



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3560

Introduced 2/14/2014, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act. Exempts assault weapon registration affidavits. Amends the State Police Act. Authorizes emergency procurement for an assault weapon registration system. Amends the Firearm Owners Identification Card Act. Raises penalty for failure to keep a firearm transfer record. Amends the Criminal Code of 2012. Provides that after the effective date, it is unlawful to knowingly deliver, sell, or purchase a semi-automatic assault weapon, attachment, .50 caliber rifle, or .50 caliber cartridge. Prohibits possession of these weapons and attachments, 270 days after the effective date. Allows possession of a weapon or attachment possessed before the effective date if the person provides a registration affidavit. Provides that a retired peace officer may possess a weapon or attachment, if lawfully acquired and possessed prior to retirement and a registration affidavit filed. Provides that the person or retired peace officer may only transfer the weapon or attachment to an heir, an individual residing in another state, or a licensed federal firearms dealer. Establishes registration fees. Provides that 60 days after the effective date, it is unlawful to knowingly deliver, sell, purchase, or possess a large capacity ammunition feeding device. Provides exemptions and penalties. Raises gunrunning penalties. Provides that a person who possesses or acquires a handgun, semi-automatic assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device and later loses or has it stolen, must report the loss or theft to law enforcement. Provides severability. Effective immediately.

LRB098 17551 RLC 52660 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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential under
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library Records
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records
16 received by the Experimental Organ Transplantation Procedures
17 Board and any and all documents or other records prepared by
18 the Experimental Organ Transplantation Procedures Board or its
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating to
22 known or suspected cases of sexually transmissible disease or
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the
5 Architectural, Engineering, and Land Surveying Qualifications
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under
10 the State Officials and Employees Ethics Act, and records of
11 any lawfully created State or local inspector general's office
12 that would be exempt if created or obtained by an Executive
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan
15 submitted to a municipality in accordance with a local
16 emergency energy plan ordinance that is adopted under Section
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of
19 surcharge moneys collected and remitted by wireless carriers
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or
22 driver identification information compiled by a law
23 enforcement agency or the Department of Transportation under
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review
2 Team Act.

3 (m) Information provided to the predatory lending database
4 created pursuant to Article 3 of the Residential Real Property
5 Disclosure Act, except to the extent authorized under that
6 Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial counsel as
9 provided under Sections 10 and 15 of the Capital Crimes
10 Litigation Act. This subsection (n) shall apply until the
11 conclusion of the trial of the case, even if the prosecution
12 chooses not to pursue the death penalty prior to trial or
13 sentencing.

14 (o) Information that is prohibited from being disclosed
15 under Section 4 of the Illinois Health and Hazardous Substances
16 Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act or the St. Clair County
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the
26 Illinois School Student Records Act.

1 (s) Information the disclosure of which is restricted under
2 Section 5-108 of the Public Utilities Act.

3 (t) All identified or deidentified health information in
4 the form of health data or medical records contained in, stored
5 in, submitted to, transferred by, or released from the Illinois
6 Health Information Exchange, and identified or deidentified
7 health information in the form of health data and medical
8 records of the Illinois Health Information Exchange in the
9 possession of the Illinois Health Information Exchange
10 Authority due to its administration of the Illinois Health
11 Information Exchange. The terms "identified" and
12 "deidentified" shall be given the same meaning as in the Health
13 Insurance Accountability and Portability Act of 1996, Public
14 Law 104-191, or any subsequent amendments thereto, and any
15 regulations promulgated thereunder.

16 (u) Records and information provided to an independent team
17 of experts under Brian's Law.

18 (v) Names , affidavit, and information of people who have:
19 (1) applied for or received Firearm Owner's
20 Identification Cards under the Firearm Owners
21 Identification Card Act or applied for or received a
22 concealed carry license under the Firearm Concealed Carry
23 Act, unless otherwise authorized by the Firearm Concealed
24 Carry Act; and databases under the Firearm Concealed Carry
25 Act, records of the Concealed Carry Licensing Review Board
26 under the Firearm Concealed Carry Act, and law enforcement

1 agency objections under the Firearm Concealed Carry Act; or
2 (2) provided a registration affidavit to the
3 Department of State Police for a weapon, attachment, or
4 device under Section 24-1.9 or 24-1.10 of the Criminal Code
5 of 2012.

6 (w) Personally identifiable information which is exempted
7 from disclosure under subsection (g) of Section 19.1 of the
8 Toll Highway Act.

9 (x) Information which is exempted from disclosure under
10 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
11 Illinois Municipal Code.

12 (y) Confidential information under the Adult Protective
13 Services Act and its predecessor enabling statute, the Elder
14 Abuse and Neglect Act, including information about the identity
15 and administrative finding against any caregiver of a verified
16 and substantiated decision of significant abuse, neglect, or
17 financial exploitation of an eligible adult maintained in the
18 Department of Public Health's Health Care Worker Registry.

