



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/04/04, by Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.7 new

Amends the Criminal Code of 1961. Prohibits the knowing manufacture, delivery, and possession of a large capacity ammunition feeding device (a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition and any combination of parts from which such a device can be assembled). Establishes penalties for violations. Requires a person who possesses a large capacity ammunition feeding device on the effective date of the amendatory Act, within 90 days after that date, to destroy the device, render the device permanently inoperable, relinquish the device to a law enforcement agency, or remove the device from the State. Establishes as an affirmative defense to a violation, the delivery or possession of a large capacity ammunition feeding device while in the performance of their official duties by peace officers, correctional institutional employees and officials, and members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT in relation to 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 1961 is amended by adding
5 Section 24-1.7 as follows:

6 (720 ILCS 5/24-1.7 new)

7 Sec. 24-1.7. Manufacture, possession, and delivery of
8 large capacity ammunition feeding devices.

9 (a) As used in this Section:

10 "Large capacity ammunition feeding device" means:

11 (1) a magazine, belt, drum, feed strip, or similar
12 device that has a capacity of, or that can be readily
13 restored or converted to accept, more than 10 rounds of
14 ammunition; or

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

17 "Large capacity ammunition feeding device" does not
18 include an attached tubular device designed to accept, and
19 capable of operating only with, .22 caliber rimfire ammunition
20 or any device that has been made permanently inoperable.

21 (b) Except as provided in subsection (c), it is unlawful
22 for any person within this State, beginning 90 days after the
23 effective date of this amendatory Act of the 93rd General
24 Assembly, to knowingly manufacture, deliver, or possess or
25 cause to be manufactured, delivered, or possessed, a large
26 capacity ammunition feeding device.

27 (c) Any person who knowingly possesses a large capacity
28 ammunition feeding device on the effective date of this
29 amendatory Act of the 93rd General Assembly must, within 90
30 days after the effective date of this amendatory Act of the
31 93rd General Assembly, destroy the device, render it
32 permanently inoperable, relinquish it to a law enforcement

1 agency, or remove it from this State.

2 (d) A person has an affirmative defense to an alleged
3 violation of subsection (c) of this Section if he or she
4 lawfully possessed or delivered the large capacity ammunition
5 feeding device while in the performance of his or her official
6 duties as a peace officer, correctional institution employee or
7 official, or member of the Armed Services or Reserve Forces of
8 the United States or of the Illinois National Guard.

9 (e) Sentence. A person who possesses or delivers in
10 violation of this Section a large capacity ammunition feeding
11 device capable of holding more than 17 rounds of ammunition
12 commits a Class 3 felony for a first violation and a Class 2
13 felony for a second or subsequent violation or for possession
14 or delivery of 2 or more of these devices at the same time. A
15 person who possesses or delivers in violation of this Section a
16 large capacity ammunition feeding device capable of holding
17 more than 10 rounds but not more than 17 rounds of ammunition
18 commits a Class 4 felony for a first violation and a Class 3
19 felony for a second or subsequent violation or for possession
20 or delivery of more than one of these devices at the same time.