AMENDMENT TO HOUSE BILL 815

AMENDMENT NO. ______. Amend House Bill 815 as follows:

immediately above the enacting clause, by inserting the following:

"WHEREAS, the United States Supreme Court, in its decision in District of Columbia v. Heller (No. 07-290), found that the Second Amendment to the United States Constitution protects an individual right to possess a firearm, and to use that firearm for traditionally lawful purposes, including self-defense; and

WHEREAS, in that same decision, the United States Supreme Court also found that the individual right to possess and use a firearm was not unlimited, that the government has the ability to regulate the possession and use of firearms, and that this right "does not protect those weapons not typically possessed by law abiding citizens for lawful purposes", and that the
government may ban entirely "dangerous and unusual weapons"; and

WHEREAS, the United States Supreme Court, in its decision in McDonald v. City of Chicago (No. 08-1521), found that its holding in the Heller case applied to the States, reiterating its findings regarding the validity of the regulation of the individual right to possess and use a firearm, and noting expressly that such incorporation of the holding in the Heller case via the Fourteenth Amendment to the United States Constitution "does not imperil every law regulating firearms"; therefore; and

by replacing everything after the enacting clause with the following:

"ARTICLE 1. ILLINOIS SHOOTING RANGE LICENSING ACT.

Section 1-1. Short title. This Act shall be known as the Illinois Shooting Range Licensing Act.

Section 1-5. Definitions.

"Department" means the Department of State Police.

"Director" means the Director of State Police.

"Firearm" has the meaning provided in Section 1.1 of the Firearm Owners Identification Card Act.
"Range safety officer" means a person who possesses the knowledge, skills, and aptitude essential to organizing, conducting and supervising safe shooting range activities, and who is certified under the National Rifle Association's Range Safety Officer Program or other equivalent nationally-recognized range safety officer certification.

"Shooting range" means a specialized facility designed for firearms practice.

"Shooting range activities" means target shooting and any other activities conducted at a shooting range involving the discharge or other use of firearms.

"Shooting range operator" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968, and who owns or operates a shooting range licensed by the Department under this Act.

Section 1-10. Shooting ranges and shooting range operators.

(a) Beginning on January 1, 2014, no person may own or operate a shooting range that is open to the public unless that shooting range has been issued a license by the Director under this Act.

(b) The Department shall license shooting ranges and shall promulgate rules regarding the standards for the ownership, safety, and operation of shooting ranges licensed under this Act, which at a minimum shall require that at all shooting
range activities conducted at a licensed shooting range by persons other than the shooting range operator, or his or her immediate family, shall be carried out under the supervision of a range safety officer. The Department shall create standards for both indoor and outdoor shooting ranges, which shall include, at a minimum, the space required for each type of shooting range, and the nature and composition of the backstop, bullet trap, or berm required for each type of shooting range. The Department may develop standards for indoor and outdoor shooting ranges that include maximum caliber ratings and whether magnum and other high-powered bullets can be safely fired into a given backstop, bullet trap, or berm. The Department shall promulgate any other rules it may deem necessary to carry out the provisions of this Act, including the establishment of fees charged and collected for licensing and the duration of licenses issued under this Act.

Section 1-15. Judicial review of final administrative decisions. All final administrative decisions of the Department under this Act, including final administrative decisions of the Director of State Police to deny an application for licensure for a shooting range, or to revoke the license of a shooting range, shall be subject to judicial review under the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision"
Section 1-20. Firearms Owner's Identification Card.

(a) Only a holder of valid Firearm Owner's Identification Card may discharge a firearm on a shooting range licensed under this Act.

(b) No shooting range operator shall permit an individual to discharge a firearm on a shooting range licensed under this Act, until that individual shall have first displayed a valid Firearm Owner's Identification Card to the shooting range operator or to the range safety officer.

Section 1-25. Exemptions. This Act shall not apply to a shooting range that is:

(a) Located on private land that is not open to the public.

(b) Located on land owned by clubs or other organizations that is open only to members of the club or other organization and their invited guests.

(c) Configured for use in trapshooting, skeet shooting, or sporting clays.

(d) Used solely by peace officers, as defined in Section 2-13 of the Criminal Code of 2012.

(e) Used solely by correctional officers employed by the Department of Corrections, or by county correctional officers or court security officers, as defined in Section 2 of the Illinois Police Training Act.
(f) Used solely by members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duties.

(g) Used solely for air rifles, as defined by Section 24.8-0.1 of the Criminal Code of 2012.

Section 1-30. Sentence. A person who violates any provision of this Act, or the rules promulgated under this Act, is guilty of a petty offense for a first violation. A second or subsequent violation of this Act, or the rules promulgated under this Act, is a Class A misdemeanor, and may be grounds for the revocation of the license of the shooting range by the Department.

Section 1-35. Home rule. A home rule unit may not regulate or license shooting ranges or shooting range operators in a manner more restrictive than the regulation by the Department of shooting ranges under this Act. This Section is a limitation on home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. Nothing in this Section shall be construed to limit the zoning authority of any home rule unit.

ARTICLE 5.
Section 5-5. The Criminal Code of 2012 is amended by adding Sections 24-1.10, and 24-4.1 as follows:

(720 ILCS 5/24-1.10 new)

Sec. 24-1.10. Possession, delivery, sale, and purchase of large capacity ammunition feeding devices.

