

# HB2878



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2878

by Rep. Martin J. Moylan

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.9 new  
720 ILCS 5/24-1.10 new

Amends the Criminal Code of 2012. Makes it unlawful to deliver, sell, or purchase or cause to be delivered, sold, or purchased or cause to be possessed by another, an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge. Makes it unlawful for any person to knowingly possess an assault weapon, .50 caliber rifle, or .50 caliber cartridge 300 days after the effective date of this amendatory Act, except possession of weapons registered with the State Police in the time provided. Provides exemptions and penalties. Prohibits delivery, sale, purchase or possession of large capacity ammunition feeding devices. Provides exemptions and penalties.

LRB101 07027 SLF 52063 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL 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 Sections 24-1.9 and 24-1.10 as follows:

6 (720 ILCS 5/24-1.9 new)

7 Sec. 24-1.9. Possession, delivery, sale, and purchase of  
8 assault weapons, .50 caliber rifles, and .50 caliber  
9 cartridges.

10 (a) Definitions. In this Section:

11 (1) "Assault weapon" means:

12 (A) any rifle that has a belt fed ammunition system  
13 or which has a detachable magazine capable of holding  
14 more than 10 rounds of ammunition;

15 (B) a semi-automatic rifle that has the ability to  
16 accept a detachable magazine and has any of the  
17 following:

18 (i) a folding or telescoping stock; or

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

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

1 accept a detachable magazine and has any of the  
2 following:

3 (i) a folding or telescoping stock;

4 (ii) a shroud that is attached to, or partially  
5 or completely encircles the barrel that permits  
6 the shooter to hold the firearm with the  
7 non-trigger hand without being burned; or

8 (iii) a manufactured weight of 50 ounces or  
9 more when the pistol is unloaded.

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

13 (E) a semi-automatic shotgun that has:

14 (i) a folding or telescoping stock; and

15 (ii) contains its ammunition in a revolving  
16 cylinder; or

17 (iii) a fixed magazine capacity in excess of 5  
18 rounds of ammunition, except as may be authorized  
19 under the Wildlife Code and excluding magazine  
20 extensions during the snow geese conservation  
21 order season; or

22 (iv) an ability to accept a detachable  
23 magazine of more than 5 rounds of ammunition.

24 "Assault weapon" does not include:

25 (A) any firearm that:

26 (i) is manually operated by bolt, pump, lever,

1           or slide action;  
2                   (ii) is an unserviceable firearm or has been  
3           made permanently inoperable;  
4                   (iii) is an antique firearm;  
5                   (iv) uses rimfire ammunition or cartridges; or  
6                   (iv) has been excluded as an assault weapon in  
7           a Department of Natural Resources rule. The  
8           Department of Natural Resources shall have the  
9           authority to adopt rules to further define  
10           exclusions of assault weapon types under this  
11           Section, provided the make, model, and caliber of  
12           the firearm excluded has a viable application to  
13           hunting game and conforms to accepted hunting  
14           principles of fair chase;  
15           (B) any air rifle as defined in Section 24.8-0.1 of  
16           this Code.

17           In this Section, a firearm is considered to have the  
18           ability to accept a detachable magazine unless the magazine or  
19           ammunition feeding device can only be removed through  
20           disassembly of the firearm action.

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

25           (3) "Antique firearm" has the meaning ascribed to it in  
26           18 U.S.C. 921 (a) (16).

1           (4) ".50 caliber rifle" means a centerfire rifle  
2           capable of firing a .50 caliber cartridge. The term does  
3           not include any antique firearm, any shotgun including a  
4           shotgun that has a rifle barrel, or any muzzle-loader which  
5           uses black powder for hunting or historical re-enactments.

6           (5) ".50 caliber cartridge" means a cartridge in .50  
7           BMG caliber, either by designation or actual measurement,  
8           that is capable of being fired from a centerfire rifle. The  
9           term ".50 caliber cartridge" does not include any  
10           memorabilia or display item that is filled with a permanent  
11           inert substance or that is otherwise permanently altered in  
12           a manner that prevents ready modification for use as live  
13           ammunition or shotgun ammunition with a caliber  
14           measurement that is equal to or greater than .50 caliber.

15           (6) "Locking mechanism" means secured by a device or  
16           mechanism, other than the firearm safety, designed to  
17           render a firearm temporarily inoperable; or a box or  
18           container capable of containing the firearm and that can be  
19           securely locked.

20           (b) The Department of State Police shall take all steps  
21           necessary to carry out the requirements of this Section within  
22           180 days after the effective date of this amendatory Act of the  
23           101st General Assembly.

