



Sen. Dan Kotowski

Filed: 1/2/2013

09700HB0815sam001

LRB097 03644 JWD 73040 a

1 AMENDMENT TO HOUSE BILL 815

2 AMENDMENT NO. _____. Amend House Bill 815 as follows:

3 immediately above the enacting clause, by inserting the
4 following:

5 "WHEREAS, the United States Supreme Court, in its decision
6 in District of Columbia v. Heller (No. 07-290), found that the
7 Second Amendment to the United States Constitution protects an
8 individual right to possess a firearm, and to use that firearm
9 for traditionally lawful purposes, including self-defense; and

10 WHEREAS, in that same decision, the United States Supreme
11 Court also found that the individual right to possess and use a
12 firearm was not unlimited, that the government has the ability
13 to regulate the possession and use of firearms, and that this
14 right "does not protect those weapons not typically possessed
15 by law abiding citizens for lawful purposes", and that the

1 government may ban entirely "dangerous and unusual weapons";
2 and

3 WHEREAS, the United States Supreme Court, in its decision
4 in McDonald v. City of Chicago (No. 08-1521), found that its
5 holding in the Heller case applied to the States, reiterating
6 its findings regarding the validity of the regulation of the
7 individual right to possess and use a firearm, and noting
8 expressly that such incorporation of the holding in the Heller
9 case via the Fourteenth Amendment to the United States
10 Constitution "does not imperil every law regulating firearms";
11 therefore"; and

12 by replacing everything after the enacting clause with the
13 following:

14 "ARTICLE 1. ILLINOIS SHOOTING RANGE LICENSING ACT.

15 Section 1-1. Short title. This Act shall be known as the
16 Illinois Shooting Range Licensing Act.

17 Section 1-5. Definitions.

18 "Department" means the Department of State Police.

19 "Director" means the Director of State Police.

20 "Firearm" has the meaning provided in Section 1.1 of the
21 Firearm Owners Identification Card Act.

1 "Range safety officer" means a person who possesses the
2 knowledge, skills, and aptitude essential to organizing,
3 conducting and supervising safe shooting range activities, and
4 who is certified under the National Rifle Association's Range
5 Safety Officer Program or other equivalent
6 nationally-recognized range safety officer certification.

7 "Shooting range" means a specialized facility designed for
8 firearms practice.

9 "Shooting range activities" means target shooting and any
10 other activities conducted at a shooting range involving the
11 discharge or other use of firearms.

12 "Shooting range operator" means a person who is licensed as
13 a federal firearms dealer under Section 923 of the federal Gun
14 Control Act of 1968, and who owns or operates a shooting range
15 licensed by the Department under this Act.

16 Section 1-10. Shooting ranges and shooting range
17 operators.

18 (a) Beginning on January 1, 2014, no person may own or
19 operate a shooting range that is open to the public unless that
20 shooting range has been issued a license by the Director under
21 this Act.

22 (b) The Department shall license shooting ranges and shall
23 promulgate rules regarding the standards for the ownership,
24 safety, and operation of shooting ranges licensed under this
25 Act, which at a minimum shall require that at all shooting

1 range activities conducted at a licensed shooting range by
2 persons other than the shooting range operator, or his or her
3 immediate family, shall be carried out under the supervision of
4 a range safety officer. The Department shall create standards
5 for both indoor and outdoor shooting ranges, which shall
6 include, at a minimum, the space required for each type of
7 shooting range, and the nature and composition of the backstop,
8 bullet trap, or berm required for each type of shooting range.
9 The Department may develop standards for indoor and outdoor
10 shooting ranges that include maximum caliber ratings and
11 whether magnum and other high-powered bullets can be safely
12 fired into a given backstop, bullet trap, or berm. The
13 Department shall promulgate any other rules it may deem
14 necessary to carry out the provisions of this Act, including
15 the establishment of fees charged and collected for licensing
16 and the duration of licenses issued under this Act.

17 Section 1-15. Judicial review of final administrative
18 decisions. All final administrative decisions of the
19 Department under this Act, including final administrative
20 decisions of the Director of State Police to deny an
21 application for licensure for a shooting range, or to revoke
22 the license of a shooting range, shall be subject to judicial
23 review under the provisions of the Administrative Review Law,
24 and all amendments and modifications thereof, and the rules
25 adopted pursuant thereto. The term "administrative decision"

1 is defined as in Section 3-101 of the Code of Civil Procedure.

2 Section 1-20. Firearms Owner's Identification Card.

3 (a) Only a holder of valid Firearm Owner's Identification
4 Card may discharge a firearm on a shooting range licensed under
5 this Act.

