



Sen. Antonio Munoz

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1 AMENDMENT TO SENATE BILL 16

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 16 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding  
5 Sections 24-1.8 and 24-1.9 as follows:

6 (720 ILCS 5/24-1.8 new)

7 Sec. 24-1.8. Manufacture, possession, delivery, sale, and  
8 purchase of semi-automatic assault weapons, assault weapon  
9 attachments, .50 caliber rifles, and .50 caliber cartridges.

10 (a) Definitions. In this Section:

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

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

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

16 (ii) Action Arms Israeli Military Industries

1           UZI and Galil;

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

3                   (iv) Colt AR-15;

4                   (v) Fabrique Nationale FN/FAL, FN/LAR, and

5           FNC;

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

7                   (vii) Steyr AUG;

8  
9                   (viii) INTRATEC TEC-9, TEC-DC9, and TEC-22;

10          and

11                   (ix) any shotgun which contains its ammunition

12                   in a revolving cylinder, such as (but not limited  
13                   to) the Street Sweeper and Striker 12;

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

17                           (i) a folding or telescoping stock;

18                           (ii) a pistol grip or thumbhole stock;

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

23                           (iv) a fixed magazine that has the capacity to  
24                   accept more than 10 rounds of ammunition;

25                   (C) a semi-automatic pistol that has an ability to  
26                   accept a detachable magazine and has any of the

1           following:

2                   (i) a folding, telescoping, or thumbhole  
3                   stock;

4                   (ii) a shroud that is attached to, or partially  
5                   or completely encircles the barrel, and that  
6                   permits the shooter to hold the firearm with the  
7                   non-trigger hand without being burned;

8                   (iii) an ammunition magazine that attaches to  
9                   the pistol outside of the pistol grip;

10                   (iv) a fixed magazine that has the capacity to  
11                   accept more than 10 rounds of ammunition;

12                   (v) a manufactured weight of 50 ounces or more  
13                   when the pistol is unloaded; or

14                   (vi) a semi-automatic version of an automatic  
15                   firearm;

16           (D) a semi-automatic shotgun that has any of the  
17           following:

18                   (i) a folding or telescoping stock;

19                   (ii) a pistol grip or thumbhole stock;

20                   (iii) a fixed magazine capacity in excess of 5  
21                   rounds; or

22                   (iv) an ability to accept a detachable  
23                   magazine. "Semi-automatic assault weapon" does not  
24                   include:

25           (A) any firearm that:

26                   (i) is manually operated by bolt, pump, lever,

1           or slide action;

2                   (ii) is an "unserviceable firearm" or has been  
3           made permanently inoperable; or

4                   (iii) is an antique firearm;

5           (B) any air rifle as defined in Section 1 of the  
6           Air Rifle Act.

7           (2) "Assault weapon attachment" means any device  
8           capable of being attached to a firearm that is specifically  
9           designed for making or converting a firearm into any of the  
10           firearms listed in paragraph (1) of subsection (a) of this  
11           Section.

12           (3) "Antique firearm" has the meaning ascribed to it in  
13           18 U.S.C. Section 921 (a)(16).

14           (4) ".50 caliber rifle" means a centerfire rifle  
15           capable of firing a .50 caliber cartridge. The term does  
16           not include any antique firearm as defined in 18 U.S.C.  
17           Section 921 (a)(16), any shotgun including a shotgun that  
18           has a rifle barrel, or a muzzle-loader used for "black  
19           powder" hunting or battle re-enactments.

20           (5) ".50 caliber cartridge" means a cartridge in .50  
21           BMG caliber, either by designation or actual measurement,  
22           that is capable of being fired from a centerfire rifle. The  
23           term ".50 caliber cartridge" does not include any  
24           memorabilia or display item that is filled with a permanent  
25           inert substance or that is otherwise permanently altered in  
26           a manner that prevents ready modification for use as live

1 ammunition or shotgun ammunition with a caliber  
2 measurement that is equal to or greater than .50 caliber.

3 (b) Except as provided in subsections (c) and (d), 90 days  
4 after the effective date of this amendatory Act of the 95th  
5 General Assembly, it is unlawful for any person within this  
6 State to knowingly manufacture, deliver, sell, purchase, or  
7 possess or cause to be manufactured, delivered, sold,  
8 purchased, or possessed, a semi-automatic assault weapon, an  
9 assault weapon attachment, any .50 caliber rifle, or .50  
10 caliber cartridge.

11 (c) This Section does not apply to a person who possessed a  
12 weapon or attachment prohibited by subsection (b) before the  
13 effective date of this amendatory Act of the 95th General  
14 Assembly, provided that the person has provided proof of  
15 ownership to the Department of State Police within 90 days  
16 after the effective date of this amendatory Act of the 95th  
17 General Assembly as required by law. On or after the effective  
18 date of this amendatory Act of the 95th General Assembly, such  
19 person may transfer such weapon or attachment only to an heir,  
20 an individual residing in another state maintaining that weapon  
21 in another state, or a dealer licensed as a federal firearms  
22 dealer under Section 923 of the federal Gun Control Act of  
23 1968.

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

26 (1) Peace officers as defined in Section 2-13 of this

1       Code and retired peace officers not otherwise prohibited  
2       from receiving a firearm, in possession of a semi-automatic  
3       assault weapon, assault weapon attachment, or .50 caliber  
4       rifle transferred to the retired peace officer by his or  
5       her law enforcement agency upon retirement.