24           (c) Except as provided in subsections (d), (e), (f), and  
25           (h), on or after the effective date of this amendatory Act of  
26           the 101st General Assembly, it is unlawful for any person

1 within this State to knowingly deliver, sell, or purchase or  
2 cause to be delivered, sold, or purchased or cause to be  
3 possessed by another, an assault weapon, assault weapon  
4 attachment, .50 caliber rifle, or .50 caliber cartridge.

5 (d) Except as otherwise provided in subsections (e), (f),  
6 and (h), 300 days after the effective date of this amendatory  
7 Act of the 101st General Assembly, it is unlawful for any  
8 person within this State to knowingly possess an assault  
9 weapon, .50 caliber rifle, or .50 caliber cartridge.

10 (e) This Section does not apply to a person who possessed  
11 an assault weapon or .50 caliber rifle prohibited by subsection  
12 (d) of this Section before the effective date of this  
13 amendatory Act of the 101st General Assembly, provided the  
14 person has provided in a registration affidavit, under oath or  
15 affirmation and in the form and manner prescribed by the  
16 Department of State Police on or after 180 days after the  
17 effective date of this amendatory Act of the 101st General  
18 Assembly but within 300 days after the effective date of this  
19 amendatory Act of the 101st General Assembly:

20 (1) his or her name;

21 (2) date of birth;

22 (3) Firearm Owner's Identification Card number;

23 (4) the make, model, caliber, and serial number of the  
24 weapon; and

25 (5) proof of a locking mechanism that properly fits the  
26 weapon. The affidavit shall include a statement that the

1 weapon is owned by the person submitting the affidavit and  
2 that he or she owns a locking mechanism for the weapon.

3 The affidavit form shall include the following statement  
4 printed in bold type: "Warning: Entering false information on  
5 this form is punishable as perjury under Section 32-2 of the  
6 Criminal Code of 2012."

7 Beginning 300 days after the effective date of this  
8 amendatory Act of the 101st General Assembly, the person may  
9 transfer the assault weapon or .50 caliber rifle only to an  
10 heir, an individual residing in another state maintaining it in  
11 another state, or a dealer licensed as a federal firearms  
12 dealer under Section 923 of the federal Gun Control Act of  
13 1968. Within 10 days after transfer of the weapon except to an  
14 heir, the person shall notify the Department of State Police of  
15 the name and address of the transferee and comply with the  
16 requirements of subsection (b) of Section 3 of the Firearm  
17 Owners Identification Card Act. The person to whom the weapon  
18 is transferred shall, within 60 days of the transfer, complete  
19 an affidavit and pay the required registration fee under this  
20 Section. A person to whom the weapon is transferred may  
21 transfer it only as provided in this subsection.

22 (f) This Section does not apply to a peace officer who has  
23 retired in good standing from a law enforcement agency of this  
24 State and who possesses an assault weapon or .50 caliber rifle  
25 prohibited by subsection (d), if the weapon was lawfully  
26 possessed and acquired by the peace officer prior to retirement

1 and the retired peace officer within 30 days of retirement  
2 registers the weapon with the Department of State Police and  
3 pays the required registration fee under this Section. The  
4 retired peace officer shall comply with the transfer and  
5 notification requirements in subsection (e).

6 (g) For the purpose of registration required under  
7 subsections (e) and (f), the Department of State Police shall  
8 assess a registration fee of \$25 per person to the owner of an  
9 assault weapon and \$25 per person to the owner of a .50 caliber  
10 rifle. The fees shall be deposited into the State Police  
11 Firearm Services Fund.

12 (h) 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.

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

20 (3) 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 (4) 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           (5) Any company that employs armed security officers in  
2           this State at a nuclear energy, storage, weapons, or  
3           development site or facility regulated by the federal  
4           Nuclear Regulatory Commission and persons employed as an  
5           armed security force member at a nuclear energy, storage,  
6           weapons, or development site or facility regulated by the  
7           federal Nuclear Regulatory Commission who have completed  
8           the background screening and training mandated by the rules  
9           and regulations of the federal Nuclear Regulatory  
10           Commission and while in the performance of their official  
11           duties.

12           (6) Manufacture, transportation, or sale of weapons,  
13           attachments, or ammunition to persons authorized under  
14           subdivisions (1) through (5) of this subsection (h) to  
15           possess those items.

16           (7) Manufacture, transportation, or sale of weapons,  
17           attachments, or ammunition for sale or transfer in another  
18           state.

