

SB3383



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB3383

Introduced 5/30/2004, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

New Act

Creates the Assault Weapons Ban Act. Provides that violations of the federal Assault Weapons Ban that were enacted as part of the federal Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) shall be violations of Illinois law if the federal ban expires on September 13, 2004. Provides that if the federal ban is extended, the Act is repealed on September 14, 2004. Effective September 13, 2004.

LRB093 22478 RLC 51960 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Assault Weapons Ban Act.

6 Section 5. Legislative intent. It is the intent of the
7 General Assembly that the provisions of federal law contained
8 in Title 18, Sections 921, 922, 923, 924, 925, 925A, and 929 of
9 the United States Code, and originally enacted as the Violent
10 Crime Control and Law Enforcement Act of 1994 (Public Law
11 103-322) commonly referred to as the "Assault Weapons Ban", as
12 those Sections existed on September 12, 2004, remain in force
13 in the State of Illinois in the event that any portions of
14 those Sections expire on September 13, 2004, without being
15 re-enacted or otherwise extended.

16 Section 10. Operation and repeal. This Act is operative on
17 September 13, 2004, if and only if the Congress and the
18 President of the United States fail by law to extend the
19 provisions of those Sections referred to in Section 5 of this
20 Act. To the extent that the repeal of those provisions is
21 deferred and those provisions remain in force on and after
22 September 13, 2004, this Act shall not become operative. If
23 this Act is not operative on September 14, 2004, this Act is
24 repealed on September 14, 2004.

25 Section 15. Penalties.

26 (a) The provisions of Title 18, Sections 921, 922, 923,
27 924, 925, 925A, and 929 of the United States Code, as those
28 Sections were in effect on September 12, 2004, are incorporated
29 into this Act by reference.

30 (b) The following violations of federal law in effect on

1 September 12, 2004 shall be violations of Illinois law and
2 shall be punished as provided in this subsection (b):

3 (1) A violation of subsection (a)(1) or (f) of Section
4 924 of Title 18 of the United States Code is a Class 3
5 felony.

6 (2) A violation of subsection (a)(2), (b), (e), (g),
7 (h), (i), (k), (l), (m), or (n) of Section 924 of Title 18
8 of the United States Code is a Class 2 felony for which the
9 defendant may be sentenced to a term of imprisonment not to
10 exceed 10 years.

11 (3) A violation of subsection (a)(3), (a)(4), (a)(5),
12 or (a)(6) of Section 924 of Title 18 of the United States
13 Code is a Class A misdemeanor. A term of imprisonment
14 imposed for a violation of subsection (a)(4) of Section 924
15 of Title 18 of the United States Code shall not run
16 concurrently with any other term of imprisonment.

17 (4) A violation of subsection (c) or (o) of Section 924
18 of Title 18 of the United States Code shall be charged and
19 sentenced under Article 33A of the Criminal Code of 1961.

20 (5) Firearms or ammunition used in a manner described
21 in subsection (d) of Section 924 of the United States Code
22 may be seized and forfeited under Article 36 of the
23 Criminal Code of 1961.

24 (6) A violation of subsection (j) of Section 924 of the
25 United States Code that involves first degree murder,
26 second degree murder, or involuntary manslaughter shall be
27 charged and sentenced as provided for those offenses.

28 Section 99. Effective date. This Act takes effect September
29 13, 2004.