



Rep. Michelle Mussman

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1 AMENDMENT TO HOUSE BILL 1465

2 AMENDMENT NO. _____. Amend House Bill 1465 by replacing
3 everything after the enacting clause with the following:

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. Delivery or sale of assault weapons, assault
8 weapon attachments, .50 caliber rifles, and .50 caliber
9 cartridges to persons under 21 years of age prohibited;
10 possession of assault weapons, assault weapon attachments, .50
11 caliber rifles, and .50 caliber cartridges by persons under 21
12 years of age prohibited.

13 (a) Definitions. In this Section:

14 (1) "Assault weapon" means:

15 (A) any rifle which has a belt fed ammunition
16 system or which has a detachable magazine capable of

1 holding more than 10 rounds of ammunition;

2 (B) a semi-automatic rifle that has the ability to
3 accept a detachable magazine and has any of the
4 following:

5 (i) a folding or telescoping stock; or

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

10 (C) a semi-automatic pistol that has the ability to
11 accept a detachable magazine and has any of the
12 following:

13 (i) a folding or telescoping stock;

14 (ii) a shroud that is attached to, or partially
15 or completely encircles the barrel, and that
16 permits the shooter to hold the firearm with the
17 non-trigger hand without being burned; or

18 (iii) a manufactured weight of 50 ounces or
19 more when the pistol is unloaded;

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

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

24 (i) a folding or telescoping stock; and

25 (ii) contains its ammunition in a revolving
26 cylinder; or

1 (iii) a fixed magazine capacity in excess of 5
2 rounds of ammunition, except as may be authorized
3 under the Wildlife Code and excluding magazine
4 extensions during the snow geese conservation
5 order season; or

6 (iv) an ability to accept a detachable
7 magazine of more than 5 rounds of ammunition;

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

13 "Assault weapon" does not include:

14 (A) any firearm that:

15 (i) is manually operated by bolt, pump, lever,
16 or slide action;

17 (ii) is an unserviceable firearm or has been
18 made permanently inoperable;

19 (iii) is an antique firearm;

20 (iv) uses rimfire ammunition or cartridges; or

21 (iv) has been excluded as an assault weapon in
22 a Department of Natural Resources rule. The
23 Department of Natural Resources shall have the
24 authority to adopt rules to further define
25 exclusions of assault weapon types under this
26 Section, provided the make, model, and caliber of

1 the firearm excluded has a viable application to
2 hunting game and conforms to accepted hunting
3 principles of fair chase.

4 (B) any air rifle as defined in Section 24.8-0.1 of
5 this Code.

6 In this Section, a firearm is considered to have the
7 ability to accept a detachable magazine unless the magazine or
8 ammunition feeding device can only be removed through
9 disassembly of the firearm action.

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

14 (3) "Antique firearm" has the meaning ascribed to it in
15 18 U.S.C. 921 (a) (16).

16 (4) ".50 caliber cartridge" means a cartridge in .50
17 BMG caliber, either by designation or actual measurement,
18 that is capable of being fired from a centerfire rifle, not
19 including any memorabilia or display item that is filled
20 with a permanent inert substance or that is otherwise
21 permanently altered in a manner that prevents ready
22 modification for use as live ammunition or shotgun
23 ammunition with a caliber measurement that is equal to or
24 greater than .50 caliber.

25 (5) "Locking mechanism" means secured by a device or
26 mechanism, other than the firearm safety, designed to

1 render a firearm temporarily inoperable; or a box or
2 container capable of containing the firearm and that can be
3 securely locked.

4 (b) Except as provided in subsection (d) of this Section,
5 on or after the effective date of this amendatory Act of the
6 100th General Assembly, it is unlawful for any person within
7 this State to knowingly deliver or sell, or cause to be
8 delivered or sold, an assault weapon, assault weapon
9 attachment, .50 caliber rifle, or .50 caliber cartridge to any
10 person under 21 years of age.

11 (c) Except as otherwise provided in subsection (d) of this
12 Section, 90 days after the effective date of this amendatory
13 Act of the 100th General Assembly, it is unlawful for any
14 person under 21 years of age within this State to knowingly
15 possess an assault weapon, assault weapon attachment, .50
16 caliber rifle, or .50 caliber cartridge.

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

19 (1) Members of the Armed Services or Reserve Forces of
20 the United States or the Illinois National Guard, while in
21 the performance of their official duties or while traveling
22 to or from their place of duty.

23 (2) Transportation, transfer, or sale of weapons,
24 attachments, or ammunition for sale or transfer in another
25 state.

26 (3) Possession of any firearm if that firearm is

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

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

1 console.

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

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

19 (7) The manufacture, transportation, possession, sale,
20 or rental of blank-firing assault weapons and .50 caliber
21 rifles, or the weapon's respective attachments, to persons
22 authorized or permitted, or both authorized and permitted
23 to acquire and possess these weapons or attachments 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 (e) Sentence.

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

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

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

19 (4) A person who knowingly delivers, sells, or
20 possesses or causes to be delivered or sold, in violation
21 of this Section a .50 caliber cartridge commits a Class A
22 misdemeanor.

23 (720 ILCS 5/24-1.10 new)

24 Sec. 24-1.10. Delivery or sale of large capacity ammunition
25 feeding devices to persons under 21 years of age prohibited.

1 (a) In this Section:

2 "Large capacity ammunition feeding device" means:

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

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

10 "Large capacity ammunition feeding device" does not
11 include an attached tubular device designed to accept, and
12 capable of operating only with, .22 caliber rimfire ammunition
13 or a tubular magazine that is contained in a lever-action
14 firearm or any device that has been made permanently
15 inoperable.

16 (b) Except as provided in subsection (c) of this Section,
17 it is unlawful for any person within this State to knowingly
18 deliver or sell, or cause to be delivered or sold, a large
19 capacity ammunition feeding device to a person under 21 years
20 of age.

21 (b-5) Except as provided in subsection (c) of this Section,
22 it is unlawful for any person under 21 years of age to possess
23 a large capacity ammunition feeding device within this State.

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

26 (1) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, for the
2 performance of their official duties.

3 (2) Sale of large capacity ammunition feeding devices
4 for sale or transfer in another state.

5 (3) Sale or rental of large capacity ammunition feeding
6 devices for blank-firing assault weapons and .50 caliber
7 rifles, to persons authorized or permitted, or both
8 authorized and permitted to acquire these devices for the
9 purpose of rental for use solely as props for a motion
10 picture, television, or video production or entertainment
11 event.

12 (d) Sentence. A person who knowingly delivers, sells,
13 possesses, or causes to be delivered or sold, in violation of
14 this Section a large capacity ammunition feeding device capable
15 of holding more than 15 rounds of ammunition commits a Class 3
16 felony for a first violation and a Class 2 felony for a second
17 or subsequent violation or for delivery or possession of 2 or
18 more of these devices at the same time. Any other violation of
19 this Section is a Class A misdemeanor.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.".