



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2561**

Introduced 2/3/2004, by Antonio Munoz

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/24-1.7 new

Amends the Criminal Code of 1961. Prohibits the knowing manufacture, delivery, and possession of semiautomatic assault weapons, large capacity ammunition feeding devices, and assault weapon attachments. Provides for an affirmative defense to a violation for peace officers, correctional institution employees and officers, members of the Armed Services and Reserve Forces of the United States, and the Illinois National Guard while these persons are in the performance of their duties. Establishes penalties for violations.

LRB093 15346 RLC 40948 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**A BILL FOR**

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

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

20 (b) Definitions. In this Section:

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

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

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

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

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

29 (iv) Colt AR-15;

30 (v) Fabrique Nationale FN/FAL, FN/LAR, and  
31 FNC;

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

1 (vii) Steyr AUG;

2 (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

3 (ix) any shotgun which contains its ammunition  
4 in a revolving cylinder, such as (but not limited  
5 to) the Street Sweeper and Striker 12;

6 (x) any firearm having a caliber of 50 or  
7 greater;

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

10 (i) a folding or telescoping stock;

11 (ii) a pistol grip that protrudes conspicuously  
12 beneath the action of the weapon;

13 (iii) a bayonet mount;

14 (iv) a flash suppressor or barrel having a threaded  
15 muzzle; or

16 (v) a grenade launcher;

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

19 (i) an ammunition magazine that attaches to the  
20 pistol outside of the pistol grip;

21 (ii) a barrel having a threaded muzzle;

22 (iii) a shroud that is attached to, or partially or  
23 completely encircles the barrel, and that permits the  
24 shooter to hold the firearm with the non-trigger hand  
25 without being burned;

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

28 (v) a semiautomatic version of an automatic  
29 firearm;

30 (D) a semiautomatic shotgun that has any of the  
31 following:

32 (i) a folding or telescoping stock;

33 (ii) a pistol grip that protrudes conspicuously  
34 beneath the action of the weapon;

35 (iii) a fixed magazine capacity in excess of 5  
36 rounds; or

1 (iv) an ability to accept a detachable magazine.

2 "Semiautomatic assault weapon" does not include:

3 (A) any firearm that:

4 (i) is manually operated by bolt, pump, lever or  
5 slide action;

6 (ii) is an "unserviceable firearm" or has been made  
7 permanently inoperable; or

8 (iii) is an antique firearm;

9 (B) any semiautomatic rifle that cannot accept a  
10 detachable magazine that holds more than 5 rounds of  
11 ammunition; or

12 (C) any semiautomatic shotgun that cannot hold more  
13 than 5 rounds of ammunition in a fixed or detachable  
14 magazine.

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

16 (i) a magazine, belt, drum, feed strip, or similar  
17 device that has a capacity of, or that can be readily  
18 restored or converted to accept, more than 10 rounds of  
19 ammunition; or

20 (ii) any combination of parts from which a device  
21 described in subparagraph (i) can be assembled.

22 (B) "Large capacity ammunition feeding device" does  
23 not include an attached tubular device designed to accept,  
24 and capable of operating only with, .22 caliber rimfire  
25 ammunition or any device that has been made permanently  
26 inoperable.

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

31 (4) "Antique firearm" means:

32 (A) any firearm, including any firearm with a  
33 matchlock, flintlock, percussion cap, or similar type of  
34 ignition system, manufactured in or before 1898;

35 (B) any replica of any firearm described in  
36 subparagraph (A) if the replica:

1           (i) is not designed or redesigned for using rimfire  
2           or conventional centerfire fixed ammunition; or

3           (ii) uses rimfire or conventional centerfire  
4           ammunition that is no longer manufactured in the United  
5           States and that is not readily available in the  
6           ordinary channels of commercial trade; or

7           (C) any firearm (other than a machine gun), which,  
8           although designed as a weapon, the Department of State  
9           Police finds by reason of the date of its manufacture,  
10           value, design, and other characteristics is primarily a  
11           collector's item and is not likely to be used as a weapon.

12           (c) Except as provided in subsection (e), 90 days after the  
13           effective date of this amendatory Act of the 93rd General  
14           Assembly, it is unlawful for any person within this State, to  
15           knowingly manufacture, deliver, or possess or cause to be  
16           manufactured, delivered, or possessed, a semiautomatic assault  
17           weapon, a large capacity ammunition feeding device, or an  
18           assault weapon attachment.

19           (d) Any person who knowingly possesses a semiautomatic  
20           assault weapon, large capacity ammunition feeding device, or  
21           assault weapon attachment must, within 90 days after the  
22           effective date of this amendatory Act of the 93rd General  
23           Assembly, destroy the weapon or device, render it permanently  
24           inoperable, relinquish it to a law enforcement agency, or  
25           remove it from this State.

26           (e) A person has an affirmative defense to an alleged  
27           violation of subsection (c) of this Section if he or she  
28           lawfully possessed or delivered the semiautomatic assault  
29           weapon, large capacity ammunition feeding device, or assault  
30           weapon attachment while in the performance of his or her  
31           official duties as a peace officer, correctional institution  
32           employee or official, or member of the Armed Services or  
33           Reserve Forces of the United States, or of the Illinois  
34           National Guard.

35           (f) Sentence.

36           (1) A person who manufactures, possesses, or delivers a

1 semiautomatic assault weapon in violation of this Section  
2 commits a Class 3 felony for a first violation and a Class  
3 2 felony for a second or subsequent violation or for the  
4 possession or delivery of 2 or more of these weapons at the  
5 same time.

6 (2) A person who possesses or delivers in violation of  
7 this Section a large capacity ammunition feeding device  
8 capable of holding more than 17 rounds of ammunition  
9 commits a Class 3 felony for a first violation and a Class  
10 2 felony for a second or subsequent violation or for  
11 possession or delivery of 2 or more of these devices at the  
12 same time.

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

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