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LRB094 09150 RLC 46905 a

1 AMENDMENT TO HOUSE BILL 2414

2 AMENDMENT NO. _____. Amend House Bill 2414, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by adding
6 Sections 24-1.7 and 24-1.8 as follows:

7 (720 ILCS 5/24-1.7 new)

8 Sec. 24-1.7. Manufacture, possession, and delivery of
9 semiautomatic assault weapons, assault weapon attachments, and
10 .50 caliber rifles.

11 (a) Definitions. In this Section:

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

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

15 (i) Norinco, Mitchell, and Poly Technologies
16 Avtomat Kalashnikovs (all models);

17 (ii) Action Arms Israeli Military Industries
18 UZI and Galil;

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

20 (iv) Colt AR-15;

21 (v) Fabrique Nationale FN/FAL, FN/LAR, and
22 FNC;

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

24 (vii) Steyr AUG;

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

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

9 (i) a folding or telescoping stock;

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

12 (iii) a flash suppressor or barrel having a
13 threaded muzzle;

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

17 (i) an ammunition magazine that attaches to
18 the pistol outside of the pistol grip;

19 (ii) a barrel having a threaded muzzle;

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

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

26 (v) a semiautomatic version of an automatic
27 firearm;

28 (D) a semiautomatic shotgun that has any of the
29 following:

30 (i) a folding or telescoping stock;

31 (ii) a pistol grip that protrudes
32 conspicuously beneath the action of the weapon;

33 (iii) a fixed magazine capacity in excess of 5
34 rounds; or

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

3 "Semiautomatic assault weapon" does not include:

4 (A) any firearm that:

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

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

9 (iii) is an antique firearm;

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

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

16 (2) "Assault weapon attachment" means any device
17 capable of being attached to a firearm that is specifically
18 designed for making or converting a firearm into any of the
19 firearms listed in paragraph (1) of subsection (a) of this
20 Section.

21 (3) "Antique firearm" has the meaning ascribed to it in
22 18 U.S.C. Section 921(a)(16).

23 (4) ".50 caliber rifle" means a centerfire rifle
24 capable of firing a .50 caliber cartridge. The term does
25 not include any antique firearm as defined in 18 U.S.C.
26 Section 921(a)(16), a shotgun with a caliber measurement
27 that is equal to or greater than .50 caliber, or a
28 muzzle-loader used for "black powder" hunting or battle
29 re-enactments.

30 (5) ".50 caliber cartridge" means a cartridge in .50
31 caliber, either by designation or actual measurement,
32 including but not limited to a .50 BMG cartridge, that is
33 capable of being fired from a centerfire rifle. The term
34 ".50 caliber cartridge" does not include any memorabilia or

1 display item that is filled with a permanent inert
2 substance or that is otherwise permanently altered in a
3 manner that prevents ready modification for use as live
4 ammunition or shotgun ammunition with a caliber
5 measurement that is equal to or greater than .50 caliber.

6 (b) Except as provided in subsections (c) and (d), 90 days
7 after the effective date of this amendatory Act of the 94th
8 General Assembly, it is unlawful for any person within this
9 State, to knowingly manufacture, deliver, sell, purchase, or
10 possess or cause to be manufactured, delivered, sold,
11 purchased, or possessed, a semiautomatic assault weapon, an
12 assault weapon attachment, or any .50 caliber rifle.

13 (c) This Section does not apply to a person who possessed a
14 weapon or attachment prohibited by subsection (b) before the
15 effective date of this amendatory Act of the 94th General
16 Assembly. On or after the effective date of this amendatory Act
17 of the 94th General Assembly, such person may transfer such
18 weapon or attachment only to an heir, an individual residing in
19 another state maintaining that weapon in another state, or a
20 dealer licensed as a federal firearms dealer under Section 923
21 of the federal Gun Control Act of 1968.

22 (d) This Section does not apply to or affect any of the
23 following:

24 (1) Peace officers as defined in Section 2-13 of this
25 Code and retired peace officers not otherwise prohibited
26 from receiving a firearm, in possession of a semiautomatic
27 assault weapon, assault weapon attachment, or .50 caliber
28 rifle transferred to the retired peace officer by his or
29 her law enforcement agency upon retirement.

30 (2) Wardens, superintendents, and keepers of prisons,
31 penitentiaries, jails, and other institutions for the
32 detention of persons accused or convicted of an offense.