19 (z) Records and information provided to an at-risk adult
20 fatality review team or the Illinois At-Risk Adult Fatality
21 Review Team Advisory Council under Section 15 of the Adult
22 Protective Services Act.

23 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,
24 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,
25 eff. 7-1-13; 98-63, eff. 7-9-13; revised 7-23-13.)

1 Section 10. The State Police Act is amended by adding
2 Section 24 as follows:

3 (20 ILCS 2610/24 new)

4 Sec. 24. Assault weapons and large ammunition feeding
5 device registration eligibility verification system vendor
6 contract.

7 (a) For the purposes of this Section, "Department" means
8 the Department of State Police.

9 (b) Because of the urgent need to protect the public safety
10 from firearm violence, the Department shall enter into a
11 contract or contracts with one or more third-party entities to
12 provide the services as set forth in subsection (c) of this
13 Section. Any of these procurements by the Department to perform
14 functions related to this Section shall be deemed to be
15 emergency purchases necessary to prevent or minimize serious
16 disruption in critical State services that affect public
17 safety. The procurement of this contract or contracts shall be
18 conducted in accordance with the emergency purchase provisions
19 prescribed in Section 20-30 of the Illinois Procurement Code.
20 However, the term of these emergency contracts shall not be
21 limited to 90 days but may be for an initial term of up to 2
22 years. In procuring any emergency contract or contracts, (i)
23 the State Procurement Officer, in consultation with the
24 Department, shall cause a notice to be posted to the Illinois
25 Procurement Bulletin of the Department's intent to procure, a

1 description of the anticipated contract objectives, and the
2 duties and responsibilities of any third-party entity; (ii) the
3 Department may invite an interested third-party entity or
4 entities to one or more meetings to discuss the procurement,
5 the contents thereof, and the scope of the procurement, and to
6 answer questions; (iii) the interested third-party entity or
7 entities shall be invited to submit their solutions in writing;
8 (iv) the Department shall select the third-party entity or
9 entities whose solutions best fit the Department's needs as
10 described by the Department in the notice posted to the
11 Illinois Procurement Bulletin and shall enter into
12 negotiations with one or more to settle on final duties and
13 responsibilities and the price for the final contract or
14 contracts; and (v) the State Purchasing Officer, in
15 consultation with the Department, shall cause any award to be
16 posted to the Illinois Procurement Bulletin. The provisions
17 prescribed in Section 50-39 of the Illinois Procurement Code do
18 not apply to any emergency purchases procured under this
19 Section. Notwithstanding any other provision of the Illinois
20 Procurement Code to the contrary, any amendments to any
21 contract or contracts that the Chief Procurement Officer, in
22 consultation with the Department, determines are necessary to
23 implement this Section shall be deemed to be within the scope
24 of the emergency purchases allowed under this Section and under
25 Section 20-30 of the Illinois Procurement Code.

26 (c) No later than 60 days after the effective date of this

1 amendatory Act of the 98th General Assembly, the Department, in
2 consultation with the Chief Procurement Officer, shall conduct
3 and complete any procurement necessary to procure a vendor to
4 create, implement, and administer a registration eligibility
5 verification system for semi-automatic assault weapons,
6 assault weapon attachments, .50 caliber rifles, .50 caliber
7 cartridges, and large capacity ammunition feeding devices as
8 provided in Sections 24-1.9 and 24-1.10 of the Criminal Code of
9 2012 and as required by the Department. The registration
10 eligibility verification system must ensure the firearms and
11 devices are registered to persons with valid Firearm Owner's
12 Identification cards whom may lawfully possess the weapons,
13 attachments, or devices. Notwithstanding any other provision
14 of the Illinois Procurement Code to the contrary:

15 (1) The procurement may include procurement of a vendor
16 to assist the Department in conducting the procurement.
17 This vendor shall be precluded from working on any contract
18 awarded under this subsection (c).

19 (2) The Department, in consultation with the Chief
20 Procurement Officer, shall negotiate final contract terms
21 with a vendor selected by the Department and within 30 days
22 of selection of a registration eligibility verification
23 vendor, the Department shall enter into a contract with the
24 selected vendor.

25 Section 15. The Firearm Owners Identification Card Act is

1 amended by changing Sections 3 and 8 as follows:

2 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

3 Sec. 3. (a) Except as provided in Section 3a, no person may
4 knowingly transfer, or cause to be transferred, any firearm,
5 firearm ammunition, stun gun, or taser to any person within
6 this State unless the transferee with whom he deals displays a
7 currently valid Firearm Owner's Identification Card which has
8 previously been issued in his name by the Department of State
9 Police under the provisions of this Act. In addition, all
10 firearm, stun gun, and taser transfers by federally licensed
11 firearm dealers are subject to Section 3.1.

12 (a-5) Any person who is not a federally licensed firearm
13 dealer and who desires to transfer or sell a firearm while that
14 person is on the grounds of a gun show must, before selling or
15 transferring the firearm, request the Department of State
16 Police to conduct a background check on the prospective
17 recipient of the firearm in accordance with Section 3.1.

