

# SB3297



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB3297

Introduced 2/16/2018, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.9 new

Amends the Criminal Code of 2012. Prohibits the transfer of an assault weapon, assault weapon attachment, .50 caliber rifle, and a large capacity ammunition feeding device. Provides that on and after the effective date of the amendatory Act, the person may transfer the assault weapon, assault weapon attachment, .50 caliber rifle, or large capacity ammunition feeding device only to an heir, an individual residing in another state maintaining it in another state, or a dealer licensed as a federal firearms dealer under the federal Gun Control Act of 1968. Provides exemptions. Provides that a person who knowingly transfers or causes to be transferred an assault weapon or .50 caliber rifle commits a Class 3 felony for a first violation and a Class 2 felony for a second or subsequent violation or for the transfer of 2 or more of these weapons at the same time. Provides that a person who knowingly delivers or causes to be delivered an assault weapon attachment or large capacity ammunition feeding device commits a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation. Defines various terms.

LRB100 18820 RLC 34060 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 Criminal Code of 2012 is amended by adding  
5 Section 24-1.9 as follows:

6 (720 ILCS 5/24-1.9 new)

7 Sec. 24-1.9. Transfer of an assault weapon, assault weapon  
8 attachment, .50 caliber rifle, or large capacity ammunition  
9 feeding device.

10 (a) Definitions. As used in this Section:

11 (1) "Antique firearm" has the meaning ascribed to it in  
12 18 U.S.C. 921 (a) (16).

13 (2) "Assault weapon" means:

14 (A) a semiautomatic rifle that has the capacity to  
15 accept a large capacity magazine detachable or  
16 otherwise and one or more of the following:

17 (i) only a pistol grip without a stock  
18 attached;

19 (ii) any feature capable of functioning as a  
20 protruding grip that can be held by the non-trigger  
21 hand;

22 (iii) a folding, telescoping, or thumbhole  
23 stock;

1           (iv) a shroud attached to the barrel, or that  
2           partially or completely encircles the barrel,  
3           allowing the bearer to hold the firearm with the  
4           non-trigger hand without being burned, but  
5           excluding a slide that encloses the barrel; or

6           (v) a muzzle brake or muzzle compensator;

7           (B) a semiautomatic pistol or any semi-automatic  
8           rifle that has a fixed magazine, that has the capacity  
9           to accept more than 10 rounds of ammunition;

10           (C) a semiautomatic pistol that has the capacity to  
11           accept a detachable magazine and has one or more of the  
12           following:

13           (i) any feature capable of functioning as a  
14           protruding grip that can be held by the non-trigger  
15           hand;

16           (ii) a folding, telescoping, or thumbhole  
17           stock;

18           (iii) a shroud attached to the barrel, or that  
19           partially or completely encircles the barrel,  
20           allowing the bearer to hold the firearm with the  
21           non-trigger hand without being burned, but  
22           excluding a slide that encloses the barrel;

23           (iv) a muzzle brake or muzzle compensator; or

24           (v) the capacity to accept a detachable  
25           magazine at some location outside of the pistol  
26           grip;

1           (D) a semiautomatic shotgun that has one or more of  
2 the following:

3           (i) only a pistol grip without a stock  
4 attached;

5           (ii) any feature capable of functioning as a  
6 protruding grip that can be held by the non-trigger  
7 hand;

8           (iii) a folding, telescoping, or thumbhole  
9 stock;

10           (iv) a fixed magazine capacity in excess of 5  
11 rounds; or

12           (v) an ability to accept a detachable  
13 magazine;

14           (E) any shotgun with a revolving cylinder;

15           (F) a conversion kit, part or combination of parts,  
16 from which an assault weapon can be assembled if those  
17 parts are in the possession or under the control of the  
18 same person;

19           (G) shall include, but not be limited to, the  
20 assault weapons models identified as follows:

21           (i) the following rifles or copies or  
22 duplicates of those rifles:

23           (I) AK, AKM, AKS, AK-47, AK-74, ARM,  
24 MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93,  
25 VEPR;

26           (II) AR-10;