33 (3) Members of the Armed Services or Reserve Forces of
34 the United States or the Illinois National Guard, while in

1 the performance of their official duties or while traveling
2 to or from their place of duty.

3 (4) Manufacture, transportation, or sale of weapons or
4 attachments to persons authorized under subdivisions (1)
5 through (3) of this subsection to possess those items, if
6 the items are broken down in a non-functioning state or are
7 not immediately accessible.

8 (5) Possession of a semi-automatic assault weapon, an
9 assault weapon attachment, or a .50 caliber rifle at events
10 taking place at the World Shooting and Recreational Complex
11 at Sparta, only while engaged in the legal use of the
12 firearm, or while traveling to or from this location.

13 (e) Sentence.

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

22 (2) A person who knowingly manufactures, delivers,
23 sells, purchases, or possesses or causes to be
24 manufactured, delivered, sold, purchased, or possessed in
25 violation of this Section an assault weapon attachment
26 commits a Class 4 felony for a first violation and a Class
27 3 felony for a second or subsequent violation.

28 (3) A person who knowingly manufactures, delivers,
29 sells, purchases, or possesses or causes to be
30 manufactured, delivered, sold, purchased, or possessed in
31 violation of this Section a .50 caliber rifle commits a
32 Class 3 felony for a first violation and a Class 2 felony
33 for a second or subsequent violation or for the possession
34 or delivery of 2 or more of these weapons at the same time.

1 (720 ILCS 5/24-1.8 new)

2 Sec. 24-1.8. Manufacture, possession, and delivery of
3 large capacity ammunition feeding devices.

4 (a) As used 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 ammunition
15 or any device that has been made permanently inoperable.

16 (b) Except as provided in subsections (c) and (d), it is
17 unlawful for any person within this State, beginning 90 days
18 after the effective date of this amendatory Act of the 94th
19 General Assembly, to knowingly manufacture, deliver, sell,
20 purchase, or possess or cause to be manufactured, delivered,
21 sold, purchased, or possessed, a large capacity ammunition
22 feeding device.

23 (c) This Section does not apply to a person who possessed a
24 device prohibited by subsection (b) before the effective date
25 of this amendatory Act of the 94th General Assembly. On or
26 after the effective date of this amendatory Act of the 94th
27 General Assembly, such person may transfer such device only to
28 an heir, an individual residing in another state maintaining
29 that weapon in another state, or a dealer licensed as a federal
30 firearms dealer under Section 923 of the federal Gun Control
31 Act of 1968.

32 (d) This Section does not apply to or affect any of the
33 following:

1 (1) Peace officers as defined in Section 2-13 of this
2 Code and retired peace officers not otherwise prohibited
3 from receiving a firearm, in possession of a large capacity
4 ammunition feeding device transferred to the retired peace
5 officer by his or her law enforcement agency upon
6 retirement.

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

10 (3) Members of the Armed Services or Reserve Forces of
11 the United States or the Illinois National Guard, while in
12 the performance of their official duties or while traveling
13 to or from their place of duty.

14 (4) Manufacture, transportation, or sale of large
15 capacity ammunition feeding devices to persons authorized
16 under subdivisions (1) through (3) of this subsection to
17 possess those devices, if the devices are broken down in a
18 non-functioning state or are not immediately accessible.

19 (5) Possession of a large capacity ammunition feeding
20 device at events taking place at the World Shooting and
21 Recreational Complex at Sparta, only while engaged in the
22 legal use of the firearm, or while traveling to or from
23 this location.

24 (e) Sentence. A person who knowingly manufactures,
25 delivers, sells, purchases, or possesses or causes to be
26 manufactured, delivered, sold, purchased, or possessed in
27 violation of this Section a large capacity ammunition feeding
28 device capable of holding more than 17 rounds of ammunition
29 commits a Class 3 felony for a first violation and a Class 2
30 felony for a second or subsequent violation or for possession
31 or delivery of 2 or more of these devices at the same time. A
32 person who knowingly manufactures, delivers, sells, purchases,
33 or possesses or causes to be manufactured, delivered, sold,
34 purchased, or possessed in violation of this Section a large

1 capacity ammunition feeding device capable of holding more than
2 10 rounds but not more than 17 rounds of ammunition commits a
3 Class 4 felony for a first violation and a Class 3 felony for a
4 second or subsequent violation or for possession or delivery of
5 more than one of these devices at the same time.

6 Section 95. Severability. The provisions of this Act are
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."