18 (a-10) Any person who is not a federally licensed firearm
19 dealer and who desires to transfer or sell a firearm or
20 firearms to any person who is not a federally licensed firearm
21 dealer shall, before selling or transferring the firearms,
22 contact the Department of State Police with the transferee's or
23 purchaser's Firearm Owner's Identification Card number to
24 determine the validity of the transferee's or purchaser's
25 Firearm Owner's Identification Card. This subsection shall not

1 be effective until January 1, 2014. The Department of State
2 Police may adopt rules concerning the implementation of this
3 subsection. The Department of State Police shall provide the
4 seller or transferor an approval number if the purchaser's
5 Firearm Owner's Identification Card is valid. Approvals issued
6 by the Department for the purchase of a firearm pursuant to
7 this subsection are valid for 30 days from the date of issue.

8 (a-15) The provisions of subsection (a-10) of this Section
9 do not apply to:

10 (1) transfers that occur at the place of business of a
11 federally licensed firearm dealer, if the federally
12 licensed firearm dealer conducts a background check on the
13 prospective recipient of the firearm in accordance with
14 Section 3.1 of this Act and follows all other applicable
15 federal, State, and local laws as if he or she were the
16 seller or transferor of the firearm, although the dealer is
17 not required to accept the firearm into his or her
18 inventory. The purchaser or transferee may be required by
19 the federally licensed firearm dealer to pay a fee not to
20 exceed \$10 per firearm, which the dealer may retain as
21 compensation for performing the functions required under
22 this paragraph, plus the applicable fees authorized by
23 Section 3.1;

24 (2) transfers as a bona fide gift to the transferor's
25 husband, wife, son, daughter, stepson, stepdaughter,
26 father, mother, stepfather, stepmother, brother, sister,

1 nephew, niece, uncle, aunt, grandfather, grandmother,
2 grandson, granddaughter, father-in-law, mother-in-law,
3 son-in-law, or daughter-in-law;

4 (3) transfers by persons acting pursuant to operation
5 of law or a court order;

6 (4) transfers on the grounds of a gun show under
7 subsection (a-5) of this Section;

8 (5) the delivery of a firearm by its owner to a
9 gunsmith for service or repair, the return of the firearm
10 to its owner by the gunsmith, or the delivery of a firearm
11 by a gunsmith to a federally licensed firearms dealer for
12 service or repair and the return of the firearm to the
13 gunsmith;

14 (6) temporary transfers that occur while in the home of
15 the unlicensed transferee, if the unlicensed transferee is
16 not otherwise prohibited from possessing firearms and the
17 unlicensed transferee reasonably believes that possession
18 of the firearm is necessary to prevent imminent death or
19 great bodily harm to the unlicensed transferee;

20 (7) transfers to a law enforcement or corrections
21 agency or a law enforcement or corrections officer acting
22 within the course and scope of his or her official duties;

23 (8) transfers of firearms that have been rendered
24 permanently inoperable to a nonprofit historical society,
25 museum, or institutional collection; and

26 (9) transfers to a person who is exempt from the

1 requirement of possessing a Firearm Owner's Identification
2 Card under Section 2 of this Act.

3 (a-20) The Department of State Police shall develop an
4 Internet-based system for individuals to determine the
5 validity of a Firearm Owner's Identification Card prior to the
6 sale or transfer of a firearm. The Department shall have the
7 Internet-based system completed and available for use by July
8 1, 2015. The Department shall adopt rules not inconsistent with
9 this Section to implement this system.

10 (b) Any person within this State who transfers or causes to
11 be transferred any firearm, stun gun, or taser shall keep a
12 record of such transfer for a period of 10 years from the date
13 of transfer. Such record shall contain the date of the
14 transfer; the description, serial number or other information
15 identifying the firearm, stun gun, or taser if no serial number
16 is available; and, if the transfer was completed within this
17 State, the transferee's Firearm Owner's Identification Card
18 number and any approval number or documentation provided by the
19 Department of State Police pursuant to subsection (a-10) of
20 this Section. On or after January 1, 2006, the record shall
21 contain the date of application for transfer of the firearm. On
22 demand of a peace officer such transferor shall produce for
23 inspection such record of transfer. Failure to keep a record of
24 the transfer is a Class 4 felony. If the transfer or sale took
25 place at a gun show, the record shall include the unique
26 identification number. Failure to record the unique

1 identification number or approval number is a Class 4 felony
2 ~~petty offense~~.

3 (b-5) Any resident may purchase ammunition from a person
4 within or outside of Illinois if shipment is by United States
5 mail or by a private express carrier authorized by federal law
6 to ship ammunition. Any resident purchasing ammunition within
7 or outside the State of Illinois must provide the seller with a
8 copy of his or her valid Firearm Owner's Identification Card
9 and either his or her Illinois driver's license or Illinois
10 State Identification Card prior to the shipment of the
11 ammunition. The ammunition may be shipped only to an address on
12 either of those 2 documents.