1 (III) AR-15, Bushmaster XM15, Armalite  
2 M15, or Olympic Arms PCR;

3 (IV) AR70;

4 (V) Calico Liberty;

5 (VI) Dragunov SVD Sniper Rifle or Dragunov  
6 SVU;

7 (VII) Fabrique National FN/FAL, FN/LAR, or  
8 FNC;

9 (VIII) Hi-Point Carbine;

10 (IX) HK-91, HK-93, HK-94, or HK-PSG-1;

11 (X) Kel-Tec Sub Rifle;

12 (XI) Saiga;

13 (XII) SAR-8, SAR-4800;

14 (XIII) SKS with detachable magazine;

15 (XIV) SLG 95;

16 (XV) SLR 95 or 96;

17 (XVI) Steyr AUG;

18 (XVII) Sturm, Ruger Mini-14;

19 (XVIII) Tavor;

20 (XIX) Thompson 1927, Thompson M1, or  
21 Thompson 1927 Commando; or

22 (XX) Uzi, Galil and Uzi Sporter, Galil  
23 Sporter, or Galil Sniper Rifle (Galatz).

24 (ii) the following pistols or copies or  
25 duplicates of those pistols:

26 (I) Calico M-110;

- 1                   (II) MAC-10, MAC-11, or MPA3;  
2                   (III) Olympic Arms OA;  
3                   (IV) TEC-9, TEC-DC9, TEC-22 Scorpion, or  
4                   AB-10; or  
5                   (V) Uzi.

6                   (iii) The following shotguns or copies or  
7                   duplicates of those shotguns:

- 8                   (I) Armscor 30 BG;  
9                   (II) SPAS 12 or LAW 12;  
10                  (III) Striker 12; or  
11                  (IV) Streetsweeper.

12                  "Assault weapon" does not include any firearm that has  
13                  been made permanently inoperable, or satisfies the  
14                  definition of antique firearm, or weapons designed for  
15                  Olympic target shooting events.

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

20                  (4) "Detachable magazine" means any ammunition feeding  
21                  device, the function of which is to deliver one or more  
22                  ammunition cartridges into the firing chamber, which can be  
23                  removed from the firearm without the use of any tool,  
24                  including a bullet or ammunition cartridge.

25                  (5) ".50 caliber cartridge" means a cartridge in .50  
26                  BMG caliber, either by designation or actual measurement,

1 that is capable of being fired from a centerfire rifle. The  
2 term ".50 caliber cartridge" does not include any  
3 memorabilia or display item that is filled with a permanent  
4 inert substance or that is otherwise permanently altered in  
5 a manner that prevents ready modification for use as live  
6 ammunition or shotgun ammunition with a caliber  
7 measurement that is equal to or greater than .50 caliber.

8 (6) ".50 caliber rifle" means a centerfire rifle  
9 capable of firing a .50 caliber cartridge. The term does  
10 not include any antique firearm, any shotgun including a  
11 shotgun that has a rifle barrel, or any muzzle-loader which  
12 uses black powder for hunting or historical re-enactments.

13 (7) "Large capacity ammunition feeding device" means:

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

18 (B) any combination of parts from which a device  
19 described in subparagraph (A) can be assembled.

20 "Large capacity ammunition feeding device" does not  
21 include an attached tubular device designed to accept, and  
22 capable of operating only with, .22 caliber rimfire  
23 ammunition or a feeding device that has been permanently  
24 altered so that it cannot accommodate more than 10 rounds.

25 "Large capacity ammunition feeding device" does not  
26 include a tubular magazine that is contained in a

1 lever-action firearm or any device that has been made  
2 permanently inoperable.

3 (8) "Muzzle brake" means a device attached to the  
4 muzzle of a weapon that utilizes escaping gas to reduce  
5 recoil.

6 (9) "Muzzle compensator" means a device attached to the  
7 muzzle of a weapon that utilizes escaping gas to control  
8 muzzle movement.

9 (10) "Transfer" means a delivery, loan, rental, or  
10 sale.

