

July 31, 2012

To the Honorable Members of the Illinois Senate
97th General Assembly

Pursuant to my constitutional powers as Governor of the State of Illinois, I hereby return Senate Bill 681 with specific recommendations for change. In doing so, I propose to ban assault weapons and high-capacity ammunition magazines in our state.

As Governor, it is my foremost duty to protect the citizens of Illinois, especially our children, from deadly violence.

I am a strong supporter of the Second Amendment of the United States Constitution– the right to bear arms.

However, the proliferation of military-style assault weapons and high-capacity ammunition magazines undermines public safety and the right of personal security of every citizen.

Right now, anyone with a FOID card in Illinois is permitted by law to purchase an assault weapon. Illinois also does not impose any restrictions on the purchase or possession of high-capacity ammunition magazines, which automatically feed ammunition into a firearm chamber to allow the user to fire repeatedly without reloading.

Banning assault weapons and high-capacity ammunition magazines will make Illinois a safer place to live.

Other states including California, Connecticut, Massachusetts, New Jersey and New York all have such bans in place. The ban would not pertain to law enforcement officials or members of the military.

There is no place in the State of Illinois for weapons designed to rapidly fire at human targets at close range.

My action today gives the members of the General Assembly an immediate opportunity to protect the people of Illinois by banning assault weapons and high-capacity ammunition magazines.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return Senate Bill 681, entitled "AN ACT concerning regulation.", with the following specific recommendations for change:

By replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Sections 24-1.9 and 24-1.10 as follows:

(720 ILCS 5/24-1.9 new)

Sec. 24-1.9. Manufacture, possession, delivery, sale and purchase of semi-automatic assault weapons, assault weapon attachments, .50 caliber rifles, and .50 caliber cartridges.

(a) Definitions. In this Section:

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

A. Any of the firearms or types, replicas, or duplicates in any caliber of the firearms, known as:

- i. Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);
- ii. Action Arms Israeli Military Industries UZI and Galil;

- iii. Beretta AR-70 (SC-70);
 - iv. Colt AR-15;
 - v. Fabrique Nationale FN/FAL, FN/LAR, and FNC;
 - vi. SWD M-10, M-11, M-11/9, and M-12;
 - vii. Steyr AUG;
 - viii. INTRATEC TEC-9, TEC-DC9, and TEC-22; and
 - ix. Any shotgun which contains its ammunition in a revolving cylinder, such as (but not limited to) the Street Sweeper and Striker 12;
- B. A semi-automatic rifle that has an ability to accept a detachable magazine and has any of the following:
- i. A folding or telescoping stock;
 - ii. A pistol grip or thumbhole stock;
 - iii. A shroud that is attached to, or partially or completely encircles the barrel, and that permits the shooter to hold the firearm with the non-trigger hand without being burned; or
 - iv. A fixed magazine that has the capacity to accept more than 10 rounds of ammunition;
- C. A semi-automatic pistol that has an ability to accept a detachable magazine and has any of the following:
- i. A folding, telescoping, or thumbhole stock;
 - ii. A shroud that is attached to or partially or completely encircles the barrel, and that permits the shooter to hold the firearm with the non-trigger hand without being burned;
 - iii. An ammunition magazine that attaches to the pistol outside the pistol grip;
 - iv. A fixed magazine that has the capacity to accept more than 10 rounds of ammunition;
 - v. A manufactured weight of 50 ounces or more when the pistol is unloaded; or
 - vi. A semi-automatic version of an automatic firearm;
- D. A semi-automatic shotgun that has any of the following:
- i. A folding or telescoping stock;
 - ii. A pistol grip or thumbhole stock;
 - iii. A fixed magazine capacity in excess of 5 rounds; or
 - iv. An ability to accept a detachable magazine.