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

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

13       (4) Manufacture, transportation, or sale of weapons,  
14       attachments, or ammunition to persons authorized under  
15       subdivisions (1) through (3) of this subsection to possess  
16       those items.

17       (5) Possession of a semi-automatic assault weapon, an  
18       assault weapon attachment, a .50 caliber rifle, or a .50  
19       caliber cartridge at events taking place at the World  
20       Shooting and Recreational Complex at Sparta, only while  
21       engaged in the legal use of the firearm or attachment, or  
22       while traveling to or from this location if the items are  
23       broken down in a non-functioning state, or are not  
24       immediately accessible, or are unloaded and enclosed in a  
25       case, firearm carrying box, shipping box, or other  
26       container.

1           (6) Possession of any firearm if that firearm is  
2           sanctioned by the International Olympic Committee and by  
3           USA Shooting, the national governing body for  
4           international shooting competition in the United States,  
5           but only when the firearm is in the actual possession of an  
6           Olympic target shooting competitor or target shooting  
7           coach for the purpose of storage, transporting to and from  
8           Olympic target shooting practice or events if the firearm  
9           is broken down in a non-functioning state, is not  
10           immediately accessible, or is unloaded and enclosed in a  
11           case, firearm carrying box, shipping box, or other  
12           container, and when the Olympic target shooting competitor  
13           or target shooting coach is engaging in those practices or  
14           events. For the purposes of this paragraph (6), "firearm"  
15           is defined in Section 1.1 of the Firearm Owners  
16           Identification Card Act.

17           (7) Possession of a semi-automatic assault weapon, an  
18           assault weapon attachment, a .50 caliber rifle, or a .50  
19           caliber cartridge only for a hunting use expressly  
20           permitted under the Wildlife Code, or while traveling to or  
21           from a location authorized for such hunting use under the  
22           Wildlife Code if the items are broken down in a  
23           non-functioning state, or are not immediately accessible,  
24           or are unloaded and enclosed in a case, firearm carrying  
25           box, shipping box, or other container.

26           (8) Manufacture, transportation, possession, sale, or

1       rental of blank-firing semi-automatic assault weapons and  
2       .50 caliber rifles or the weapons respective attachments to  
3       persons authorized or permitted, or both authorized and  
4       permitted to acquire and possess such weapons for the  
5       purposes of rental for use solely as props for a motion  
6       picture, television, or video production or entertainment  
7       event.

8       (e) Sentence.

9           (1) A person who knowingly manufactures, delivers,  
10          sells, purchases, or possesses or causes to be  
11          manufactured, delivered, sold, purchased, or possessed a  
12          semi-automatic assault weapon in violation of this Section  
13          commits a Class 3 felony for a first violation and a Class  
14          2 felony for a second or subsequent violation or for the  
15          possession or delivery of 2 or more of these weapons at the  
16          same time.

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

23          (3) A person who knowingly manufactures, delivers,  
24          sells, purchases, or possesses or causes to be  
25          manufactured, delivered, sold, purchased, or possessed in  
26          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       (4) A person who knowingly manufactures, delivers,  
5       sells, purchases, or possesses or causes to be  
6       manufactured, delivered, sold, purchased, or possessed in  
7       violation of this Section a .50 caliber cartridge commits a  
8       Class A misdemeanor.

9       (720 ILCS 5/24-1.9 new)

10       Sec. 24-1.9. Manufacture, possession, delivery, sale, and  
11       purchase of large capacity ammunition feeding devices.

12       (a) As used in this Section:

13       "Large capacity ammunition feeding device" means:

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

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

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

24       (b) Except as provided in subsections (c) and (d), it is  
25       unlawful for any person within this State, beginning 90 days

1 after the effective date of this amendatory Act of the 95th  
2 General Assembly, to knowingly manufacture, deliver, sell,  
3 purchase, or possess or cause to be manufactured, delivered,  
4 sold, purchased, or possessed, a large capacity ammunition  
5 feeding device.

6 (c) This Section does not apply to a person who possessed a  
7 device prohibited by subsection (b) before the effective date  
8 of this amendatory Act of the 95th General Assembly, provided  
9 that the person has provided proof of ownership to the  
10 Department of State Police within 90 days after the effective  
11 date of this amendatory Act of the 95th General Assembly as  
12 required by law. On or after the effective date of this  
13 amendatory Act of the 95th General Assembly, such person may  
14 transfer such device only to an heir, an individual residing in  
15 another state maintaining that device in another state, or a  
16 dealer licensed as a federal firearms dealer under Section 923  
17 of the federal Gun Control Act of 1968.

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

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

26 (2) Wardens, superintendents, and keepers of prisons,

1 penitentiaries, jails, and other institutions for the  
2 detention of persons accused or convicted of an offense.

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

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

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

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

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

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

16 (e) Sentence. A person who knowingly manufactures,  
17 delivers, sells, purchases, or possesses or causes to be  
18 manufactured, delivered, sold, purchased, or possessed in  
19 violation of this Section a large capacity ammunition feeding  
20 device capable of holding more than 17 rounds of ammunition  
21 commits a Class 3 felony for a first violation and a Class 2  
22 felony for a second or subsequent violation or for possession  
23 or delivery of 2 or more of these devices at the same time. A  
24 person who knowingly manufactures, delivers, sells, purchases,  
25 or possesses or causes to be manufactured, delivered, sold,  
26 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 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."