

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
5 adding 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 semiautomatic assault weapons, large capacity ammunition
9 feeding devices, and assault weapon attachments.

10 (a) The General Assembly finds that the high rate of
11 fire and capacity for firepower of semiautomatic assault
12 weapons, assault weapon attachments, and large capacity
13 ammunition feeding devices pose a significant threat to the
14 health, safety, and welfare of the citizens of this State,
15 that the use of these weapons, devices, or attachments for
16 sport or recreation is substantially outweighed by the danger
17 these weapons or devices present to human life, and that
18 restrictions should therefore be placed on the manufacture,
19 delivery, and possession of these weapons, devices, and
20 attachments.

21 (b) Definitions. In this Section:

22 (1) "Semi-automatic assault weapon" means:

23 (A) any of the firearms or types, replicas, or
24 duplicates in any caliber of the firearms, known as:

25 (i) Norinco, Mitchell, and Poly
26 Technologies Avtomat Kalashnikovs (all models);

27 (ii) Action Arms Israeli Military
28 Industries UZI and Galil;

29 (iii) Beretta AR-70 (SC-70);

30 (iv) Colt AR-15;

31 (v) Fabrique Nationale FN/FAL, FN/LAR,

1 and FNC;

2 (vi) SWD M-10, M-11, M-11/9, and M-12;

3 (vii) Steyr AUG;

4 (viii) INTRATEC TEC-9, TEC-DC9 and

5 TEC-22; and

6 (ix) any shotgun which contains its
7 ammunition in a revolving cylinder, such as

8 (but not limited to) the Street Sweeper and
9 Striker 12;

10 (x) any firearm having a caliber of 50 or
11 greater;

12 (B) a semiautomatic rifle that has an ability to
13 accept a detachable magazine and has any of the
14 following:

15 (i) a folding or telescoping stock;

16 (ii) a pistol grip that protrudes
17 conspicuously beneath the action of the weapon;

18 (iii) a bayonet mount;

19 (iv) a flash suppressor or barrel having a
20 threaded muzzle; or

21 (v) a grenade launcher; or

22 (C) a semi-automatic pistol that has an ability to
23 accept a detachable magazine and has any of the
24 following:

25 (i) an ammunition magazine that attaches to
26 the pistol outside of the pistol grip;

27 (ii) a barrel having a threaded muzzle;

28 (iii) a shroud that is attached to, or
29 partially or completely encircles the barrel, and
30 that permits the shooter to hold the firearm with
31 the non-trigger hand without being burned;

32 (iv) a manufactured weight of 50 ounces or
33 more when the pistol is unloaded; or

34 (v) a semiautomatic version of an automatic

1 firearm; or

2 (D) a semiautomatic shotgun that has any of the
3 following:

4 (i) a folding or telescoping stock;

5 (ii) a pistol grip that protrudes
6 conspicuously beneath the action of the weapon;

7 (iii) a fixed magazine capacity in excess of 5
8 rounds; or

9 (iv) an ability to accept a detachable
10 magazine.

11 "Semiautomatic assault weapon" does not include:

12 (A) any firearm that:

13 (i) is manually operated by bolt, pump, lever
14 or slide action;

15 (ii) is an "unserviceable firearm" or has been
16 made permanently inoperable; or

17 (iii) is an antique firearm; or

18 (B) any semiautomatic rifle that cannot accept a
19 detachable magazine that holds more than 5 rounds of
20 ammunition; or

21 (C) any semiautomatic shotgun that cannot hold more
22 than 5 rounds of ammunition in a fixed or detachable
23 magazine.

24 (2)(A) "Large capacity ammunition feeding device" means:

25 (i) a magazine, belt, drum, feed strip, or
26 similar device that has a capacity of, or that can
27 be readily restored or converted to accept, more
28 than 10 rounds of ammunition; or

29 (ii) any combination of parts from which a
30 device described in subparagraph (i) can be
31 assembled.

32 (B) "Large capacity ammunition feeding device" does
33 not include an attached tubular device designed to
34 accept, and capable of operating only with, .22 caliber

1 rimfire ammunition or any device that has been made
2 permanently inoperable.

3 (3) "Assault weapon attachment" means any device capable
4 of being attached to a firearm that is specifically designed
5 for making or converting a firearm into any of the firearms
6 listed in paragraph (1) of subsection (b) of this Section.

7 (4) "Antique firearm" means:

8 (A) any firearm, including any firearm with a
9 matchlock, flintlock, percussion cap, or similar type of
10 ignition system, manufactured in or before 1898, or

11 (B) any replica of any firearm described in
12 subparagraph (A) if the replica:

13 (i) is not designed or redesigned for using
14 rimfire or conventional centerfire fixed ammunition;
15 or

16 (ii) uses rimfire or conventional centerfire
17 ammunition that is no longer manufactured in the
18 United States and that is not readily available in
19 the ordinary channels of commercial trade; or

20 (C) any firearm (other than a machine gun), which,
21 although designed as a weapon, the Department of State
22 Police finds by reason of the date of its manufacture,
23 value, design, and other characteristics is primarily a
24 collector's item and is not likely to be used as a
25 weapon.

26 (c) Except as provided in subsection (e), 90 days after
27 the effective date of this amendatory Act of the 93rd General
28 Assembly, it is unlawful for any person within this State, to
29 knowingly manufacture, deliver, or possess or cause to be
30 manufactured, delivered, or possessed, a semiautomatic
31 assault weapon, a large capacity ammunition feeding device,
32 or an assault weapon attachment.

33 (d) Any person who knowingly possesses a semiautomatic
34 assault weapon, large capacity ammunition feeding device, or

1 assault weapon attachment must, within 90 days after the
2 effective date of this amendatory Act of the 93rd General
3 Assembly, destroy the weapon or device, render it permanently
4 inoperable, relinquish it to a law enforcement agency, or
5 remove it from this State.

6 (e) A person has an affirmative defense to an alleged
7 violation of subsection (c) of this Section if he or she
8 lawfully possessed or delivered the semiautomatic assault
9 weapon, large capacity ammunition feeding device, or assault
10 weapon attachment while in the performance of his or her
11 official duties as a peace officer, correctional institution
12 employee or official, or member of the Armed Services or
13 Reserve Forces of the United States, or of the Illinois
14 National Guard.

15 (f) Sentence.

16 (1) A person who manufactures, possesses, or
17 delivers a semiautomatic assault weapon in violation of
18 this Section commits a Class 3 felony for a first
19 violation and a Class 2 felony for a second or subsequent
20 violation or for the possession or delivery of 2 or more
21 of these weapons at the same time.

22 (2) A person who possesses or delivers in violation
23 of this Section a large capacity ammunition feeding
24 device capable of holding more than 17 rounds of
25 ammunition commits a Class 3 felony for a first violation
26 and a Class 2 felony for a second or subsequent violation
27 or for possession or delivery of 2 or more of these
28 devices at the same time.

29 (3) A person who possesses or delivers in violation
30 of this Section a large capacity ammunition feeding
31 device capable of holding more than 10 rounds but not
32 more than 17 rounds of ammunition commits a Class 4
33 felony for a first violation and a Class 3 felony for a
34 second or subsequent violation or for possession or

1 delivery of more than one of these devices at the same
2 time.

3 (4) A person who possesses or delivers in violation
4 of this Section an assault weapon attachment commits a
5 Class 4 felony for a first violation and a Class 3 felony
6 for a second or subsequent violation.