



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2414

Introduced 2/17/2005, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.7 new
720 ILCS 5/24-1.8 new

Amends the Criminal Code of 1961. Prohibits the knowing manufacture, delivery, and possession of semiautomatic assault weapons, assault weapon attachments, 50 caliber rifles, and 50 caliber cartridges. 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. Prohibits the knowing manufacture, delivery, and possession of a large capacity ammunition feeding device (a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition and any combination of parts from which such a device can be assembled). Establishes penalties for violations. Requires a person who possesses a large capacity ammunition feeding device on the effective date of the amendatory Act, within 90 days after that date, to destroy the device, render the device permanently inoperable, relinquish the device to a law enforcement agency, or remove the device from the State. Establishes as an affirmative defense to a violation, the delivery or possession of a large capacity ammunition feeding device while in the performance of their official duties by peace officers, correctional institutional employees and officials, and members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 1961 is amended by adding
5 Sections 24-1.7 and 24-1.8 as follows:

6 (720 ILCS 5/24-1.7 new)

7 Sec. 24-1.7. Manufacture, possession, and delivery of
8 semiautomatic assault weapons, assault weapon attachments, 50
9 caliber rifles, and 50 caliber cartridges.

10 (a) The General Assembly finds that:

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

20 (2) 50 caliber rifles are military-style firearms,
21 used by armed forces around the world, which combine long
22 range accuracy and massive power and are accurate to
23 distances of 1,000 to 2,000 yards (10 to 20 football
24 fields), depending on the skill of the shooter, and can
25 penetrate armored vehicles, disable aircraft, and damage
26 industrial targets, such as refineries and hazardous
27 chemical plants;

28 (3) 50 caliber rifles have been associated with
29 significant criminal activity, both domestic and
30 international, and that there is a nexus between these
31 weapons and terrorist groups, outlaw motorcycle gangs,
32 international drug cartels, domestic drug dealers,

1 religious cults, militia groups, potential assassins, and
2 violent criminals;

3 (4) 50 caliber rifles and ammunition are proliferating
4 on the civilian market in the United States;

5 (5) despite the attractiveness of 50 caliber rifles to
6 criminals and potential terrorists, these firearms are
7 treated as ordinary long guns under existing federal and
8 Illinois law, and can be legally purchased in this State by
9 any 18-year old who possesses a valid Firearm Owner's
10 Identification Card and whose criminal history records and
11 mental health records do not disqualify the person from
12 possessing those rifles but purchasers of handguns, in
13 contrast, must be at least 21 years old; and

14 (6) the uncontrolled proliferation and use of 50
15 caliber rifles poses an unacceptable threat to the health,
16 safety, and security of the public.

17 It is the intent of this Act to reduce the risk of personal
18 injury, death and property damage caused by these weapons of
19 war.

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;

33 (vii) Steyr AUG;

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

35 (ix) any shotgun which contains its ammunition
36 in a revolving cylinder, such as (but not limited

1 to) the Street Sweeper and Striker 12;

2 (x) any firearm having a caliber of 50 or
3 greater;

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

7 (i) a folding or telescoping stock;

8 (ii) a pistol grip that protrudes
9 conspicuously beneath the action of the weapon;

10 (iii) a bayonet mount;

11 (iv) a flash suppressor or barrel having a
12 threaded muzzle; or

13 (v) a grenade launcher;

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

17 (i) an ammunition magazine that attaches to
18 the pistol outside of the pistol grip;

19 (ii) a barrel having a threaded muzzle;

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

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

26 (v) a semiautomatic version of an automatic
27 firearm;

28 (D) a semiautomatic shotgun that has any of the
29 following:

30 (i) a folding or telescoping stock;

31 (ii) a pistol grip that protrudes
32 conspicuously beneath the action of the weapon;

33 (iii) a fixed magazine capacity in excess of 5
34 rounds; or

35 (iv) an ability to accept a detachable
36 magazine.

1 "Semiautomatic assault weapon" does not include:

2 (A) any firearm that:

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

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

7 (iii) is an antique firearm;

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

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

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

19 (3) "Antique firearm" has the meaning ascribed to it in
20 18 U.S.C. Section 921(a)(16).

21 (4) "50 caliber rifle" means a centerfire rifle capable
22 of firing a 50 caliber cartridge. The term does not include
23 any antique firearm, as defined in 18 U.S.C. Section
24 921(a)(16).