13 (c) The provisions of this Section regarding the transfer
14 of firearm ammunition shall not apply to those persons
15 specified in paragraph (b) of Section 2 of this Act.

16 (Source: P.A. 97-1135, eff. 12-4-12; 98-508, eff. 8-19-13.)

17 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

18 Sec. 8. Grounds for denial and revocation.

19 (A) The Department of State Police has authority to deny an
20 application for or to revoke and seize a Firearm Owner's
21 Identification Card previously issued under this Act only if
22 the Department finds that the applicant or the person to whom
23 such card was issued is or was at the time of issuance:

24 (a) A person under 21 years of age who has been
25 convicted of a misdemeanor other than a traffic offense or

1 adjudged delinquent;

2 (b) A person under 21 years of age who does not have
3 the written consent of his parent or guardian to acquire
4 and possess firearms and firearm ammunition, or whose
5 parent or guardian has revoked such written consent, or
6 where such parent or guardian does not qualify to have a
7 Firearm Owner's Identification Card;

8 (c) A person convicted of a felony under the laws of
9 this or any other jurisdiction;

10 (d) A person addicted to narcotics;

11 (e) A person who has been a patient of a mental health
12 facility within the past 5 years or a person who has been a
13 patient in a mental health facility more than 5 years ago
14 who has not received the certification required under
15 subsection (u) of this Section. An active law enforcement
16 officer employed by a unit of government who is denied,
17 revoked, or has his or her Firearm Owner's Identification
18 Card seized under this subsection (e) may obtain relief as
19 described in subsection (c-5) of Section 10 of this Act if
20 the officer did not act in a manner threatening to the
21 officer, another person, or the public as determined by the
22 treating clinical psychologist or physician, and the
23 officer seeks mental health treatment;

24 (f) A person whose mental condition is of such a nature
25 that it poses a clear and present danger to the applicant,
26 any other person or persons or the community;

- 1 (g) A person who is intellectually disabled;
- 2 (h) A person who intentionally makes a false statement
3 in the Firearm Owner's Identification Card application;
- 4 (i) An alien who is unlawfully present in the United
5 States under the laws of the United States;
- 6 (i-5) An alien who has been admitted to the United
7 States under a non-immigrant visa (as that term is defined
8 in Section 101(a)(26) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(26))), except that this subsection
10 (i-5) does not apply to any alien who has been lawfully
11 admitted to the United States under a non-immigrant visa if
12 that alien is:
- 13 (1) admitted to the United States for lawful
14 hunting or sporting purposes;
- 15 (2) an official representative of a foreign
16 government who is:
- 17 (A) accredited to the United States Government
18 or the Government's mission to an international
19 organization having its headquarters in the United
20 States; or
- 21 (B) en route to or from another country to
22 which that alien is accredited;
- 23 (3) an official of a foreign government or
24 distinguished foreign visitor who has been so
25 designated by the Department of State;
- 26 (4) a foreign law enforcement officer of a friendly

1 foreign government entering the United States on
2 official business; or

3 (5) one who has received a waiver from the Attorney
4 General of the United States pursuant to 18 U.S.C.
5 922(y)(3);

6 (j) (Blank);

7 (k) A person who has been convicted within the past 5
8 years of battery, assault, aggravated assault, violation
9 of an order of protection, or a substantially similar
10 offense in another jurisdiction, in which a firearm was
11 used or possessed;

12 (l) A person who has been convicted of domestic
13 battery, aggravated domestic battery, or a substantially
14 similar offense in another jurisdiction committed before,
15 on or after January 1, 2012 (the effective date of Public
16 Act 97-158). If the applicant or person who has been
17 previously issued a Firearm Owner's Identification Card
18 under this Act knowingly and intelligently waives the right
19 to have an offense described in this paragraph (l) tried by
20 a jury, and by guilty plea or otherwise, results in a
21 conviction for an offense in which a domestic relationship
22 is not a required element of the offense but in which a
23 determination of the applicability of 18 U.S.C. 922(g)(9)
24 is made under Section 112A-11.1 of the Code of Criminal
25 Procedure of 1963, an entry by the court of a judgment of
26 conviction for that offense shall be grounds for denying an

1 application for and for revoking and seizing a Firearm
2 Owner's Identification Card previously issued to the
3 person under this Act;

4 (m) (Blank);

5 (n) A person who is prohibited from acquiring or
6 possessing firearms or firearm ammunition by any Illinois
7 State statute or by federal law;

8 (o) A minor subject to a petition filed under Section
9 5-520 of the Juvenile Court Act of 1987 alleging that the
10 minor is a delinquent minor for the commission of an
11 offense that if committed by an adult would be a felony;

12 (p) An adult who had been adjudicated a delinquent
13 minor under the Juvenile Court Act of 1987 for the
14 commission of an offense that if committed by an adult
15 would be a felony;

