

1 AN ACT in relation to 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 1961 is amended by
5 changing Section 24-2 and adding Section 24-3.7 as follows:

6 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10)
9 and Section 24-1.6 do not apply to or affect any of the
10 following:

11 (1) Peace officers, and any person summoned by a
12 peace officer to assist in making arrests or preserving
13 the peace, while actually engaged in assisting such
14 officer.

15 (2) Wardens, superintendents and keepers of
16 prisons, penitentiaries, jails and other institutions for
17 the detention of persons accused or convicted of an
18 offense, while in the performance of their official duty,
19 or while commuting between their homes and places of
20 employment.

21 (3) Members of the Armed Services or Reserve Forces
22 of the United States or the Illinois National Guard or
23 the Reserve Officers Training Corps, while in the
24 performance of their official duty.

25 (4) Special agents employed by a railroad or a
26 public utility to perform police functions, and guards of
27 armored car companies, while actually engaged in the
28 performance of the duties of their employment or
29 commuting between their homes and places of employment;
30 and watchmen while actually engaged in the performance of
31 the duties of their employment.

1 (5) Persons licensed as private security
2 contractors, private detectives, or private alarm
3 contractors, or employed by an agency certified by the
4 Department of Professional Regulation, if their duties
5 include the carrying of a weapon under the provisions of
6 the Private Detective, Private Alarm, and Private
7 Security Act of 1983, while actually engaged in the
8 performance of the duties of their employment or
9 commuting between their homes and places of employment,
10 provided that such commuting is accomplished within one
11 hour from departure from home or place of employment, as
12 the case may be. Persons exempted under this subdivision
13 (a)(5) shall be required to have completed a course of
14 study in firearms handling and training approved and
15 supervised by the Department of Professional Regulation
16 as prescribed by Section 28 of the Private Detective,
17 Private Alarm, and Private Security Act of 1983, prior to
18 becoming eligible for this exemption. The Department of
19 Professional Regulation shall provide suitable
20 documentation demonstrating the successful completion of
21 the prescribed firearms training. Such documentation
22 shall be carried at all times when such persons are in
23 possession of a concealable weapon.

24 (6) Any person regularly employed in a commercial
25 or industrial operation as a security guard for the
26 protection of persons employed and private property
27 related to such commercial or industrial operation, while
28 actually engaged in the performance of his or her duty or
29 traveling between sites or properties belonging to the
30 employer, and who, as a security guard, is a member of a
31 security force of at least 5 persons registered with the
32 Department of Professional Regulation; provided that such
33 security guard has successfully completed a course of
34 study, approved by and supervised by the Department of

1 Professional Regulation, consisting of not less than 40
2 hours of training that includes the theory of law
3 enforcement, liability for acts, and the handling of
4 weapons. A person shall be considered eligible for this
5 exemption if he or she has completed the required 20
6 hours of training for a security officer and 20 hours of
7 required firearm training, and has been issued a firearm
8 authorization card by the Department of Professional
9 Regulation. Conditions for the renewal of firearm
10 authorization cards issued under the provisions of this
11 Section shall be the same as for those cards issued under
12 the provisions of the Private Detective, Private Alarm
13 and Private Security Act of 1983. Such firearm
14 authorization card shall be carried by the security guard
15 at all times when he or she is in possession of a
16 concealable weapon.

17 (7) Agents and investigators of the Illinois
18 Legislative Investigating Commission authorized by the
19 Commission to carry the weapons specified in subsections
20 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
21 any investigation for the Commission.

