

SB1497



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1497

Introduced 2/13/2019, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.9 new

Amends the Criminal Code of 2012. Makes it unlawful for any person to knowingly possess an assault weapon 300 days after the effective date of the amendatory Act, except possession of weapons registered with the Department of State Police in the time provided. Provides exemptions and penalties. Effective immediately.

LRB101 08029 SLF 53091 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 as follows:

6 (720 ILCS 5/24-1.9 new)

7 Sec. 24-1.9. Possession, delivery, sale, and purchase of
8 assault weapons.

9 (a) Definitions. In this Section:

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

12 (2) "Assault weapon" means:

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

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

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

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

23 (iv) a shroud attached to the barrel, or that

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

5 (v) a muzzle brake or muzzle compensator;

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

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

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

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

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

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

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

26 (D) a semiautomatic shotgun that has one or more of

1 the following:

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

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

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

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

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

13 (E) any shotgun with a revolving cylinder; or

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

18 "Assault weapon" includes, but is not limited to, the
19 assault weapon models identified as follows:

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

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

24 (II) AR-10;

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

- 1 (IV) AR70;
- 2 (V) Calico Liberty;
- 3 (VI) Dragunov SVD Sniper Rifle or Dragunov
- 4 SVU;
- 5 (VII) Fabrique National FN/FAL, FN/LAR, or
- 6 FNC;
- 7 (VIII) Hi-Point Carbine;
- 8 (IX) HK-91, HK-93, HK-94, or HK-PSG-1;
- 9 (X) Kel-Tec Sub Rifle;
- 10 (XI) Saiga;
- 11 (XII) SAR-8, SAR-4800;
- 12 (XIII) SKS with detachable magazine;
- 13 (XIV) SLG 95;
- 14 (XV) SLR 95 or 96;
- 15 (XVI) Steyr AUG;
- 16 (XVII) Sturm, Ruger Mini-14;
- 17 (XVIII) Tavor;
- 18 (XIX) Thompson 1927, Thompson M1, or Thompson
- 19 1927 Commando; or
- 20 (XX) Uzi, Galil and Uzi Sporter, Galil
- 21 Sporter, or Galil Sniper Rifle (Galatz).
- 22 (ii) the following pistols or copies or duplicates
- 23 of those pistols:
- 24 (I) Calico M-110;
- 25 (II) MAC-10, MAC-11, or MPA3;
- 26 (III) Olympic Arms OA;

1 (IV) TEC-9, TEC-DC9, TEC-22 Scorpion, or
2 AB-10; or

3 (V) Uzi.

4 (iii) The following shotguns or copies or
5 duplicates of those shotguns:

6 (I) Armscor 30 BG;

7 (II) SPAS 12 or LAW 12;

8 (III) Striker 12; or

9 (IV) Streetsweeper.

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

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

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

23 (5) "Locking mechanism" means secured by a device or
24 mechanism, other than the firearm safety, designed to
25 render a firearm temporarily inoperable; or a box or
26 container capable of containing the firearm and that can be

1 securely locked.

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

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

8 (b) The Department of State Police shall take all steps
9 necessary to carry out the requirements of this Section within
10 180 days after the effective date of this amendatory Act of the
11 101st General Assembly.

12 (c) Except as provided in subsections (d), (e), (f), and
13 (h) of this Section, on or after the effective date of this
14 amendatory Act of the 101st General Assembly, it is unlawful
15 for any person within this State to knowingly deliver, sell, or
16 purchase or cause to be delivered, sold, or purchased or cause
17 to be possessed by another, an assault weapon or assault weapon
18 attachment.

19 (d) Except as otherwise provided in subsections (e), (f),
20 and (h) of this Section, 300 days after the effective date of
21 this amendatory Act of the 101st General Assembly, it is
22 unlawful for any person within this State to knowingly possess
23 an assault weapon.

24 (e) This Section does not apply to a person who possessed
25 an assault weapon before the effective date of this amendatory
26 Act of the 101st General Assembly, provided the person has

1 provided in a registration affidavit, under oath or affirmation
2 and in the form and manner prescribed by the Department of
3 State Police on or after 180 days after the effective date of
4 this amendatory Act of the 101st General Assembly but within
5 300 days after the effective date of this amendatory Act of the
6 101st General Assembly:

7 (1) his or her name;

8 (2) date of birth;

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

10 (4) the make, model, caliber, and serial number of the
11 weapon; and

12 (5) proof of a locking mechanism that properly fits the
13 weapon. The affidavit shall include a statement that the
14 weapon is owned by the person submitting the affidavit and
15 that he or she owns a locking mechanism for the weapon.