25 (5) "50 caliber cartridge" means a cartridge in 50
26 caliber, either by designation or actual measurement,
27 including but not limited to a .50 BMG cartridge, that is
28 capable of being fired from a centerfire rifle. The term
29 "50 caliber cartridge" does not include any memorabilia or
30 display item that is filled with a permanent inert
31 substance or that is otherwise permanently altered in a
32 manner that prevents ready modification for use as live
33 ammunition.

34 (c) Except as provided in subsection (e), 90 days after the
35 effective date of this amendatory Act of the 94th General
36 Assembly, it is unlawful for any person within this State, to

1 knowingly manufacture, deliver, or possess or cause to be
2 manufactured, delivered, or possessed, a semiautomatic assault
3 weapon, an assault weapon attachment, any 50 caliber rifle, or
4 50 caliber cartridge.

5 (d) Any person who knowingly possesses a semiautomatic
6 assault weapon, assault weapon attachment, any 50 caliber rifle
7 or 50 caliber cartridge must, within 90 days after the
8 effective date of this amendatory Act of the 94th General
9 Assembly, destroy the weapon or attachment, render it
10 permanently inoperable, relinquish it to a law enforcement
11 agency, or remove it from this State.

12 (e) A person has an affirmative defense to an alleged
13 violation of subsection (c) of this Section if he or she
14 lawfully possessed or delivered the semiautomatic assault
15 weapon, assault weapon attachment, any 50 caliber rifle, or 50
16 caliber cartridge while in the performance of his or her
17 official duties as a peace officer, correctional institution
18 employee or official, or member of the Armed Services or
19 Reserve Forces of the United States, or of the Illinois
20 National Guard.

21 (f) Sentence.

22 (1) A person who manufactures, possesses, or delivers a
23 semiautomatic assault weapon in violation of this Section
24 commits a Class 3 felony for a first violation and a Class
25 2 felony for a second or subsequent violation or for the
26 possession or delivery of 2 or more of these weapons at the
27 same time.

28 (2) A person who possesses or delivers in violation of
29 this Section an assault weapon attachment commits a Class 4
30 felony for a first violation and a Class 3 felony for a
31 second or subsequent violation.

32 (3) A person who manufactures, possesses, or delivers
33 in violation of this Section a 50 caliber rifle commits a
34 Class 4 felony.

35 (4) A person who possesses or delivers in violation of
36 this Section a 50 caliber cartridge commits a Class A

1 misdemeanor.

2 (720 ILCS 5/24-1.8 new)

3 Sec. 24-1.8. Manufacture, possession, and delivery of
4 large capacity ammunition feeding devices.

5 (a) As used in this Section:

6 "Large capacity ammunition feeding device" means:

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

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

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

17 (b) Except as provided in subsection (c), it is unlawful
18 for any person within this State, beginning 90 days after the
19 effective date of this amendatory Act of the 94th General
20 Assembly, to knowingly manufacture, deliver, or possess or
21 cause to be manufactured, delivered, or possessed, a large
22 capacity ammunition feeding device.

23 (c) Any person who knowingly possesses a large capacity
24 ammunition feeding device on the effective date of this
25 amendatory Act of the 94th General Assembly must, within 90
26 days after the effective date of this amendatory Act of the
27 94th General Assembly, destroy the device, render it
28 permanently inoperable, relinquish it to a law enforcement
29 agency, or remove it from this State.

30 (d) A person has an affirmative defense to an alleged
31 violation of subsection (c) of this Section if he or she
32 lawfully possessed or delivered the large capacity ammunition
33 feeding device while in the performance of his or her official
34 duties as a peace officer, correctional institution employee or
35 official, or member of the Armed Services or Reserve Forces of

1 the United States or of the Illinois National Guard.

2 (e) Sentence. A person who possesses or delivers in
3 violation of this Section a large capacity ammunition feeding
4 device capable of holding more than 17 rounds of ammunition
5 commits a Class 3 felony for a first violation and a Class 2
6 felony for a second or subsequent violation or for possession
7 or delivery of 2 or more of these devices at the same time. A
8 person who possesses or delivers in violation of this Section a
9 large capacity ammunition feeding device capable of holding
10 more than 10 rounds but not more than 17 rounds of ammunition
11 commits a Class 4 felony for a first violation and a Class 3
12 felony for a second or subsequent violation or for possession
13 or delivery of more than one of these devices at the same time.