

1 AN ACT concerning criminal law, which may be referred to as
2 the Automatic Weapons Safe Zone Act of 2009.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The Criminal Code of 1961 is amended by adding
6 Section 24-1.95 as follows:

7 (720 ILCS 5/24-1.95 new)

8 Sec. 24-1.95. Manufacture, possession, delivery, and sale
9 of assault weapons and .50 caliber rifles.

10 (a) Definitions. In this Section:

11 (1) "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
17 UZI and Galil;

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

19 (iv) Colt AR-15;

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

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

23 (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 semi-automatic 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 or thumbhole stock;

11 (iii) a shroud that is attached to, or
12 partially or completely encircles the barrel, and
13 that permits the shooter to hold the firearm with
14 the non-trigger hand without being burned; or

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

17 (C) a semi-automatic pistol that has an ability to
18 accept a detachable magazine and has any of the
19 following:

20 (i) a folding, telescoping, or thumbhole
21 stock;

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

26 (iii) an ammunition magazine that attaches to

1 the pistol outside of the pistol grip;

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

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

6 (vi) a semi-automatic version of an automatic
7 firearm;

8 (D) a semi-automatic shotgun that has any of the
9 following:

10 (i) a folding or telescoping stock;

11 (ii) a pistol grip or thumbhole stock;

12 (iii) a fixed magazine capacity in excess of 5
13 rounds; or

14 (iv) an ability to accept a detachable
15 magazine.

16 "Assault weapon" does not include:

17 (A) any firearm that:

18 (i) is manually operated by bolt, pump, lever,
19 or slide action;

20 (ii) is an "unserviceable firearm" or has been
21 made permanently inoperable; or

22 (iii) is an antique firearm;

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

25 (2) ".50 caliber rifle" means a centerfire rifle
26 capable of firing a .50 caliber cartridge. The term does

1 not include any antique firearm as defined in 18 U.S.C.
2 Section 921 (a) (16), any shotgun including a shotgun that
3 has a rifle barrel, or a muzzle-loader used for "black
4 powder" hunting or battle re-enactments.

5 (3) "Antique firearm" has the meaning ascribed to it in
6 18 U.S.C. Section 921 (a) (16).

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

11 (b) Except as provided in subsections (c) and (d), 90 days
12 after the effective date of this amendatory Act of the 96th
13 General Assembly, it is unlawful for any person within the
14 following zip codes: 60637, 60636, 60629, 60621, 60619, and
15 60609 to knowingly manufacture, deliver, sell, purchase, or
16 possess or cause to be manufactured, delivered, sold,
17 purchased, or possessed, any assault weapon or .50 caliber
18 rifle.

19 (c) Subsection (b) does not apply to a person who possessed
20 a weapon prohibited by subsection (b) before the effective date
21 of this amendatory Act of the 96th General Assembly, provided
22 that the person has provided proof of ownership to the
23 Department of State Police within 90 days after the effective
24 date of this amendatory Act of the 96th General Assembly as
25 required by law. On or after the effective date of this
26 amendatory Act of the 96th General Assembly, such person may

1 transfer such weapon only to an heir, an individual residing in
2 another state maintaining that weapon in another state, or a
3 dealer licensed as a federal firearms dealer under Section 923
4 of the Federal Gun Control Act of 1968.

5 (d) Subsection (b) does not apply to or affect any of the
6 following:

7 (1) Peace officers as defined in Section 2-13 of this
8 Code; and

9 (2) Retired peace officers not otherwise prohibited
10 from receiving a firearm so long as the assault weapon or
11 .50 caliber rifle were transferred to the retired peace
12 officer by his or her law enforcement agency upon
13 retirement.

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

17 (4) Members of the Armed Services and Reserve Forces of
18 the United States or the Illinois National Guard Society
19 solely in the performance of their official duties or while
20 traveling to or from their place of duty.

21 (5) Manufacture, transportation, or sale of an assault
22 weapon or .50 caliber rifle to persons authorized under
23 subdivisions (1) through (4) of this subsection to possess
24 those items.

25 (6) Possession of any firearm if that firearm is
26 sanctioned by the International Olympic Committee and by

1 USA Shooting, the national governing body for
2 international shooting competition in the United States,
3 but only when the firearm is in the actual possession of an
4 Olympic target shooting competitor or target shooting
5 coach for the purpose of storage, transporting to and from
6 Olympic target shooting practice or events so long as the
7 firearm is broken down in a non-functioning state, is not
8 immediately accessible, or is unloaded and enclosed in a
9 case, firearm carrying box, shipping box, or other
10 container, and when the Olympic target shooting competitor
11 or target shooting coach is engaging in those practices or
12 events.

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

21 (8) Manufacture, transportation, possession, sale, or
22 rental of blank-firing assault weapons or .50 caliber
23 rifles or the respective weapon attachment to persons
24 authorized or permitted, or both authorized and permitted
25 to acquire and possess such weapons for the purposes of
26 rental for use solely as props for a motion picture,

1 television, or video production or entertainment event.
2 (e) Sentence. A person who knowingly manufactures,
3 delivers, sells, purchases, or possesses or causes to be
4 manufactured, delivered, sold, purchased, or possessed any
5 assault weapon in violation of this Section commits a Class 2
6 felony for a first violation; and, a Class 1 felony for a
7 second or subsequent violation, or for the possession or
8 delivery, in close proximity, of 2 or more of these weapons at
9 the same time.

10 Section 97. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.