



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.7 new

Amends the Criminal Code of 1961. Prohibits the knowing manufacture, delivery, and possession of semiautomatic assault weapons, large capacity ammunition feeding devices, and assault weapon attachments. Provides for an affirmative defense to a violation for peace officers, correctional institution employees and officers, members of the Armed Services and Reserve Forces of the United States, and the Illinois National Guard while these persons are in the performance of their duties. Establishes penalties for violations.

LRB093 15347 RLC 40949 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 adding
5 Section 24-1.7 as follows:

6 (720 ILCS 5/24-1.7 new)

7 Sec. 24-1.7. Manufacture, possession, and delivery of
8 semiautomatic assault weapons, large capacity ammunition
9 feeding devices, and assault weapon attachments.

10 (a) The General Assembly finds that the high rate of fire
11 and capacity for firepower of semiautomatic assault weapons,
12 assault weapon attachments, and large capacity ammunition
13 feeding devices pose a significant threat to the health,
14 safety, and welfare of the citizens of this State, that the use
15 of these weapons, devices, or attachments for sport or
16 recreation is substantially outweighed by the danger these
17 weapons or devices present to human life, and that restrictions
18 should therefore be placed on the manufacture, delivery, and
19 possession of these weapons, devices, and attachments.

20 (b) Definitions. In this Section:

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

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

24 (i) Norinco, Mitchell, and Poly Technologies
25 Avtomat Kalashnikovs (all models);

26 (ii) Action Arms Israeli Military Industries
27 UZI and Galil;

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

29 (iv) Colt AR-15;

30 (v) Fabrique Nationale FN/FAL, FN/LAR, and
31 FNC;

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

1 (vii) Steyr AUG;

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

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

6 (x) any firearm having a caliber of 50 or
7 greater;

8 (B) a semiautomatic rifle that has an ability to accept
9 a detachable magazine and has any of the following:

10 (i) a folding or telescoping stock;

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

13 (iii) a bayonet mount;

14 (iv) a flash suppressor or barrel having a threaded
15 muzzle; or

16 (v) a grenade launcher;

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

19 (i) an ammunition magazine that attaches to the
20 pistol outside of the pistol grip;

21 (ii) a barrel having a threaded muzzle;

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

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

28 (v) a semiautomatic version of an automatic
29 firearm;

30 (D) a semiautomatic shotgun that has any of the
31 following:

32 (i) a folding or telescoping stock;

33 (ii) a pistol grip that protrudes conspicuously
34 beneath the action of the weapon;

35 (iii) a fixed magazine capacity in excess of 5
36 rounds; or

1 (iv) an ability to accept a detachable magazine.

2 "Semiautomatic assault weapon" does not include:

3 (A) any firearm that:

4 (i) is manually operated by bolt, pump, lever or
5 slide action;

6 (ii) is an "unserviceable firearm" or has been made
7 permanently inoperable; or

8 (iii) is an antique firearm;

9 (B) any semiautomatic rifle that cannot accept a
10 detachable magazine that holds more than 5 rounds of
11 ammunition; or

12 (C) any semiautomatic shotgun that cannot hold more
13 than 5 rounds of ammunition in a fixed or detachable
14 magazine.

15 (2) (A) "Large capacity ammunition feeding device" means:

16 (i) a magazine, belt, drum, feed strip, or similar
17 device that has a capacity of, or that can be readily
18 restored or converted to accept, more than 10 rounds of
19 ammunition; or

20 (ii) any combination of parts from which a device
21 described in subparagraph (i) can be assembled.

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

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

31 (4) "Antique firearm" means:

32 (A) any firearm, including any firearm with a
33 matchlock, flintlock, percussion cap, or similar type of
34 ignition system, manufactured in or before 1898;

35 (B) any replica of any firearm described in
36 subparagraph (A) if the replica:

1 (i) is not designed or redesigned for using rimfire
2 or conventional centerfire fixed ammunition; or

3 (ii) uses rimfire or conventional centerfire
4 ammunition that is no longer manufactured in the United
5 States and that is not readily available in the
6 ordinary channels of commercial trade; or

7 (C) any firearm (other than a machine gun), which,
8 although designed as a weapon, the Department of State
9 Police finds by reason of the date of its manufacture,
10 value, design, and other characteristics is primarily a
11 collector's item and is not likely to be used as a weapon.

12 (c) Except as provided in subsection (e), 90 days after the
13 effective date of this amendatory Act of the 93rd General
14 Assembly, it is unlawful for any person within this State, to
15 knowingly manufacture, deliver, or possess or cause to be
16 manufactured, delivered, or possessed, a semiautomatic assault
17 weapon, a large capacity ammunition feeding device, or an
18 assault weapon attachment.

19 (d) Any person who knowingly possesses a semiautomatic
20 assault weapon, large capacity ammunition feeding device, or
21 assault weapon attachment must, within 90 days after the
22 effective date of this amendatory Act of the 93rd General
23 Assembly, destroy the weapon or device, render it permanently
24 inoperable, relinquish it to a law enforcement agency, or
25 remove it from this State.

26 (e) A person has an affirmative defense to an alleged
27 violation of subsection (c) of this Section if he or she
28 lawfully possessed or delivered the semiautomatic assault
29 weapon, large capacity ammunition feeding device, or assault
30 weapon attachment while in the performance of his or her
31 official duties as a peace officer, correctional institution
32 employee or official, or member of the Armed Services or
33 Reserve Forces of the United States, or of the Illinois
34 National Guard.

35 (f) Sentence.

36 (1) A person who manufactures, possesses, or delivers a

1 semiautomatic assault weapon in violation of this Section
2 commits a Class 3 felony for a first violation and a Class
3 2 felony for a second or subsequent violation or for the
4 possession or delivery of 2 or more of these weapons at the
5 same time.

6 (2) A person who possesses or delivers in violation of
7 this Section a large capacity ammunition feeding device
8 capable of holding more than 17 rounds of ammunition
9 commits a Class 3 felony for a first violation and a Class
10 2 felony for a second or subsequent violation or for
11 possession or delivery of 2 or more of these devices at the
12 same time.

13 (3) A person who possesses or delivers in violation of
14 this Section a large capacity ammunition feeding device
15 capable of holding more than 10 rounds but not more than 17
16 rounds of ammunition commits a Class 4 felony for a first
17 violation and a Class 3 felony for a second or subsequent
18 violation or for possession or delivery of more than one of
19 these devices at the same time.

20 (4) A person who possesses or delivers in violation of
21 this Section an assault weapon attachment commits a Class 4
22 felony for a first violation and a Class 3 felony for a
23 second or subsequent violation.