons authorized under
9 subdivisions (1) through (3) of this subsection to possess
10 those items.

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

21 (6) Possession of any firearm if that firearm is
22 sanctioned by the International Olympic Committee and by
23 USA Shooting, the national governing body for
24 international shooting competition in the United States,
25 but only when the firearm is in the actual possession of an
26 Olympic target shooting competitor or target shooting

1 coach for the purpose of storage, transporting to and from
2 Olympic target shooting practice or events if the firearm
3 is broken down in a non-functioning state, is not
4 immediately accessible, or is unloaded and enclosed in a
5 case, firearm carrying box, shipping box, or other
6 container, and when the Olympic target shooting competitor
7 or target shooting coach is engaging in those practices or
8 events. For the purposes of this paragraph (6), "firearm"
9 is defined in Section 1.1 of the Firearm Owners
10 Identification Card Act.

11 (7) Possession of a semi-automatic assault weapon, an
12 assault weapon attachment, a .50 caliber rifle, or a .50
13 caliber cartridge only for a hunting use expressly
14 permitted under the Wildlife Code, or while traveling to or
15 from a location authorized for such hunting use under the
16 Wildlife Code if the items are broken down in a
17 non-functioning state, or are not immediately accessible,
18 or are unloaded and enclosed in a case, firearm carrying
19 box, shipping box, or other container.

20 (8) Manufacture, transportation, possession, sale, or
21 rental of blank-firing semi-automatic assault weapons and
22 .50 caliber rifles or the weapons respective attachments to
23 persons authorized or permitted, or both authorized and
24 permitted to acquire and possess such weapons for the
25 purposes of rental for use solely as props for a motion
26 picture, television, or video production or entertainment

1 event.

2 (e) Sentence.

3 (1) A person who knowingly manufactures, delivers,
4 sells, purchases, or possesses or causes to be
5 manufactured, delivered, sold, purchased, or possessed a
6 semi-automatic assault weapon in violation of this Section
7 commits a Class 3 felony for a first violation and a Class
8 2 felony for a second or subsequent violation or for the
9 possession or delivery of 2 or more of these weapons at the
10 same time.

11 (2) A person who knowingly manufactures, delivers,
12 sells, purchases, or possesses or causes to be
13 manufactured, delivered, sold, purchased, or possessed in
14 violation of this Section an assault weapon attachment
15 commits a Class 4 felony for a first violation and a Class
16 3 felony for a second or subsequent violation.

17 (3) A person who knowingly manufactures, delivers,
18 sells, purchases, or possesses or causes to be
19 manufactured, delivered, sold, purchased, or possessed in
20 violation of this Section a .50 caliber rifle commits a
21 Class 3 felony for a first violation and a Class 2 felony
22 for a second or subsequent violation or for the possession
23 or delivery of 2 or more of these weapons at the same time.

24 (4) A person who knowingly manufactures, delivers,
25 sells, purchases, or possesses or causes to be
26 manufactured, delivered, sold, purchased, or possessed in

1 violation of this Section a .50 caliber cartridge commits a
2 Class A misdemeanor.

3 (720 ILCS 5/24-1.9 new)

4 Sec. 24-1.9. Manufacture, possession, delivery, sale, and
5 purchase of large capacity ammunition feeding devices.

6 (a) As used in this Section:

7 "Large capacity ammunition feeding device" means:

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

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

14 "Large capacity ammunition feeding device" does not
15 include an attached tubular device designed to accept, and
16 capable of operating only with, .22 caliber rimfire ammunition
17 or any device that has been made permanently inoperable.

18 (b) Except as provided in subsections (c) and (d), it is
19 unlawful for any person within this State, beginning 90 days
20 after the effective date of this amendatory Act of the 96th
21 General Assembly, to knowingly manufacture, deliver, sell,
22 purchase, or possess or cause to be manufactured, delivered,
23 sold, purchased, or possessed, a large capacity ammunition
24 feeding device.

25 (c) This Section does not apply to a person who possessed a

1 device prohibited by subsection (b) before the effective date
2 of this amendatory Act of the 96th General Assembly, provided
3 that the person has provided proof of ownership to the
4 Department of State Police within 90 days after the effective
5 date of this amendatory Act of the 96th General Assembly as
6 required by law. On or after the effective date of this
7 amendatory Act of the 96th General Assembly, such person may
8 transfer such device only to an heir, an individual residing in
9 another state maintaining that device in another state, or a
10 dealer licensed as a federal firearms dealer under Section 923
11 of the federal Gun Control Act of 1968.

12 (d) This Section does not apply to or affect any of the
13 following:

14 (1) Peace officers as defined in Section 2-13 of this
15 Code and retired peace officers not otherwise prohibited
16 from receiving a firearm, in possession of a large capacity
17 ammunition feeding device transferred to the retired peace
18 officer by his or her law enforcement agency upon
19 retirement.

20 (2) Wardens, superintendents, and keepers of prisons,
21 penitentiaries, jails, and other institutions for the
22 detention of persons accused or convicted of an offense.

23 (3) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard, while in
25 the performance of their official duties or while traveling
26 to or from their place of duty.

1 (4) Manufacture, transportation, or sale of large
2 capacity ammunition feeding devices to persons authorized
3 under subdivisions (1) through (3) of this subsection to
4 possess those items.

5 (5) Possession of a large capacity ammunition feeding
6 device at events taking place at the World Shooting and
7 Recreational Complex at Sparta, only while engaged in the
8 legal use of the device, or while traveling to or from this
9 location if the items are broken down in a non-functioning
10 state, or are not immediately accessible, or are unloaded
11 and enclosed in a case, firearm carrying box, shipping box,
12 or other container.

13 (6) Possession of any large capacity ammunition
14 feeding device if that large capacity ammunition feeding
15 device is sanctioned by the International Olympic
16 Committee and by USA Shooting, the national governing body
17 for international shooting competition in the United
18 States, but only when the large capacity ammunition feeding
19 device is in the actual possession of an Olympic target
20 shooting competitor or target shooting coach for the
21 purpose of storage, transporting to and from Olympic target
22 shooting practice or events if the device is broken down in
23 a non-functioning state, is not immediately accessible, or
24 is unloaded and enclosed in a case, firearm carrying box,
25 shipping box, or other container, and when the Olympic
26 target shooting competitor or target shooting coach is

1 engaging in those practices or events.

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

10 (e) Sentence. A person who knowingly manufactures,
11 delivers, sells, purchases, or possesses or causes to be
12 manufactured, delivered, sold, purchased, or possessed in
13 violation of this Section a large capacity ammunition feeding
14 device capable of holding more than 17 rounds of ammunition
15 commits a Class 3 felony for a first violation and a Class 2
16 felony for a second or subsequent violation or for possession
17 or delivery of 2 or more of these devices at the same time. A
18 person who knowingly manufactures, delivers, sells, purchases,
19 or possesses or causes to be manufactured, delivered, sold,
20 purchased, or possessed in violation of this Section a large
21 capacity ammunition feeding device capable of holding more than
22 10 rounds but not more than 17 rounds of ammunition commits a
23 Class 4 felony for a first violation and a Class 3 felony for a
24 second or subsequent violation or for possession or delivery of
25 more than one of these devices at the same time.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.