22 (8) Persons employed by a financial institution for
23 the protection of other employees and property related to
24 such financial institution, while actually engaged in the
25 performance of their duties, commuting between their
26 homes and places of employment, or traveling between
27 sites or properties owned or operated by such financial
28 institution, provided that any person so employed has
29 successfully completed a course of study, approved by and
30 supervised by the Department of Professional Regulation,
31 consisting of not less than 40 hours of training which
32 includes theory of law enforcement, liability for acts,
33 and the handling of weapons. A person shall be considered
34 to be eligible for this exemption if he or she has

1 completed the required 20 hours of training for a
2 security officer and 20 hours of required firearm
3 training, and has been issued a firearm authorization
4 card by the Department of Professional Regulation.
5 Conditions for renewal of firearm authorization cards
6 issued under the provisions of this Section shall be the
7 same as for those issued under the provisions of the
8 Private Detective, Private Alarm and Private Security Act
9 of 1983. Such firearm authorization card shall be
10 carried by the person so trained at all times when such
11 person is in possession of a concealable weapon. For
12 purposes of this subsection, "financial institution"
13 means a bank, savings and loan association, credit union
14 or company providing armored car services.

15 (9) Any person employed by an armored car company
16 to drive an armored car, while actually engaged in the
17 performance of his duties.

18 (10) Persons who have been classified as peace
19 officers pursuant to the Peace Officer Fire Investigation
20 Act.

21 (11) Investigators of the Office of the State's
22 Attorneys Appellate Prosecutor authorized by the board of
23 governors of the Office of the State's Attorneys
24 Appellate Prosecutor to carry weapons pursuant to Section
25 7.06 of the State's Attorneys Appellate Prosecutor's Act.

26 (12) Special investigators appointed by a State's
27 Attorney under Section 3-9005 of the Counties Code.

28 (13) Court Security Officers while in the
29 performance of their official duties, or while commuting
30 between their homes and places of employment, with the
31 consent of the Sheriff.

32 (13.5) A person employed as an armed security guard
33 at a nuclear energy, storage, weapons or development site
34 or facility regulated by the Nuclear Regulatory

1 Commission who has completed the background screening and
2 training mandated by the rules and regulations of the
3 Nuclear Regulatory Commission.

4 (14) Manufacture, transportation, or sale of
5 weapons to persons authorized under subdivisions (1)
6 through (13.5) of this subsection to possess those
7 weapons.

8 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
9 24-1.6 do not apply to or affect any of the following:

10 (1) Members of any club or organization organized
11 for the purpose of practicing shooting at targets upon
12 established target ranges, whether public or private, and
13 patrons of such ranges, while such members or patrons are
14 using their firearms on those target ranges.

15 (2) Duly authorized military or civil organizations
16 while parading, with the special permission of the
17 Governor.

18 (3) Hunters, trappers or fishermen with a license
19 or permit while engaged in hunting, trapping or fishing.

20 (4) Transportation of weapons that are broken down
21 in a non-functioning state or are not immediately
22 accessible.

23 (c) Subsection 24-1(a)(7) and Section 24-3.7 do does not
24 apply to or affect any of the following:

25 (1) Peace officers while in performance of their
26 official duties.

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

31 (3) Members of the Armed Services or Reserve Forces
32 of the United States or the Illinois National Guard,
33 while in the performance of their official duty.

34 (4) Manufacture, transportation, or sale of machine

1 guns to persons authorized under subdivisions (1) through
2 (3) of this subsection to possess machine guns or
3 semiautomatic assault weapons, if the machine guns or
4 semiautomatic assault weapons are broken down in a
5 non-functioning state or are not immediately accessible.

6 (5) Persons licensed under federal law to
7 manufacture any weapon from which 8 or more shots or
8 bullets can be discharged by a single function of the
9 firing device, or ammunition for such weapons, and
10 actually engaged in the business of manufacturing such
11 weapons or ammunition, but only with respect to
12 activities which are within the lawful scope of such
13 business, such as the manufacture, transportation, or
14 testing of such weapons or ammunition. This exemption
15 does not authorize the general private possession of any
16 weapon from which 8 or more shots or bullets can be
17 discharged by a single function of the firing device, but
18 only such possession and activities as are within the
19 lawful scope of a licensed manufacturing business
20 described in this paragraph.

21 During transportation, such weapons shall be broken
22 down in a non-functioning state or not immediately
23 accessible.