16 (q) A person who is not a resident of the State of
17 Illinois, except as provided in subsection (a-10) of
18 Section 4;

19 (r) A person who has been adjudicated as a mentally
20 disabled person;

21 (s) A person who has been found to be developmentally
22 disabled;

23 (t) A person involuntarily admitted into a mental
24 health facility; or

25 (u) A person who has had his or her Firearm Owner's
26 Identification Card revoked or denied under subsection (e)

1 of this Section or item (iv) of paragraph (2) of subsection
2 (a) of Section 4 of this Act because he or she was a
3 patient in a mental health facility as provided in ~~item (2)~~
4 ~~of~~ subsection (e) of this Section, shall not be permitted
5 to obtain a Firearm Owner's Identification Card, after the
6 5-year ~~5-year~~ period has lapsed, unless he or she has
7 received a mental health evaluation by a physician,
8 clinical psychologist, or qualified examiner as those
9 terms are defined in the Mental Health and Developmental
10 Disabilities Code, and has received a certification that he
11 or she is not a clear and present danger to himself,
12 herself, or others. The physician, clinical psychologist,
13 or qualified examiner making the certification and his or
14 her employer shall not be held criminally, civilly, or
15 professionally liable for making or not making the
16 certification required under this subsection, except for
17 willful or wanton misconduct. This subsection does not
18 apply to a person whose firearm possession rights have been
19 restored through administrative or judicial action under
20 Section 10 or 11 of this Act. ~~for~~

21 ~~(v)~~ Upon revocation of a person's Firearm Owner's
22 Identification Card, the Department of State Police shall
23 provide notice to the person and the person shall comply with
24 Section 9.5 of this Act.

25 (B) The Department of State Police may revoke and seize a
26 Firearm Owner's Identification Card previously issued under

1 this Act of a person who fails to report the loss or theft of a
2 handgun a second time to the local law enforcement agency
3 within 72 hours after the person should have known of the
4 second loss or theft.

5 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
6 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;
7 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; revised 9-24-13.)

8 Section 20. The Criminal Code of 2012 is amended by
9 changing Section 24-3A and by adding Sections 24-1.9, 24-1.10,
10 and 24-4.2 as follows:

11 (720 ILCS 5/24-1.9 new)

12 Sec. 24-1.9. Possession, delivery, sale, and purchase of
13 semi-automatic assault weapons, assault weapon attachments,
14 .50 caliber rifles, and .50 caliber cartridges.

15 (a) Definitions. In this Section:

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

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

19 (i) Norinco, Mitchell, and Poly Technologies
20 Avtomat Kalashnikovs (all models);

21 (ii) Action Arms Israeli Military Industries
22 UZI and Galil;

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

24 (iv) Colt AR-15;

1 (v) Fabrique Nationale FN/FAL, FN/LAR, and
2 FNC;

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

4 (vii) Steyr AUG;

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

6 and

7 (ix) any shotgun which contains its ammunition
8 in a revolving cylinder, such as (but not limited
9 to) the Street Sweeper and Striker 12;

10 (B) a semi-automatic rifle or pump-action rifle
11 that has an ability to accept a detachable magazine and
12 has any of the following:

13 (i) a folding or telescoping stock;

14 (ii) a pistol grip or thumbhole stock;

15 (iii) a shroud that is attached to, or
16 partially or completely encircles the barrel, and
17 that permits the shooter to hold the firearm with
18 the non-trigger hand without being burned;

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

22 (i) a folding, telescoping, or thumbhole
23 stock;

24 (ii) a shroud that is attached to, or partially
25 or completely encircles the barrel, and that
26 permits the shooter to hold the firearm with the

1 non-trigger hand without being burned;

2 (iii) an ammunition magazine that attaches to
3 the pistol outside of the pistol grip;

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

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

8 (C-1) a semi-automatic rifle or pistol with a fixed
9 magazine that has the capacity to accept more than 10
10 rounds of ammunition;

11 (D) a semi-automatic shotgun that has any of the
12 following:

13 (i) a folding or telescoping stock;

14 (ii) a pistol grip or thumbhole stock;

15 (iii) a fixed magazine capacity in excess of 5
16 rounds; or

17 (iv) an ability to accept a detachable
18 magazine.

19 "Semi-automatic assault weapon" does not
20 include:

21 (A) any firearm that:

22 (i) is manually operated by bolt, pump, lever,
23 or slide action;

24 (ii) is an "unserviceable firearm" or has been
25 made permanently inoperable; or

26 (iii) is an antique firearm;

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

3 For the purposes of this Section, a firearm is considered
4 to have the ability to accept a detachable magazine unless the
5 magazine or ammunition feeding device can only be removed
6 through disassembly of the firearm action.

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 (6) "Fore grip" includes any feature of a rifle,
4 shotgun, or pistol capable of functioning as a protruding
5 grip that can be held by the non-trigger hand.