11 (b) Except as provided in subsections (c) and (d) of this  
12 Section, on and after the effective date of this amendatory Act  
13 of the 100th General Assembly, it is unlawful for any person  
14 within this State to knowingly transfer or cause to be  
15 transferred an assault weapon, assault weapon attachment, .50  
16 caliber rifle, or large capacity ammunition feeding device.

17 (c) On and after the effective date of this amendatory Act  
18 of the 100th General Assembly, the person may transfer the  
19 assault weapon, assault weapon attachment, .50 caliber rifle,  
20 or large capacity ammunition feeding device only to an heir, an  
21 individual residing in another state maintaining it in another  
22 state, or a dealer licensed as a federal firearms dealer under  
23 Section 923 of the federal Gun Control Act of 1968. Within 10  
24 days after transfer of the weapon, attachment, or device except  
25 to an heir, the person shall notify the Department of State  
26 Police of the name and address of the transferee and comply



1 with the requirements of subsection (b) of Section 3 of the  
2 Firearm Owners Identification Card Act. A person to whom the  
3 weapon is transferred may transfer it only as provided in this  
4 subsection.

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

7 (1) a transfer of an assault weapon, assault weapon  
8 attachment, .50 caliber rifle, or large capacity  
9 ammunition feeding device to a peace officer;

10 (2) a transfer of an assault weapon, assault weapon  
11 attachment, .50 caliber rifle, or large capacity  
12 ammunition feeding device by a local law enforcement agency  
13 for the purpose of equipping the agency's peace officers;

14 (3) a transfer of an assault weapon, assault weapon  
15 attachment, .50 caliber rifle, or large capacity  
16 ammunition feeding device to a warden, superintendent, or  
17 keeper of a prison, penitentiary, jail, or other  
18 institution for the detention of persons accused or  
19 convicted of an offense;

20 (4) a transfer of an assault weapon, assault weapon  
21 attachment, .50 caliber rifle, or large capacity  
22 ammunition feeding device to a member of the Armed Services  
23 or Reserve Forces of the United States or the Illinois  
24 National Guard, while in the performance of his or her  
25 official duties or while traveling to or from their place  
26 of duty;

1           (5) a transfer of an assault weapon, assault weapon  
2           attachment, .50 caliber rifle, or large capacity  
3           ammunition feeding device to a company that employs armed  
4           security officers in this State at a nuclear energy,  
5           storage, weapons, or development site or facility  
6           regulated by the federal Nuclear Regulatory Commission and  
7           persons employed as an armed security force member at a  
8           nuclear energy, storage, weapons, or development site or  
9           facility regulated by the federal Nuclear Regulatory  
10           Commission who have completed the background screening and  
11           training mandated by the rules and regulations of the  
12           federal Nuclear Regulatory Commission and while in the  
13           performance of his or her official duties;

14           (6) the transfer of an assault weapon, assault weapon  
15           attachment, .50 caliber rifle, or large capacity  
16           ammunition feeding device to persons authorized under  
17           paragraphs (1) through (5) of this subsection (d) to  
18           transfer those items;

19           (7) the transfer of an assault weapon, assault weapon  
20           attachment, .50 caliber rifle, or large capacity  
21           ammunition feeding device for transfer in another state; or

22           (8) the transfer of a blank-firing assault weapon or  
23           .50 caliber rifle or the weapon's respective attachments,  
24           to a person authorized or permitted, or both authorized and  
25           permitted to acquire and possess the weapon or attachments  
26           for the purpose of rental for use solely as props for a

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

3 (e) Sentence.

4 (1) A person who knowingly transfers or causes to be  
5 transferred an assault weapon or .50 caliber rifle in  
6 violation of this Section commits a Class 3 felony for a  
7 first violation and a Class 2 felony for a second or  
8 subsequent violation or for the transfer of 2 or more of  
9 these weapons at the same time.

10 (2) A person who knowingly delivers or causes to be  
11 delivered in violation of this Section an assault weapon  
12 attachment or large capacity ammunition feeding device  
13 commits a Class 4 felony for a first violation and a Class  
14 3 felony for a second or subsequent violation.