24 (6) The manufacture, transport, testing, delivery,
25 transfer or sale, and all lawful commercial or
26 experimental activities necessary thereto, of rifles,
27 shotguns, and weapons made from rifles or shotguns, or
28 ammunition for such rifles, shotguns or weapons, where
29 engaged in by a person operating as a contractor or
30 subcontractor pursuant to a contract or subcontract for
31 the development and supply of such rifles, shotguns,
32 weapons or ammunition to the United States government or
33 any branch of the Armed Forces of the United States, when
34 such activities are necessary and incident to fulfilling

1 the terms of such contract.

2 The exemption granted under this subdivision (c)(6)
3 shall also apply to any authorized agent of any such
4 contractor or subcontractor who is operating within the
5 scope of his employment, where such activities involving
6 such weapon, weapons or ammunition are necessary and
7 incident to fulfilling the terms of such contract.

8 During transportation, any such weapon shall be
9 broken down in a non-functioning state, or not
10 immediately accessible.

11 (d) Subsection 24-1(a)(1) does not apply to the
12 purchase, possession or carrying of a black-jack or
13 slung-shot by a peace officer.

14 (e) Subsection 24-1(a)(8) does not apply to any owner,
15 manager or authorized employee of any place specified in that
16 subsection nor to any law enforcement officer.

17 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
18 Section 24-1.6 do not apply to members of any club or
19 organization organized for the purpose of practicing shooting
20 at targets upon established target ranges, whether public or
21 private, while using their firearms on those target ranges.

22 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not
23 apply to:

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

27 (2) Bonafide collectors of antique or surplus
28 military ordinance.

29 (3) Laboratories having a department of forensic
30 ballistics, or specializing in the development of
31 ammunition or explosive ordinance.

32 (4) Commerce, preparation, assembly or possession
33 of explosive bullets by manufacturers of ammunition
34 licensed by the federal government, in connection with

1 the supply of those organizations and persons exempted by
 2 subdivision (g)(1) of this Section, or like organizations
 3 and persons outside this State, or the transportation of
 4 explosive bullets to any organization or person exempted
 5 in this Section by a common carrier or by a vehicle owned
 6 or leased by an exempted manufacturer.

7 (h) An information or indictment based upon a violation
 8 of any subsection of this Article need not negative any
 9 exemptions contained in this Article. The defendant shall
 10 have the burden of proving such an exemption.

11 (i) Nothing in this Article shall prohibit, apply to, or
 12 affect the transportation, carrying, or possession, of any
 13 pistol or revolver, stun gun, taser, or other firearm
 14 consigned to a common carrier operating under license of the
 15 State of Illinois or the federal government, where such
 16 transportation, carrying, or possession is incident to the
 17 lawful transportation in which such common carrier is
 18 engaged; and nothing in this Article shall prohibit, apply
 19 to, or affect the transportation, carrying, or possession of
 20 any pistol, revolver, stun gun, taser, or other firearm, not
 21 the subject of and regulated by subsection 24-1(a)(7) or
 22 subsection 24-2(c) of this Article, which is unloaded and
 23 enclosed in a case, firearm carrying box, shipping box, or
 24 other container, by the possessor of a valid Firearm Owners
 25 Identification Card.

26 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;
 27 92-325, eff. 8-9-01.)

28 (720 ILCS 5/24-3.7 new)

29 Sec. 24-3.7. Unlawful use of a semiautomatic weapon or
 30 large capacity feeding device.

31 (a) In this Section:

32 "Semiautomatic" means any repeating rifle, shotgun, or
 33 pistol, regardless of barrel or overall length, that utilizes

1 a portion of the energy of a firing cartridge or shell to
2 extract the fired cartridge case or spent shell and chamber
3 the next round, and which requires a separate pull of the
4 trigger to fire each cartridge or shell.