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

20 Beginning 300 days after the effective date of this
21 amendatory Act of the 101st General Assembly, the person may
22 transfer the assault weapon only to an heir, an individual
23 residing in another state maintaining it in another state, or a
24 dealer licensed as a federal firearms dealer under Section 923
25 of the federal Gun Control Act of 1968. Within 10 days after
26 transfer of the weapon except to an heir, the person shall

1 notify the Department of State Police of the name and address
2 of the transferee and comply with the requirements of
3 subsection (b) of Section 3 of the Firearm Owners
4 Identification Card Act. The person to whom the weapon is
5 transferred shall, within 60 days of the transfer, complete an
6 affidavit and pay the required registration fee under this
7 Section. A person to whom the weapon is transferred may
8 transfer it only as provided in this subsection.

9 (f) This Section does not apply to a peace officer who has
10 retired in good standing from a law enforcement agency of this
11 State and who possesses an assault weapon if the weapon was
12 lawfully possessed and acquired by the peace officer prior to
13 retirement and the retired peace officer within 30 days of
14 retirement registers the weapon with the Department of State
15 Police and pays the required registration fee under this
16 Section. The retired peace officer shall comply with the
17 transfer and notification requirements in subsection (e).

18 (g) For the purpose of registration required under
19 subsections (e) and (f) of this Section, the Department of
20 State Police shall assess a registration fee of \$25 per person
21 to the owner of an assault weapon. The fee shall be deposited
22 into the State Police Firearm Services Fund.

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

25 (1) Peace officers.

26 (2) Acquisition and possession by a local law

1 enforcement agency for the purpose of equipping the
2 agency's peace officers.

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

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

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

21 (6) Manufacture, transportation, or sale of weapons,
22 attachments, or ammunition to persons authorized under
23 subdivisions (1) through (5) of this subsection (h) to
24 possess those items.

25 (7) Manufacture, transportation, or sale of weapons,
26 attachments, or ammunition for sale or transfer in another

1 state.

2 (8) Possession of any firearm if that firearm is
3 sanctioned by the International Olympic Committee and by
4 USA Shooting, the national governing body for
5 international shooting competition in the United States,
6 but only when the firearm is in the actual possession of an
7 Olympic target shooting competitor or target shooting
8 coach for the purpose of storage, transporting to and from
9 Olympic target shooting practice or events if the firearm
10 is broken down in a non-functioning state, is not
11 immediately accessible, or is unloaded and enclosed in a
12 firearm case, carrying box, shipping box, or other similar
13 portable container designed for the safe transportation of
14 firearms, and when the Olympic target shooting competitor
15 or target shooting coach is engaging in those practices or
16 events.

17 (9) Any non-resident who transports, within 24 hours, a
18 weapon for any lawful purpose from any place where he or
19 she may lawfully possess and carry that weapon to any other
20 place where he or she may lawfully possess and carry that
21 weapon if, during the transportation the weapon is
22 unloaded, and neither the weapon nor any ammunition being
23 transported is readily accessible or is directly
24 accessible from the passenger compartment of the
25 transporting vehicle. Provided that, in the case of a
26 vehicle without a compartment separate from the driver's

1 compartment the weapon or ammunition shall be contained in
2 a locked container other than the glove compartment or
3 console.

4 (10) Possession of a weapon at events taking place at
5 the World Shooting and Recreational Complex at Sparta, only
6 while engaged in the legal use of this weapon, or while
7 traveling to or from this location if the weapon is broken
8 down in a non-functioning state, or is not immediately
9 accessible, or is unloaded and enclosed in a firearm case,
10 carrying box, shipping box, or other similar portable
11 container designed for the safe transportation of
12 firearms.

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

21 (12) The manufacture, transportation, possession,
22 sale, or rental of blank-firing assault weapons and the
23 weapon's respective attachments, to persons authorized or
24 permitted, or both authorized and permitted to acquire and
25 possess these weapons or attachments for the purpose of
26 rental for use solely as props for a motion picture,

1 television, or video production or entertainment event.

2 (i) Sentence.

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

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

15 (3) Any other violation of this Section is a Class A
16 misdemeanor.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.