



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5169

by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.8 new

Amends the Criminal Code of 1961. Provides that beginning 90 days after the effective date of the amendatory Act, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed a large capacity ammunition feeding device. Provides that these provisions do not apply to a person who possessed a prohibited weapon, device, or attachment before the effective date of the amendatory Act. Provides that on or after the effective date of the amendatory Act, such person may transfer such device only to an heir, an individual residing in another state maintaining that device in another state, or a dealer licensed as a federal firearms dealer. Specifies penalties for violations. Provides exemptions. Provides that the provisions of the Act are severable. Effective immediately.

LRB095 18119 RLC 44202 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 5. The Criminal Code of 1961 is amended by adding
5 Section 24-1.8 as follows:

6 (720 ILCS 5/24-1.8 new)

7 Sec. 24-1.8. Manufacture, possession, delivery, sale, and
8 purchase of large capacity ammunition feeding devices.

9 (a) As used in this Section:

10 "Large capacity ammunition feeding device" means:

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

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

17 "Large capacity ammunition feeding device" does not
18 include an attached tubular device designed to accept, and
19 capable of operating only with, .22 caliber rimfire ammunition,
20 any device designed to be used with an antique firearm as
21 defined in 27 C.F.R. 478.11, any device designed to be used
22 with a muzzle-loading firearm used for "black powder" hunting,
23 any device designed as a reproduction of a historical piece of

1 military equipment for use in battle re-enactments, or any
2 device that has been made permanently inoperable.

3 (b) Except as provided in subsections (c) and (d), it is
4 unlawful for any person within this State, beginning 90 days
5 after the effective date of this amendatory Act of the 95th
6 General Assembly, to knowingly manufacture, deliver, sell,
7 purchase, or possess or cause to be manufactured, delivered,
8 sold, purchased, or possessed, a large capacity ammunition
9 feeding device.

10 (c) This Section does not apply to a person who possessed a
11 device prohibited by subsection (b) before the effective date
12 of this amendatory Act of the 95th General Assembly. On or
13 after the effective date of this amendatory Act of the 95th
14 General Assembly, such person may transfer such device only to
15 an heir, an individual residing in another state maintaining
16 that device in another state, or a dealer licensed as a federal
17 firearms dealer under Section 923 of the federal Gun Control
18 Act of 1968.

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

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

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

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

8 (4) Manufacture, transportation, or sale of large
9 capacity ammunition feeding devices to persons authorized
10 under subdivisions (1) through (3) of this subsection to
11 possess those items.

12 (5) Possession of a large capacity ammunition feeding
13 device at events taking place at the World Shooting and
14 Recreational Complex at Sparta, only while engaged in the
15 legal use of the device, or while traveling to or from this
16 location if the items are broken down in a non-functioning
17 state, or are not immediately accessible, or are unloaded
18 and enclosed in a case, firearm carrying box, shipping box,
19 or other container.

20 (6) Possession of any large capacity ammunition
21 feeding device if that large capacity ammunition feeding
22 device is sanctioned by the International Olympic
23 Committee and by USA Shooting, the national governing body
24 for international shooting competition in the United
25 States, but only when the large capacity ammunition feeding
26 device is in the actual possession of an Olympic target

1 shooting competitor or target shooting coach for the
2 purpose of storage, transporting to and from Olympic target
3 shooting practice or events if the device is broken down in
4 a non-functioning state, is not immediately accessible, or
5 is unloaded and enclosed in a case, firearm carrying box,
6 shipping box, or other container, and when the Olympic
7 target shooting competitor or target shooting coach is
8 engaging in those practices or events.

9 (7) Possession of a large capacity ammunition feeding
10 device only for a hunting use expressly permitted under the
11 Wildlife Code, or while traveling to or from a location
12 authorized for such hunting use under the Wildlife Code if
13 the items are broken down in a non-functioning state, or
14 are not immediately accessible, or are unloaded and
15 enclosed in a case, firearm carrying box, shipping box, or
16 other container.

17 (8) Manufacture, transportation, possession, sale, or
18 rental of large capacity ammunition feeding devices to
19 persons authorized or permitted, or both authorized and
20 permitted to acquire and possess such devices for the
21 purpose of rental for use solely as props for a motion
22 picture, television, or video production or entertainment
23 event.

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

1 violation of this Section a large capacity ammunition feeding
2 device commits a Class A misdemeanor for a first violation; a
3 Class 4 felony for a second violation; and a Class 3 felony for
4 a third or subsequent violation or for possession or delivery
5 of more than one of these devices at the same time.

6 Section 97. 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.