



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5522

Introduced 1/31/2022, by Rep. Maura Hirschauer

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 the amendatory Act, except possession of weapons registered with the Illinois 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.

LRB102 25017 RLC 34274 b

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
13 system or which has a detachable magazine capable of
14 holding 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
20 partially or completely encircles the barrel that
21 permits 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

1 to 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
5 partially or completely encircles the barrel, that
6 permits 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
16 of 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
23 specifically designed for making or converting a firearm
24 into any of the firearms listed in paragraph (1) of this
25 subsection (a).

26 (3) "Antique firearm" has the meaning ascribed to it

1 in 18 U.S.C. 921 (a) (16).

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

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

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

23 (b) The Illinois State Police shall take all steps
24 necessary to carry out the requirements of this Section within
25 180 days after the effective date of this amendatory Act of the
26 102nd General Assembly.

1 (c) Except as provided in subsections (d), (e), (f), and
2 (h), on or after the effective date of this amendatory Act of
3 the 102nd General Assembly, it is unlawful for any person
4 within this State to knowingly deliver, sell, or purchase or
5 cause to be delivered, sold, or purchased or cause to be
6 possessed by another, an assault weapon, assault weapon
7 attachment, .50 caliber rifle, or .50 caliber cartridge.

8 (d) Except as otherwise provided in subsections (e), (f),
9 and (h), 300 days after the effective date of this amendatory
10 Act of the 102nd General Assembly, it is unlawful for any
11 person within this State to knowingly possess an assault
12 weapon, .50 caliber rifle, or .50 caliber cartridge.

13 (e) This Section does not apply to a person who possessed
14 an assault weapon or .50 caliber rifle prohibited by
15 subsection (d) of this Section before the effective date of
16 this amendatory Act of the 102nd General Assembly, provided
17 the person has provided in a registration affidavit, under
18 oath or affirmation and in the form and manner prescribed by
19 the Illinois State Police on or after 180 days after the
20 effective date of this amendatory Act of the 102nd General
21 Assembly but within 300 days after the effective date of this
22 amendatory Act of the 102nd General Assembly:

23 (1) his or her name;

24 (2) date of birth;

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

26 (4) the make, model, caliber, and serial number of the

1 weapon; and

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

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

10 Beginning 300 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, the person may
12 transfer the assault weapon or .50 caliber rifle only to an
13 heir, an individual residing in another state maintaining it
14 in another state, or a dealer licensed as a federal firearms
15 dealer under Section 923 of the federal Gun Control Act of
16 1968. Within 10 days after transfer of the weapon except to an
17 heir, the person shall notify the Illinois State Police of the
18 name and address of the transferee and comply with the
19 requirements of subsection (b) of Section 3 of the Firearm
20 Owners Identification Card Act. The person to whom the weapon
21 is transferred shall, within 60 days of the transfer, complete
22 an affidavit and pay the required registration fee under this
23 Section. A person to whom the weapon is transferred may
24 transfer it only as provided in this subsection.

25 (f) This Section does not apply to a peace officer who has
26 retired in good standing from a law enforcement agency of this

1 State and who possesses an assault weapon or .50 caliber rifle
2 prohibited by subsection (d), if the weapon was lawfully
3 possessed and acquired by the peace officer prior to
4 retirement and the retired peace officer within 30 days of
5 retirement registers the weapon with the Illinois State Police
6 and pays the required registration fee under this Section. The
7 retired peace officer shall comply with the transfer and
8 notification requirements in subsection (e).

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

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

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

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

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

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

1 the United States or the Illinois National Guard, while in
2 the performance of their official duties or while
3 traveling to or from their place of duty.

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

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

19 (7) Manufacture, transportation, or sale of weapons,
20 attachments, or ammunition for sale or transfer in another
21 state.

22 (8) Possession of any firearm if that firearm is
23 sanctioned by the International Olympic Committee and by
24 USA Shooting, the national governing body for
25 international shooting competition in the United States,
26 but only when the firearm is in the actual possession of an

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

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

26 (10) Possession of a weapon at events taking place at

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

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

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

26 (i) Sentence.

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

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

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

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

25 (5) Any other violation of this Section is a Class A
26 misdemeanor.

1 (720 ILCS 5/24-1.10 new)

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

4 (a) In this Section:

5 "Large capacity ammunition feeding device" means:

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

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

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

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

23 (c) 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

1 Code.

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

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

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

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

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

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

26 (8) Sale or rental of large capacity ammunition

1 feeding devices for blank-firing assault weapons and .50
2 caliber rifles, to persons authorized or permitted, or
3 both authorized and permitted to acquire these devices for
4 the purpose of rental for use solely as props for a motion
5 picture, television, or video production or entertainment
6 event.

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