6 (b) The Department of State Police shall take all steps
7 necessary to carry out the requirements of this Section within
8 180 days after the effective date of this amendatory Act of the
9 98th General Assembly.

10 (c) Except as provided in subsections (d), (e), (f), and
11 (h) of this Section, on or after the effective date of this
12 amendatory Act of the 98th General Assembly, it is unlawful for
13 any person within this State to knowingly deliver, sell, or
14 purchase or cause to be delivered, sold, or purchased or cause
15 to be possessed by another, a semi-automatic assault weapon, an
16 assault weapon attachment, any .50 caliber rifle, or .50
17 caliber cartridge.

18 (d) Except as otherwise provided in subsections (e), (f),
19 and (h) of this Section, 270 days after the effective date of
20 this amendatory Act of the 98th General Assembly, it is
21 unlawful for any person within this State to knowingly possess
22 a semi-automatic assault weapon, an assault weapon attachment,
23 any .50 caliber rifle, or .50 caliber cartridge.

24 (e) This Section does not apply to a person who possessed a
25 weapon or attachment prohibited by subsection (d) of this
26 Section before the effective date of this amendatory Act of the

1 98th General Assembly, provided that the person has provided in
2 a registration affidavit, under oath or affirmation and in the
3 form and manner prescribed by the Department of State Police,
4 his or her name, date of birth, Firearm Owners Identification
5 Card Number, the weapon's or attachment's make, model, caliber,
6 and serial number, and proof of a locking mechanism that
7 properly fits the weapon, on or after 180 days after the
8 effective date of this amendatory Act of the 98th General
9 Assembly but within 270 days after the effective date of this
10 amendatory Act of the 98th General Assembly. The affidavit
11 shall include a statement that the weapon or attachment is
12 owned by the person submitting the affidavit and that he or she
13 owns the proper locking mechanism for the weapon. Each
14 affidavit form shall include the following statement printed in
15 bold type: "Warning: Entering false information on this form is
16 punishable as perjury under Section 32-2 of the Criminal Code
17 of 2012.". Beginning 270 days after the effective date of this
18 amendatory Act of the 98th General Assembly, the person may
19 transfer the weapon or attachment only to an heir, an
20 individual residing in another state maintaining that weapon in
21 another state, or a dealer licensed as a federal firearms
22 dealer under Section 923 of the federal Gun Control Act of
23 1968. Within 10 days after transfer of the weapon or
24 attachment, the person shall notify the Department of State
25 Police of the name and address of the transferee and comply
26 with the requirements of subsection (b) of Section 3 of the

1 Firearm Owners Identification Card Act. The person to whom the
2 weapon or attachment is transferred shall, within 60 days of
3 the transfer, complete an affidavit and pay the required
4 registration fee as set forth in this Section. A person to whom
5 the weapon or attachment is transferred may transfer the weapon
6 or attachment only as provided in this subsection.

7 (f) This Section does not apply to a peace officer who has
8 retired in good standing from a law enforcement agency of this
9 State and who possesses a weapon or attachment prohibited by
10 subsection (d) of this Section, if the weapon or attachment was
11 lawfully possessed and acquired by the peace officer prior to
12 retirement and the retired peace officer within 10 days of
13 retirement registers the weapon or attachment with the
14 Department of State Police and pays the required registration
15 fee as provided in this Section. The retired peace officer
16 shall comply with the transfer and notification requirements
17 provided in subsection (e) of this Section.

18 (g) For the purpose of registration required under
19 subsections (e) and (f) of this Section, the Department of
20 State Police shall charge a registration fee of \$25 per person
21 to the owner of a semi-automatic assault weapon and \$25 per
22 person to the owner of a .50 caliber rifle. The fees shall be
23 deposited into the LEADS Maintenance Fund.

24 (h) 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.

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

6 (3) 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 (4) 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 (5) Any company that employs armed security officers in
14 this State at a nuclear energy, storage, weapons, or
15 development site or facility regulated by the federal
16 Nuclear Regulatory Commission and persons employed as an
17 armed security force member at a nuclear energy, storage,
18 weapons, or development site or facility regulated by the
19 federal Nuclear Regulatory Commission who have completed
20 the background screening and training mandated by the rules
21 and regulations of the federal Nuclear Regulatory
22 Commission and while in the performance of their official
23 duties.

24 (6) Manufacture, transportation, or sale of weapons,
25 attachments, or ammunition to persons authorized under
26 subdivisions (1) through (5) of this subsection (h) to

1 possess those items.

2 (7) Manufacture, transportation, or sale of weapons,
3 attachments, or ammunition for sale or transfer in another
4 state.

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

21 (9) Any non-resident who transports, within 24 hours, a
22 semi-automatic assault weapon for any lawful purpose from
23 any place where he or she may lawfully possess and carry
24 that weapon to any other place where he or she may lawfully
25 possess and carry that weapon if, during the transportation
26 the weapon is unloaded, and neither the weapon nor any

1 ammunition being transported is readily accessible or is
2 directly accessible from the passenger compartment of the
3 transporting vehicle. Provided that, in the case of a
4 vehicle without a compartment separate from the driver's
5 compartment the weapon or ammunition shall be contained in
6 a locked container other than the glove compartment or
7 console.

