



Filed: 5/29/2005

09400HB2414ham006

LRB094 09150 RLC 47306 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 except for a grip that is part of or mounted on a
34 weapon with a butt stock;

1 (iii) a fixed magazine capacity in excess of 5
2 rounds; or

3 (iv) an ability to accept a detachable
4 magazine.

5 "Semiautomatic assault weapon" does not include:

6 (A) any firearm that:

7 (i) is manually operated by bolt, pump, lever
8 or slide action;

9 (ii) is an "unserviceable firearm" or has been
10 made permanently inoperable;

11 (iii) is an antique firearm; or

12 (iv) is lawful for any hunting use permitted
13 under the Wildlife Code;

14 (B) any semiautomatic rifle that cannot accept a
15 detachable magazine that holds more than 5 rounds of
16 ammunition; or

17 (C) any semiautomatic shotgun that cannot hold
18 more than 5 rounds of ammunition in a detachable
19 magazine.

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

25 (3) "Antique firearm" has the meaning ascribed to it in
26 18 U.S.C. Section 921(a)(16).

27 (4) ".50 caliber rifle" means a centerfire rifle
28 capable of firing a .50 caliber cartridge. The term does
29 not include any antique firearm as defined in 18 U.S.C.
30 Section 921(a)(16), any shotgun including a shotgun that
31 has a rifled barrel, or a muzzle-loader used for "black
32 powder" hunting or battle re-enactments.

33 (5) ".50 caliber cartridge" means a cartridge in .50
34 caliber, either by designation or actual measurement,

1 including but not limited to a .50 BMG cartridge, that is
2 capable of being fired from a centerfire rifle. The term
3 ".50 caliber cartridge" does not include any memorabilia or
4 display item that is filled with a permanent inert
5 substance or that is otherwise permanently altered in a
6 manner that prevents ready modification for use as live
7 ammunition or shotgun ammunition with a caliber
8 measurement that is equal to or greater than .50 caliber.

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

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

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

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

33 (2) Wardens, superintendents, and keepers of prisons,
34 penitentiaries, jails, and other institutions for the

1 detention of persons accused or convicted of an offense.

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

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

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

16 (e) Sentence.

17 (1) A person who knowingly manufactures, delivers,
18 sells, purchases, or possesses or causes to be
19 manufactured, delivered, sold, purchased, or possessed a
20 semiautomatic assault weapon in violation of this Section
21 commits a Class 3 felony for a first violation and a Class
22 2 felony for a second or subsequent violation or for the
23 possession or delivery of 2 or more of these weapons at the
24 same time.

25 (2) A person who knowingly manufactures, delivers,
26 sells, purchases, or possesses or causes to be
27 manufactured, delivered, sold, purchased, or possessed in
28 violation of this Section an assault weapon attachment
29 commits a Class 4 felony for a first violation and a Class
30 3 felony for a second or subsequent violation.

31 (3) A person who knowingly manufactures, delivers,
32 sells, purchases, or possesses or causes to be
33 manufactured, delivered, sold, purchased, or possessed in
34 violation of this Section a .50 caliber rifle commits a

1 Class 3 felony for a first violation and a Class 2 felony
2 for a second or subsequent violation or for the possession
3 or delivery of 2 or more of these weapons at the same time.

4 (720 ILCS 5/24-1.8 new)

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

7 (a) As used in this Section:

8 "Large capacity ammunition feeding device" means:

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

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

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

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

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

1 Act of 1968.

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

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

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

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

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

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

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

1 person who knowingly manufactures, delivers, sells, purchases,
2 or possesses or causes to be manufactured, delivered, sold,
3 purchased, or possessed in violation of this Section a large
4 capacity ammunition feeding device capable of holding more than
5 10 rounds but not more than 17 rounds of ammunition commits a
6 Class 4 felony for a first violation and a Class 3 felony for a
7 second or subsequent violation or for possession or delivery of
8 more than one of these devices at the same time.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".