5 "Assault weapon" means:

6 (1) a semiautomatic rifle that has an ability to accept
7 a detachable magazine and has at least 2 of the following
8 characteristics:

9 (i) a folding or telescoping stock;

10 (ii) a pistol grip that protrudes conspicuously
11 beneath the action of the weapon;

12 (iii) a bayonet mount;

13 (iv) a flash suppressor or threaded barrel designed
14 to accommodate a flash suppressor;

15 (v) a grenade launcher; or

16 (2) a semiautomatic shotgun that has at least 2 of the
17 following characteristics:

18 (i) a folding or telescoping stock;

19 (ii) a pistol grip that protrudes conspicuously
20 beneath the action of the weapon;

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

23 (iv) an ability to accept a detachable magazine; or

24 (3) a semiautomatic pistol that has an ability to accept
25 a detachable magazine and has at least 2 of the following
26 characteristics:

27 (i) an ammunition magazine that attaches to the
28 pistol outside of the pistol grip;

29 (ii) a threaded barrel capable of accepting a
30 barrel extender, flash suppressor, forward handgrip, or
31 silencer;

32 (iii) a shroud that is attached to, or partially or
33 completely encircles, the barrel and that permits the
34 shooter to hold the firearm with the nontrigger hand

1 without being burned;

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

4 (v) a semiautomatic version of an automatic rifle,
5 shotgun, or firearm; or

6 (4) any of the weapons, or functioning frames or
7 receivers of such weapons, or copies or duplicates of such
8 weapons, in any caliber, known as:

9 (i) Norinco, Mitchell, and Poly Technologies
10 Avtomat Kalashnikovs (all models);

11 (ii) Action Arms Israeli Military Industries Uzi
12 and Galil;

13 (iii) Beretta AR70 (sc-70);

14 (iv) Colt AR-15;

15 (v) Fabrique National FN/FAL, FN/LAR, and FNC;

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

17 (vii) Steyr AUG;

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

19 (ix) revolving cylinder shotguns, such as (or
20 similar to) the street sweeper and striker 12.

21 "Assault weapon" does not include:

22 (i) any rifle, shotgun, or pistol that (A) is
23 manually operated by bolt, pump, lever, or slide action;
24 (B) has been rendered permanently inoperable; or (C) is
25 an antique firearm as defined in 18 U.S.C. 921(a)(16);

26 (ii) a semiautomatic rifle that cannot accept a
27 detachable magazine that holds more than 5 rounds of
28 ammunition;

29 (iii) a semiautomatic shotgun that cannot hold more
30 than 5 rounds of ammunition in a fixed or detachable
31 magazine;

32 (iv) a rifle, shotgun, or pistol, or a replica or a
33 duplicate of a rifle, shotgun, or pistol specified in
34 appendix A to Section 922 of 18 U.S.C. as such weapon was

1 manufactured on October 1, 1993. The fact that a weapon
2 is not listed in appendix A must not be construed to mean
3 that the weapon is an assault weapon; or

4 (v) a semiautomatic rifle, a semiautomatic shotgun,
5 or a semiautomatic pistol or any of the weapons defined
6 in paragraph (4) of this subdivision lawfully possessed
7 before September 14, 1994.

8 "Large capacity ammunition feeding device" means a
9 magazine, belt, drum, feed strip, or similar device,
10 manufactured after September 30, 1994, that has a capacity
11 of, or that can be readily restored or converted to accept,
12 more than 10 rounds of ammunition; provided, however, that
13 the term does not include an attached tubular device designed
14 to accept, and capable of operating only with, .22 caliber
15 rimfire ammunition.

16 (b) A person commits the offense of unlawful use of a
17 semiautomatic assault weapon or large capacity ammunition
18 feeding device when he or she knowingly sells, manufactures,
19 purchases, possesses, or carries a semiautomatic assault
20 weapon or large capacity ammunition feeding device.

21 (c) Sentence. Unlawful use of a semiautomatic assault
22 weapon or large capacity ammunition feeding device is a Class
23 2 felony.