8 (10) Possession of a semi-automatic assault weapon, an
9 assault weapon attachment, a .50 caliber rifle, or .50
10 caliber cartridge at events taking place at the World
11 Shooting and Recreational Complex at Sparta, only while
12 engaged in the legal use of this firearm or attachment, or
13 while traveling to or from this location if the item is
14 broken down in a non-functioning state, or is not
15 immediately accessible, or is unloaded and enclosed in a
16 case, firearm carrying box, shipping box, or other
17 container.

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

1 (12) The manufacture, transportation, possession,
2 sale, or rental of blank-firing semi-automatic assault
3 weapons and .50 caliber rifles, or the weapon's respective
4 attachments, to persons authorized or permitted, or both
5 authorized and permitted to acquire and possess these
6 weapons or attachments for the purpose of rental for use
7 solely as props for a motion picture, television, or video
8 production or entertainment event.

9 (i) Sentence.

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

17 (2) 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 an assault weapon
20 attachment commits a Class 4 felony for a first violation
21 and a Class 3 felony for a second or subsequent violation.

22 (3) A person who knowingly delivers, sells, purchases,
23 or possesses or causes to be delivered, sold, purchased, or
24 possessed in violation of this Section a .50 caliber rifle
25 commits a Class 3 felony for a first violation and a Class
26 2 felony for a second or subsequent violation or for the

1 possession or delivery of 2 or more of these weapons at the
2 same time.

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

7 (5) Any other violation of this Section is a Class A
8 misdemeanor.

9 (720 ILCS 5/24-1.10 new)

10 Sec. 24-1.10. Possession, delivery, sale, and purchase of
11 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 "Large capacity ammunition feeding device" does not include a
24 tubular magazine that is contained in a lever-action firearm or
25 any device that has been made permanently inoperable.

1 (b) The Department of State Police shall take all steps
2 necessary to carry out the requirements of this Section within
3 180 days after the effective date of this amendatory Act of the
4 98th General Assembly.

5 (c) Except as provided in subsection (d) and (e), 60 days
6 after the effective date of this amendatory Act of the 98th
7 General Assembly, it is unlawful for any person within this
8 State to knowingly deliver, sell, purchase, or possess or cause
9 to be delivered, sold, purchased, or possessed, a large
10 capacity ammunition feeding device.

11 (d) This Section does not apply to a peace officer who has
12 retired in good standing from a law enforcement agency of this
13 State and who possesses a device prohibited by subsection (c)
14 of this Section, if the device was lawfully possessed and
15 acquired by the peace officer prior to retirement and the
16 retired peace officer within 10 days of retirement, provides in
17 a registration affidavit, under oath or affirmation and in the
18 form and manner prescribed by the Department of State Police,
19 his or her name, date of birth, Firearm Owners Identification
20 Card Number, the device's make, model, and caliber. The
21 affidavit shall include a statement that the device is owned by
22 the person submitting the affidavit. Each affidavit form shall
23 include the following statement printed in bold type: "Warning:
24 Entering false information on this form is punishable as
25 perjury under Section 32-2 of the Criminal Code of 2012.". The
26 retired officer may transfer the device only to an heir, an

1 individual residing in another state maintaining that device in
2 another state, or a dealer licensed as a federal firearms
3 dealer under Section 923 of the federal Gun Control Act of
4 1968. Within 10 days after transfer of the device, the person
5 shall notify the Department of State Police of the name and
6 address of the transferee and comply with the requirements of
7 subsection (b) of Section 3 of the Firearm Owners
8 Identification Card Act. The person to whom the device is
9 transferred shall, within 60 days of the transfer, complete an
10 affidavit as set forth in this subsection. A person to whom the
11 device is transferred may transfer the device only as provided
12 in this subsection.

13 (e) 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 large
14 capacity ammunition feeding devices to persons authorized
15 under subdivisions (1) through (5) of this subsection (d)
16 to possess those devices.

17 (7) Manufacture, transportation, or sale of large
18 capacity ammunition feeding devices for sale or transfer in
19 another state.

20 (8) 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 (9) Any non-resident who transports, within 24 hours, a
10 large capacity ammunition feeding device for any lawful
11 purpose from any place where he or she may lawfully possess
12 and carry that device to any other place where he or she
13 may lawfully possess and carry that device if, during the
14 transportation the device is unattached to a firearm, and
15 the device is not readily accessible nor is directly
16 accessible from the passenger compartment of the
17 transporting vehicle. Provided that, in the case of a
18 vehicle without a compartment separate from the driver's
19 compartment the device shall be contained in a locked
20 container other than the glove compartment or console.