"Semi-automatic assault weapon" does not include:

A. Any firearm that:

- i. Is manually operated by bolt, pump, lever, or slide action;
- ii. Is an "unserviceable firearm" or has been made permanently inoperable; or
- iii. Is an antique firearm;

B. Any air rifle as defined in Section 1 of the Air Rifle Act.

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

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

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

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

(b) Except as provided in subsections (c) and (d), 90 days after the effective date of this amendatory Act of the 97th General Assembly, 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 semi-automatic assault weapon, an assault weapon attachment, any .50 caliber rifle, or .50 caliber cartridge.

(c) This Section does not apply to a person who possessed a weapon or attachment prohibited by subsection (b) before the effective date of this amendatory Act of the 97th General Assembly, provided that the person

has provided proof of ownership to the Department of State Police within 90 days after the effective date of this amendatory Act of the 97th General Assembly as required by law. On or after the effective date of this amendatory Act of the 97th General Assembly, such person may transfer such weapon or attachment only to an heir, an individual residing in another state maintaining that weapon in another state, or a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968.

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

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

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

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

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

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

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

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

(8) Manufacture, transportation, possession, sale, or rental of blank-firing semi-automatic assault weapons and .50 caliber rifles or the weapons respective attachments to persons authorized or permitted, or both authorized and permitted to acquire and possess such weapons for the purposes of rental for use solely as props for a motion picture, television, or video production or entertainment event.

(e) Sentence.

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

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

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

(4) A person who knowingly manufactures, delivers, sells, purchases, or possesses or causes to be manufactured, delivered, sold, purchased, or possessed in violation of this Section a .50 caliber cartridge commits a Class A misdemeanor.

Section 24-1.10. Manufacture, possession, delivery, sale, and purchase of large capacity ammunition feeding devices.

i. As used in this Section:

"Large capacity ammunition feeding device" means:

- 1) A magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; or
- 2) Any combination of parts from which a device described in paragraph (1) can be assembled.

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

(b) Except as provided in subsections (c) and (d), it is unlawful for any person within this State, beginning 90 days after the effective date of this amendatory Act of the 97th General Assembly, to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed, a large capacity ammunition feeding device.

(c) This Section does not apply to a person who possessed a device prohibited by subsection (b) before the effective date of this amendatory Act of the 97th General Assembly, provided that the person has provided proof of ownership to the Department of State Police within 90 days after the effective date of this amendatory Act of the 97th General Assembly as required by law. On or after the effective date of this amendatory Act of the 97th General Assembly, 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 under Section 923 of the federal Gun Control Act of 1968.

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

- 1) Peace officers as defined in Section 2-13 of this Code and retired peace officers not otherwise prohibited from receiving a firearm, in possession of a large capacity ammunition feeding device transferred to the retired peace officer by his or her law enforcement agency upon retirement.
- 2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.
- 3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duties or while traveling to or from their place of duty.
- 4) Manufacture, transportation, or sale of large capacity ammunition feeding devices to persons authorized under subdivisions (1) through (3) of this subsection to possess those items.
- 5) Possession of a large capacity ammunition feeding device at events taking place at the World Shooting and Recreational Complex at Sparta, only while engaged in the legal use of the device, or while traveling to or from this location if the items are broken down in a non-functioning state, or are not immediately accessible, or are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container.
- 6) Possession of any large capacity ammunition feeding device if that large capacity ammunition feeding device is sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, but only when the large capacity ammunition feeding device is in the actual possession of an Olympic target shooting competitor or target shooting coach for the purpose of storage, transporting to and from Olympic target shooting practice or events if the device is broken down in a non-functioning state, is not immediately accessible, or is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, and when the Olympic target shooting competitor or target shooting coach is engaging in those practices or events.
- 7) Possession of a large capacity ammunition feeding device only for a hunting use expressly permitted under the Wildlife Code, or while traveling to or from a location authorized for such hunting use under the Wildlife Code if the items are broken down in a non-functioning state, or are not immediately accessible, or are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container.

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

felony for a first violation and a Class 3 felony for a second or subsequent violation or for possession or delivery of more than one of these devices at the same time.

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

With these changes, Senate Bill 681 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor