

# SB2342



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2342

Introduced 2/15/2013, by Sen. Antonio Muñoz

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.9 new  
720 ILCS 5/24-1.10 new

Amends the Criminal Code of 2012. Makes it unlawful to deliver, sell, or purchase or cause to be delivered, sold, or purchased or cause to be possessed by another, an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge. Makes it unlawful for any person to knowingly possess an assault weapon, .50 caliber rifle, or .50 caliber cartridge 300 days after the effective date of this amendatory Act, except possession of weapons registered with the State Police in the time provided. Provides exemptions and penalties. Prohibits delivery, sale, purchase or possession of large capacity ammunition feeding devices. Provides exemptions and penalties. Effective immediately.

LRB098 10724 MLW 41054 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL 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 2012 is amended by adding  
5 Sections 24-1.9 and 24-1.10 as follows:

6 (720 ILCS 5/24-1.9 new)

7 Sec. 24-1.9. Possession, delivery, sale, and purchase of  
8 assault weapons, .50 caliber rifles, and .50 caliber  
9 cartridges.

10 (a) Definitions. As used in this Section:

11 (1) "Assault weapon" means:

12 (A) any rifle which has a belt fed ammunition  
13 system or which has a detachable magazine capable of  
14 holding more than 10 rounds of ammunition;

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

18 (i) a folding or telescoping stock; or

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

23 (C) a semi-automatic pistol that has the ability to

1 accept a detachable magazine and has any of the  
2 following:

3 (i) a folding or telescoping 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; or

8 (iii) a manufactured weight of 50 ounces or  
9 more when the pistol is unloaded.

10 (D) a semi-automatic rifle with a fixed magazine  
11 that has the capacity to accept more than 10 rounds of  
12 ammunition;

13 (E) a semi-automatic shotgun that has:

14 (i) a folding or telescoping stock; and

15 (ii) contains its ammunition in a revolving  
16 cylinder; or

17 (iii) a fixed magazine capacity in excess of 5  
18 rounds of ammunition, except as may be authorized  
19 under the Wildlife Code and excluding magazine  
20 extensions during the snow geese conservation  
21 order season; or

22 (iv) an ability to accept a detachable  
23 magazine of more than 5 rounds of ammunition.

24 "Assault weapon" does not 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;  
4                   (iii) is an antique firearm;  
5                   (iv) uses rimfire ammunition or cartridges; or  
6                   (iv) has been excluded as an assault weapon in  
7           a Department of Natural Resources rule. The  
8           Department of Natural Resources shall have the  
9           authority to adopt rules to further define  
10           exclusions of assault weapon types under this  
11           Section, provided the make, model, and caliber of  
12           the firearm excluded has a viable application to  
13           hunting game and conforms to accepted hunting  
14           principles of fair chase.

15           (B) any air rifle as defined in Section 24.8-0.1 of  
16           this Code.

17           For the purposes of this Section, a firearm is considered  
18           to have the ability to accept a detachable magazine unless the  
19           magazine or ammunition feeding device can only be removed  
20           through disassembly of the firearm action.

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

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

1           (4) ".50 caliber rifle" means a centerfire rifle  
2           capable of firing a .50 caliber cartridge. The term does  
3           not include any antique firearm, any shotgun including a  
4           shotgun that has a rifle barrel, or any muzzle-loader which  
5           uses black powder for hunting or historical re-enactments.

6           (5) ".50 caliber cartridge" means a cartridge in .50  
7           BMG caliber, either by designation or actual measurement,  
8           that is capable of being fired from a centerfire rifle. The  
9           term ".50 caliber cartridge" does not include any  
10           memorabilia or display item that is filled with a permanent  
11           inert substance or that is otherwise permanently altered in  
12           a manner that prevents ready modification for use as live  
13           ammunition or shotgun ammunition with a caliber  
14           measurement that is equal to or greater than .50 caliber.

15           (6) "Locking mechanism" means secured by a device or  
16           mechanism, other than the firearm safety, designed to  
17           render a firearm temporarily inoperable; or a box or  
18           container capable of containing the firearm and that can be  
19           securely locked.

20           (b) The Department of State Police shall take all steps  
21           necessary to carry out the requirements of this Section within  
22           180 days after the effective date of this amendatory Act of the  
23           98th General Assembly.

24           (c) Except as provided in subsections (d), (e), (f), and  
25           (h) of this Section, on or after the effective date of this  
26           amendatory Act of the 98th General Assembly, it is unlawful for

1 any person within this State to knowingly deliver, sell, or  
2 purchase or cause to be delivered, sold, or purchased or cause  
3 to be possessed by another, an assault weapon, assault weapon  
4 attachment, .50 caliber rifle, or .50 caliber cartridge.

5 (d) Except as otherwise provided in subsections (e), (f),  
6 and (h) of this Section, 300 days after the effective date of  
7 this amendatory Act of the 98th General Assembly, it is  
8 unlawful for any person within this State to knowingly possess  
9 an assault weapon, .50 caliber rifle, or .50 caliber cartridge.

10 (e) This Section does not apply to a person who possessed  
11 an assault weapon or .50 caliber rifle prohibited by subsection  
12 (d) of this Section before the effective date of this  
13 amendatory Act of the 98th General Assembly, provided the  
14 person has provided in a registration affidavit, under oath or  
15 affirmation and in the form and manner prescribed by the  
16 Department of State Police on or after 180 days after the  
17 effective date of this amendatory Act of the 98th General  
18 Assembly but within 300 days after the effective date of this  
19 amendatory Act of the 98th General Assembly:

20 (1) his or her name;

21 (2) date of birth;

22 (3) Firearm Owner's Identification Card number;

23 (4) the make, model, caliber, and serial number of the  
24 weapon; and

25 (5) proof of a locking mechanism that properly fits the  
26 weapon. The affidavit shall include a statement that the

1 weapon is owned by the person submitting the affidavit and  
2 that he or she owns a locking mechanism for the weapon.

3 The affidavit form shall include the following statement  
4 printed in bold type: "Warning: Entering false information on  
5 this form is punishable as perjury under Section 32-2 of the  
6 Criminal Code of 2012."

7 Beginning 300 days after the effective date of this  
8 amendatory Act of the 98th General Assembly, the person may  
9 transfer the assault weapon or .50 caliber rifle only to an  
10 heir, an individual residing in another state maintaining it in  
11 another state, or a dealer licensed as a federal firearms  
12 dealer under Section 923 of the federal Gun Control Act of  
13 1968. Within 10 days after transfer of the weapon except to an  
14 heir, the person shall notify the Department of State Police of  
15 the name and address of the transferee and comply with the  
16 requirements of subsection (b) of Section 3 of the Firearm  
17 Owners Identification Card Act. The person to whom the weapon  
18 is transferred shall, within 60 days of the transfer, complete  
19 an affidavit and pay the required registration fee under this  
20 Section. A person to whom the weapon is transferred may  
21 transfer it only as provided in this subsection.

22 (f) This Section does not apply to a peace officer who has  
23 retired in good standing from a law enforcement agency of this  
24 State and who possesses an assault weapon or .50 caliber rifle  
25 prohibited by subsection (d) of this Section, if the weapon was  
26 lawfully possessed and acquired by the peace officer prior to

1 retirement and the retired peace officer within 30 days of  
2 retirement registers the weapon with the Department of State  
3 Police and pays the required registration fee under this  
4 Section. The retired peace officer shall comply with the  
5 transfer and notification requirements in subsection (e) of  
6 this Section.

7 (g) For the purpose of registration required under  
8 subsections (e) and (f) of this Section, the Department of  
9 State Police shall assess a registration fee of \$25 per person  
10 to the owner of an assault weapon and \$25 per person to the  
11 owner of a .50 caliber rifle. The fees shall be deposited into  
12 the State Police Firearm Services Fund.

13 (h) This Section does not apply to or affect any of the  
14 following:

15 (1) Peace officers as defined in Section 2-13 of this  
16 Code.

17 (2) Acquisition and possession by a local law  
18 enforcement agency for the purpose of equipping the  
19 agency's peace officers as defined in paragraph (1) of this  
20 subsection.

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

24 (4) Members of the Armed Services or Reserve Forces of  
25 the United States or the Illinois National Guard, while in  
26 the performance of their official duties or while traveling



1 to or from their place of duty.

2 (5) Any company that employs armed security officers in  
3 this State at a nuclear energy, storage, weapons, or  
4 development site or facility regulated by the federal  
5 Nuclear Regulatory Commission and persons employed as an  
6 armed security force member at a nuclear energy, storage,  
7 weapons, or development site or facility regulated by the  
8 federal Nuclear Regulatory Commission who have completed  
9 the background screening and training mandated by the rules  
10 and regulations of the federal Nuclear Regulatory  
11 Commission and while in the performance of their official  
12 duties.

13 (6) Manufacture, transportation, or sale of weapons,  
14 attachments, or ammunition to persons authorized under  
15 subdivisions (1) through (5) of this subsection (h) to  
16 possess those items.

17 (7) Manufacture, transportation, or sale of weapons,  
18 attachments, or ammunition for sale or transfer in another  
19 state.

20 (8) Possession of any firearm if that firearm is  
21 sanctioned by the International Olympic Committee and by  
22 USA Shooting, the national governing body for  
23 international shooting competition in the United States,  
24 but only when the firearm is in the actual possession of an  
25 Olympic target shooting competitor or target shooting  
26 coach for the purpose of storage, transporting to and from

1 Olympic target shooting practice or events if the firearm  
2 is broken down in a non-functioning state, is not  
3 immediately accessible, or is unloaded and enclosed in a  
4 firearm case, carrying box, shipping box, or other similar  
5 portable container designed for the safe transportation of  
6 firearms, and when the Olympic target shooting competitor  
7 or target shooting coach is engaging in those practices or  
8 events. For the purposes of this paragraph (8), "firearm"  
9 is as defined in Section 1.1 of the Firearm Owners  
10 Identification Card Act.

11 (9) Any non-resident who transports, within 24 hours, a  
12 weapon for any lawful purpose from any place where he or  
13 she may lawfully possess and carry that weapon to any other  
14 place where he or she may lawfully possess and carry that  
15 weapon if, during the transportation the weapon is  
16 unloaded, and neither the weapon nor any ammunition being  
17 transported is readily accessible or is directly  
18 accessible from the passenger compartment of the  
19 transporting vehicle. Provided that, in the case of a  
20 vehicle without a compartment separate from the driver's  
21 compartment the weapon or ammunition shall be contained in  
22 a locked container other than the glove compartment or  
23 console.

24 (10) Possession of a weapon at events taking place at  
25 the World Shooting and Recreational Complex at Sparta, only  
26 while engaged in the legal use of this weapon, or while

1 traveling to or from this location if the weapon is broken  
2 down in a non-functioning state, or is not immediately  
3 accessible, or is unloaded and enclosed in a firearm case,  
4 carrying box, shipping box, or other similar portable  
5 container designed for the safe transportation of  
6 firearms.

7 (11) Possession of a weapon only for hunting use  
8 expressly permitted under the Wildlife Code, or while  
9 traveling to or from a location authorized for this hunting  
10 use under the Wildlife Code if the weapon is broken down in  
11 a non-functioning state, or is not immediately accessible,  
12 or is unloaded and enclosed in a firearm case, carrying  
13 box, shipping box, or other similar portable container  
14 designed for the safe transportation of firearms.

15 (12) The manufacture, transportation, possession,  
16 sale, or rental of blank-firing assault weapons and .50  
17 caliber rifles, or the weapon's respective attachments, to  
18 persons authorized or permitted, or both authorized and  
19 permitted to acquire and possess these weapons or  
20 attachments for the purpose of rental for use solely as  
21 props for a motion picture, television, or video production  
22 or entertainment event.

23 (i) Sentence.

24 (1) A person who knowingly delivers, sells, purchases,  
25 or possesses or causes to be delivered, sold, purchased, or  
26 possessed an assault weapon in violation of this Section

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

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

10 (3) A person who knowingly delivers, sells, purchases,  
11 or possesses or causes to be delivered, sold, purchased, or  
12 possessed in violation of this Section a .50 caliber rifle  
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 (4) A person who knowingly delivers, sells, purchases,  
18 or possesses or causes to be delivered, sold, purchased, or  
19 possessed in violation of this Section a .50 caliber  
20 cartridge commits a Class A misdemeanor.

21 (5) Any other violation of this Section is a Class A  
22 misdemeanor.

23 (720 ILCS 5/24-1.10 new)

24 Sec. 24-1.10. Delivery or sale of large capacity ammunition  
25 feeding devices.

1 (a) As used in this Section:

2 "Large capacity ammunition feeding device" means:

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

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

9 "Large capacity ammunition feeding device" does not  
10 include an attached tubular device designed to accept, and  
11 capable of operating only with, .22 caliber rimfire ammunition.

12 "Large capacity ammunition feeding device" does not include a  
13 tubular magazine that is contained in a lever-action firearm or  
14 any device that has been made permanently inoperable.

15 (b) Except as provided in subsection (c), it is unlawful  
16 for any person within this State to knowingly deliver, sell,  
17 purchase, or possess or cause to be delivered, sold, or  
18 purchased a large capacity ammunition feeding device.

19 (c) 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.

23 (2) A local law enforcement agency for the purpose of  
24 equipping the agency's peace officers as defined in  
25 paragraph (1) of this subsection.

26 (3) 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 (4) Members of the Armed Services or Reserve Forces of  
4 the United States or the Illinois National Guard, for the  
5 performance of their official duties.

6 (5) Any company that employs armed security officers in  
7 this State at a nuclear energy, storage, weapons, or  
8 development site or facility regulated by the federal  
9 Nuclear Regulatory Commission and persons employed as an  
10 armed security force member at a nuclear energy, storage,  
11 weapons, or development site or facility regulated by the  
12 federal Nuclear Regulatory Commission who have completed  
13 the background screening and training mandated by the rules  
14 and regulations of the federal Nuclear Regulatory  
15 Commission for the performance of their official duties.

16 (6) Sale of large capacity ammunition feeding devices  
17 to persons authorized under subdivisions (1) through (5) of  
18 this subsection (c) to possess those devices.

19 (7) Sale of large capacity ammunition feeding devices  
20 for sale or transfer in another state.

21 (8) Sale or rental of large capacity ammunition feeding  
22 devices for blank-firing assault weapons and .50 caliber  
23 rifles, to persons authorized or permitted, or both  
24 authorized and permitted to acquire these devices for the  
25 purpose of rental for use solely as props for a motion  
26 picture, television, or video production or entertainment

1 event.

2 (d) Sentence. A person who knowingly delivers, sells,  
3 purchases, or causes to be delivered, sold, or purchased in  
4 violation of this Section a large capacity ammunition feeding  
5 device capable of holding more than 15 rounds of ammunition  
6 commits a Class 3 felony for a first violation and a Class 2  
7 felony for a second or subsequent violation or for delivery or  
8 possession of 2 or more of these devices at the same time. Any  
9 other violation of this Section is a Class A misdemeanor.

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