21 (10) Possession of a large capacity ammunition feeding
22 device at events taking place at the World Shooting and
23 Recreational Complex at Sparta, only while engaged in the
24 legal use of this device, or while traveling to or from
25 this location if the device is broken down in a
26 non-functioning state, or is not immediately accessible,

1 or is unloaded and enclosed in a case, firearm carrying
2 box, shipping box, or other container.

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

11 (12) The manufacture, transportation, possession,
12 sale, or rental of large capacity ammunition feeding
13 devices for blank-firing semi-automatic assault weapons
14 and .50 caliber rifles, to persons authorized or permitted,
15 or both authorized and permitted to acquire and possess
16 these devices for the purpose of rental for use solely as
17 props for a motion picture, television, or video production
18 or entertainment event.

19 (f) Sentence. A person who knowingly delivers, sells,
20 purchases, or possesses or causes to be delivered, sold,
21 purchased, or possessed in violation of this Section a large
22 capacity ammunition feeding device capable of holding more than
23 10 rounds of ammunition commits a Class 3 felony for a first
24 violation and a Class 2 felony for a second or subsequent
25 violation or for possession or delivery of 2 or more of these
26 devices at the same time. Any other violation of this Section

1 is a Class A misdemeanor.

2 (720 ILCS 5/24-3A)

3 Sec. 24-3A. Gunrunning.

4 (a) A person commits gunrunning when he or she transfers 3
5 or more firearms in violation of any of the paragraphs of
6 Section 24-3 of this Code.

7 (b) Sentence. A person who commits gunrunning:

8 (1) is guilty of a Class X ~~+~~ felony;

9 (2) is guilty of a Class X felony for which the
10 sentence shall be a term of imprisonment of not less than
11 10 ~~8~~ years and not more than 40 years if the transfer is of
12 not less than 11 firearms and not more than 20 firearms;

13 (3) is guilty of a Class X felony for which the
14 sentence shall be a term of imprisonment of not less than
15 15 ~~10~~ years and not more than 50 years if the transfer is
16 of more than 20 firearms.

17 A person who commits gunrunning by transferring firearms to a
18 person who, at the time of the commission of the offense, is
19 under 18 years of age is guilty of a Class X felony for which
20 the sentence shall be a term of imprisonment of not less than 8
21 years.

22 (Source: P.A. 93-906, eff. 8-11-04.)

23 (720 ILCS 5/24-4.2 new)

24 Sec. 24-4.2. Report of lost or stolen handguns,

1 semi-automatic assault weapons, assault weapon attachments,
2 .50 caliber rifles, .50 caliber cartridges, or large capacity
3 ammunition feeding device.

4 (a) A person who possesses a valid Firearm Owner's
5 Identification Card and who possesses or acquires a handgun,
6 semi-automatic assault weapon, assault weapon attachment, .50
7 caliber rifle, or .50 caliber cartridge and thereafter loses or
8 misplaces the handgun, semi-automatic assault weapon, assault
9 weapon attachment, .50 caliber rifle, or .50 caliber cartridge,
10 or the handgun, semi-automatic assault weapon, assault weapon
11 attachment, .50 caliber rifle, or .50 caliber cartridge is
12 stolen from the person, the person must report the loss or
13 theft to the local law enforcement agency within 72 hours after
14 obtaining knowledge of the loss or theft.

15 (b) A person who possesses a valid Firearm Owner's
16 Identification Card and who possesses or acquires a large
17 capacity ammunition feeding device under an exception in
18 subsection (d) or (e) of Section 24-1.10 of this Code and
19 thereafter loses or misplaces the device, or the device is
20 stolen from the person, the person must report the loss or
21 theft to the local law enforcement agency within 72 hours after
22 the person should have known of the loss or theft.

23 (c) For the purposes of this Section:

24 "Assault weapon attachment" has the meaning ascribed
25 to it in Section 24-1.9 of this Code.

26 ".50 caliber rifle" has the meaning ascribed to it in

1 Section 24-1.9 of this Code.

2 ".50 caliber cartridge" has the meaning ascribed to it
3 in Section 24-1.9 of this Code.

4 "Handgun" means a firearm designed to be held and fired
5 by the use of a single hand, and includes a combination of
6 parts from which the firearm can be assembled.

7 "Large capacity ammunition feeding device" has the
8 meaning ascribed to it in Section 24-1.10 of this Code.

9 "Semi-automatic assault weapon" has the meaning
10 ascribed to it in Section 24-1.9 of this Code.

11 (d) Sentence. A person who violates this Section is guilty
12 of a Class A misdemeanor for a first violation. A second or
13 subsequent violation of this Section is a Class 4 felony.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 140/7.5

4 20 ILCS 2610/24 new

5 430 ILCS 65/3 from Ch. 38, par. 83-3

6 430 ILCS 65/8 from Ch. 38, par. 83-8

7 720 ILCS 5/24-1.9 new

8 720 ILCS 5/24-1.10 new

9 720 ILCS 5/24-3A

10 720 ILCS 5/24-4.2 new