19           (8) Possession of any firearm if that firearm is  
20           sanctioned by the International Olympic Committee and by  
21           USA Shooting, the national governing body for  
22           international shooting competition in the United States,  
23           but only when the firearm is in the actual possession of an  
24           Olympic target shooting competitor or target shooting  
25           coach for the purpose of storage, transporting to and from  
26           Olympic target shooting practice or events if the firearm

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

10 (9) Any non-resident who transports, within 24 hours, a  
11 weapon for any lawful purpose from any place where he or  
12 she may lawfully possess and carry that weapon to any other  
13 place where he or she may lawfully possess and carry that  
14 weapon if, during the transportation the weapon is  
15 unloaded, and neither the weapon nor any ammunition being  
16 transported is readily accessible or is directly  
17 accessible from the passenger compartment of the  
18 transporting vehicle. Provided that, in the case of a  
19 vehicle without a compartment separate from the driver's  
20 compartment the weapon or ammunition shall be contained in  
21 a locked container other than the glove compartment or  
22 console.

23 (10) Possession of a weapon at events taking place at  
24 the World Shooting and Recreational Complex at Sparta, only  
25 while engaged in the legal use of this weapon, or while  
26 traveling to or from this location if the weapon is broken

1 down in a non-functioning state, or is not immediately  
2 accessible, or is unloaded and enclosed in a firearm case,  
3 carrying box, shipping box, or other similar portable  
4 container designed for the safe transportation of  
5 firearms.

6 (11) Possession of a weapon only for hunting use  
7 expressly permitted under the Wildlife Code, or while  
8 traveling to or from a location authorized for this hunting  
9 use under the Wildlife Code if the weapon is broken down in  
10 a non-functioning state, or is not immediately accessible,  
11 or is unloaded and enclosed in a firearm case, carrying  
12 box, shipping box, or other similar portable container  
13 designed for the safe transportation of firearms.

14 (12) The manufacture, transportation, possession,  
15 sale, or rental of blank-firing assault weapons and .50  
16 caliber rifles, or the weapon's respective attachments, to  
17 persons authorized or permitted, or both authorized and  
18 permitted to acquire and possess these weapons or  
19 attachments for the purpose of rental for use solely as  
20 props for a motion picture, television, or video production  
21 or entertainment event.

22 (i) Sentence.

23 (1) A person who knowingly delivers, sells, purchases,  
24 or possesses or causes to be delivered, sold, purchased, or  
25 possessed an assault weapon in violation of this Section  
26 commits a Class 3 felony for a first violation and a Class

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

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

9       (3) A person who knowingly delivers, sells, purchases,  
10       or possesses or causes to be delivered, sold, purchased, or  
11       possessed in violation of this Section a .50 caliber rifle  
12       commits a Class 3 felony for a first violation and a Class  
13       2 felony for a second or subsequent violation or for the  
14       possession or delivery of 2 or more of these weapons at the  
15       same time.

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

20       (5) Any other violation of this Section is a Class A  
21       misdemeanor.

22       (720 ILCS 5/24-1.10 new)

23       Sec. 24-1.10. Delivery or sale of large capacity ammunition  
24       feeding devices.

25       (a) In this Section:

1 "Large capacity ammunition feeding device" means:

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

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

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

11 "Large capacity ammunition feeding device" does not include a  
12 tubular magazine that is contained in a lever-action firearm or  
13 any device that has been made permanently inoperable.

14 (b) Except as provided in subsection (c), it is unlawful  
15 for any person within this State to knowingly deliver, sell,  
16 purchase, or possess or cause to be delivered, sold, or  
17 purchased a large capacity ammunition feeding device.

18 (c) 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.

22 (2) A local law enforcement agency for the purpose of  
23 equipping the agency's peace officers as defined in  
24 paragraph (1) of this subsection (c).

25 (3) Wardens, superintendents, and keepers of prisons,  
26 penitentiaries, jails, and other institutions for the

1 detention of persons accused or convicted of an offense.

2 (4) Members of the Armed Services or Reserve Forces of  
3 the United States or the Illinois National Guard, for the  
4 performance of their official duties.

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

15 (6) Sale of large capacity ammunition feeding devices  
16 to persons authorized under subdivisions (1) through (5) of  
17 this subsection (c) to possess those devices.

18 (7) Sale of large capacity ammunition feeding devices  
19 for sale or transfer in another state.

20 (8) Sale or rental of large capacity ammunition feeding  
21 devices for blank-firing assault weapons and .50 caliber  
22 rifles, to persons authorized or permitted, or both  
23 authorized and permitted to acquire these devices for the  
24 purpose of rental for use solely as props for a motion  
25 picture, television, or video production or entertainment  
26 event.

1       (d) Sentence. A person who knowingly delivers, sells,  
2       purchases, or causes to be delivered, sold, or purchased in  
3       violation of this Section a large capacity ammunition feeding  
4       device capable of holding more than 15 rounds of ammunition  
5       commits a Class 3 felony for a first violation and a Class 2  
6       felony for a second or subsequent violation or for delivery or  
7       possession of 2 or more of these devices at the same time. Any  
8       other violation of this Section is a Class A misdemeanor.