6 (b) No shooting range operator shall permit an individual
7 to discharge a firearm on a shooting range licensed under this
8 Act, until that individual shall have first displayed a valid
9 Firearm Owner's Identification Card to the shooting range
10 operator or to the range safety officer.

11 Section 1-25. Exemptions. This Act shall not apply to a
12 shooting range that is:

13 (a) Located on private land that is not open to the public.

14 (b) Located on land owned by clubs or other organizations
15 that is open only to members of the club or other organization
16 and their invited guests.

17 (c) Configured for use in trapshooting, skeet shooting, or
18 sporting clays.

19 (d) Used solely by peace officers, as defined in Section
20 2-13 of the Criminal Code of 2012.

21 (e) Used solely by correctional officers employed by the
22 Department of Corrections, or by county correctional officers
23 or court security officers, as defined in Section 2 of the
24 Illinois Police Training Act.

1 (f) Used solely by members of the Armed Services or Reserve
2 Forces of the United States or the Illinois National Guard,
3 while in the performance of their official duties.

4 (g) Used solely for air rifles, as defined by Section
5 24.8-0.1 of the Criminal Code of 2012.

6 Section 1-30. Sentence. A person who violates any provision
7 of this Act, or the rules promulgated under this Act, is guilty
8 of a petty offense for a first violation. A second or
9 subsequent violation of this Act, or the rules promulgated
10 under this Act, is a Class A misdemeanor, and may be grounds
11 for the revocation of the license of the shooting range by the
12 Department.

13 Section 1-35. Home rule. A home rule unit may not regulate
14 or license shooting ranges or shooting range operators in a
15 manner more restrictive than the regulation by the Department
16 of shooting ranges under this Act. This Section is a limitation
17 on home rule powers and functions under subsection (i) of
18 Section 6 of Article VII of the Illinois Constitution on the
19 concurrent exercise by home rule units of powers and functions
20 exercised by the State. Nothing in this Section shall be
21 construed to limit the zoning authority of any home rule unit.

22

ARTICLE 5.

1 Section 5-5. The Criminal Code of 2012 is amended by adding
2 Sections 24-1.10, and 24-4.1 as follows:

3 (720 ILCS 5/24-1.10 new)

4 Sec. 24-1.10. Possession, delivery, sale, and purchase of
5 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 a rifle with a fixed tubular magazine located under the
16 barrel that is only capable of holding rounds of ammunition
17 placed end to end. For purposes of this Section, a fixed
18 magazine is one that can only be removed through disassembly of
19 the firearm action. "Large capacity ammunition feeding device"
20 does not include a tubular magazine that is contained in a
21 lever-action firearm or any device that has been made
22 permanently inoperable.

23 (b) Except as provided in subsections (c) and (d), it is
24 unlawful for any person within this State, beginning 90 days
25 after January 1, 2014, to knowingly deliver, sell, purchase, or

1 possess or cause to be delivered, sold, purchased, or
2 possessed, directly or indirectly, a large capacity ammunition
3 feeding device.

4 (c) This Section does not apply to a person who possessed a
5 device prohibited by subsection (b) before January 1, 2014,
6 provided that the person has provided proof of ownership, his
7 or her name, and other identifying information to the
8 Department of State Police, as required by the Department,
9 within 90 days after January 1, 2014. On or after January 1,
10 2014, the person may transfer the device only to an heir, an
11 individual residing in another state maintaining that device in
12 another state, or a dealer licensed as a federal firearms
13 dealer under Section 923 of the federal Gun Control Act of
14 1968. Within 10 days after transfer of the device, the person
15 shall notify the Department of State Police of the name and
16 address of the transferee and comply with the requirements of
17 subsection (b) of Section 3 of the Firearm Owners
18 Identification Card Act. The Department shall promulgate any
19 rules it may deem necessary to carry out the provisions of this
20 subsection, including the establishment of fees charged and
21 collected for collecting and maintaining the information
22 required to be provided under this subsection.

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

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

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

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

8 (4) The manufacture, transportation, or distribution
9 of large capacity ammunition feeding devices.

10 (5) The sale of large capacity ammunition feeding
11 devices to persons authorized under subdivisions (1)
12 through (3) or subdivision (7) of this subsection to
13 possess those items.

14 (6) The manufacture, transportation, or sale of large
15 capacity ammunition feeding devices for sale or transfer in
16 another state.

17 (7) The possession of any large capacity ammunition
18 feeding device if that large capacity ammunition feeding
19 device is sanctioned by the International Olympic
20 Committee and by USA Shooting, the national governing body
21 for international shooting competition in the United
22 States, but only when the large capacity ammunition feeding
23 device is in the actual possession of an Olympic target
24 shooting competitor or target shooting coach for the
25 purpose of storage, transporting to and from Olympic target
26 shooting practice or events if the device is broken down in

1 a non-functioning state, is not immediately accessible, or
2 is unloaded and enclosed in a case, firearm carrying box,
3 shipping box, or other container, and when the Olympic
4 target shooting competitor or target shooting coach is
5 engaging in those practices or events.

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

14 (9) The possession of a large capacity ammunition
15 feeding device only for a hunting use expressly permitted
16 under the Wildlife Code, or while traveling to or from a
17 location authorized for such hunting use under the Wildlife
18 Code if the items are broken down in a non-functioning
19 state, or are not immediately accessible, or are unloaded
20 and enclosed in a case, firearm carrying box, shipping box,
21 or other container.

22 (10) The manufacture, transportation, possession,
23 sale, or rental of blank-firing large capacity ammunition
24 feeding device to persons authorized or permitted, or both
25 authorized and permitted to acquire and possess such
26 devices for the purposes of rental for use solely as props

1 for a motion picture, television, or video production or
2 entertainment event.

3 (e) Shooting Ranges.

4 (1) A shooting range operator may deliver, sell,
5 purchase, or possess a large capacity ammunition feeding
6 device for the purpose of operating, using or storing the
7 same on the shooting range owned or operated by the
8 shooting range operator, including traveling to and from
9 the shooting range for purposes of purchase, sale, repair,
10 or valuation of the large capacity ammunition feeding
11 device. The delivery or sale of a large capacity ammunition
12 feeding device by a shooting range operator may only be to
13 a person who may otherwise lawfully possess the device.

14 (2) Notwithstanding any provision of this Section to
15 the contrary, a holder of a valid Firearm Owner's
16 Identification Card may possess, operate and use a large
17 capacity ammunition feeding device leased from a shooting
18 range operator, while on the shooting range owned or
19 operated by the shooting range operator. A shooting range
20 operator may lease the use of a large capacity ammunition
21 feeding device to a holder of a valid Firearm Owner's
22 Identification Card for the purpose of operating or using
23 the same on the shooting range owned or operated by the
24 shooting range operator. A large capacity ammunition
25 feeding device so leased may not be removed from the
26 shooting range by the individual leasing the large capacity

1 ammunition feeding device.

2 (3) A shooting range operator must register any large
3 capacity ammunition feeding devices owned as provided for
4 under subsection (c). A shooting range operator may acquire
5 large capacity ammunition feeding devices after January 1,
6 2014, and any large capacity ammunition feeding devices so
7 acquired must also be registered as provided for under
8 subsection (c).

9 (4) For purposes of this subsection:

10 (i) "Shooting range operator" means a person who is
11 licensed as a federal firearms dealer under Section 923
12 of the federal Gun Control Act of 1968, and who owns or
13 operates a shooting range licensed under the Illinois
14 Shooting Range Licensing Act.

15 (ii) "Shooting range" means a shooting range
16 licensed under the Illinois Shooting Range Licensing
17 Act.

18 (f) Sentence. A person who knowingly delivers, sells,
19 purchases, or possesses or causes to be delivered, sold,
20 purchased, or possessed, directly or indirectly, in violation
21 of this Section a large capacity ammunition feeding device
22 capable of holding more than 10 rounds of ammunition commits a
23 Class 3 felony for a first violation and a Class 2 felony for a
24 second or subsequent violation or for possession or delivery of
25 2 or more of these devices at the same time. Any other
26 violation of this Section is a Class A misdemeanor.

1 (720 ILCS 5/24-4.1 new)

2 Sec. 24-4.1. Report of lost or stolen large capacity
3 ammunition feeding device.

4 (a) A person who possesses a valid Firearm Owner's
5 Identification Card and who possesses or acquires a large
6 capacity ammunition feeding device and thereafter loses or
7 misplaces the large capacity ammunition feeding device, or the
8 large capacity ammunition feeding device is stolen from the
9 person, the person must report the loss or theft to the local
10 law enforcement agency within 72 hours after obtaining
11 knowledge of the loss or theft.

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

16 ARTICLE 9.

17 Section 9-97. Severability. The provisions of this Act are
18 severable under Section 1.31 of the Statute on Statutes.

19 Section 9-99. Effective date. This Act takes effect January
20 1, 2014."