(a) As used in this Section:

"Large capacity ammunition feeding device" means:

(1) 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; or

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

"Large capacity ammunition feeding device" does not include a rifle with a fixed tubular magazine located under the barrel that is only capable of holding rounds of ammunition placed end to end. For purposes of this Section, a fixed magazine is one that can only be removed through disassembly of the firearm action. "Large capacity ammunition feeding device" does not include a tubular magazine that is contained in a lever-action firearm or any device that has been made permanently inoperable.

(b) Except as provided in subsections (c) and (d), it is unlawful for any person within this State, beginning 90 days after January 1, 2014, to knowingly deliver, sell, purchase, or
possess or cause to be delivered, sold, purchased, or possessed, directly or indirectly, a large capacity ammunition feeding device.

(c) This Section does not apply to a person who possessed a device prohibited by subsection (b) before January 1, 2014, provided that the person has provided proof of ownership, his or her name, and other identifying information to the Department of State Police, as required by the Department, within 90 days after January 1, 2014. On or after January 1, 2014, the person may transfer the device only to an heir, an individual residing in another state maintaining that device in another state, or a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968. Within 10 days after transfer of the device, the person shall notify the Department of State Police of the name and address of the transferee and comply with the requirements of subsection (b) of Section 3 of the Firearm Owners Identification Card Act. The Department shall promulgate any rules it may deem necessary to carry out the provisions of this subsection, including the establishment of fees charged and collected for collecting and maintaining the information required to be provided under this subsection.

(d) This Section does not apply to or affect any of the following:

(1) Peace officers as defined in Section 2-13 of this Code.
(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duties or while traveling to or from their place of duty.

(4) The manufacture, transportation, or distribution of large capacity ammunition feeding devices.

(5) The sale of large capacity ammunition feeding devices to persons authorized under subdivisions (1) through (3) or subdivision (7) of this subsection to possess those items.

(6) The manufacture, transportation, or sale of large capacity ammunition feeding devices for sale or transfer in another state.

(7) The possession of any large capacity ammunition feeding device if that large capacity ammunition feeding device is sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, but only when the large capacity ammunition feeding device is in the actual possession of an Olympic target shooting competitor or target shooting coach for the purpose of storage, transporting to and from Olympic target shooting practice or events if the device is broken down in
a non-functioning state, is not immediately accessible, or
is unloaded and enclosed in a case, firearm carrying box,
shipping box, or other container, and when the Olympic
target shooting competitor or target shooting coach is
engaging in those practices or events.

(8) The possession of a large capacity ammunition
feeding device at events taking place at the World Shooting
and Recreational Complex at Sparta, only while engaged in
the legal use of the device, or while traveling to or from
this location if the items are broken down in a
non-functioning state, or are not immediately accessible,
or are unloaded and enclosed in a case, firearm carrying
box, shipping box, or other container.

(9) The possession of a large capacity ammunition
feeding device only for a hunting use expressly permitted
under the Wildlife Code, or while traveling to or from a
location authorized for such hunting use under the Wildlife
Code if the items are broken down in a non-functioning
state, or are not immediately accessible, or are unloaded
and enclosed in a case, firearm carrying box, shipping box,
or other container.

(10) The manufacture, transportation, possession,
sale, or rental of blank-firing large capacity ammunition
feeding device to persons authorized or permitted, or both
authorized and permitted to acquire and possess such
devices for the purposes of rental for use solely as props
for a motion picture, television, or video production or entertainment event.

(e) Shooting Ranges.

(1) A shooting range operator may deliver, sell, purchase, or possess a large capacity ammunition feeding device for the purpose of operating, using or storing the same on the shooting range owned or operated by the shooting range operator, including traveling to and from the shooting range for purposes of purchase, sale, repair, or valuation of the large capacity ammunition feeding device. The delivery or sale of a large capacity ammunition feeding device by a shooting range operator may only be to a person who may otherwise lawfully possess the device.

(2) Notwithstanding any provision of this Section to the contrary, a holder of a valid Firearm Owner's Identification Card may possess, operate and use a large capacity ammunition feeding device leased from a shooting range operator, while on the shooting range owned or operated by the shooting range operator. A shooting range operator may lease the use of a large capacity ammunition feeding device to a holder of a valid Firearm Owner's Identification Card for the purpose of operating or using the same on the shooting range owned or operated by the shooting range operator. A large capacity ammunition feeding device so leased may not be removed from the shooting range by the individual leasing the large capacity
ammunition feeding device.

(3) A shooting range operator must register any large capacity ammunition feeding devices owned as provided for under subsection (c). A shooting range operator may acquire large capacity ammunition feeding devices after January 1, 2014, and any large capacity ammunition feeding devices so acquired must also be registered as provided for under subsection (c).

(4) For purposes of this subsection:

(i) "Shooting range operator" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968, and who owns or operates a shooting range licensed under the Illinois Shooting Range Licensing Act.

(ii) "Shooting range" means a shooting range licensed under the Illinois Shooting Range Licensing Act.

(f) Sentence. A person who knowingly delivers, sells, purchases, or possesses or causes to be delivered, sold, purchased, or possessed, directly or indirectly, in violation of this Section a large capacity ammunition feeding device capable of holding more than 10 rounds of ammunition commits a Class 3 felony for a first violation and a Class 2 felony for a second or subsequent violation or for possession or delivery of 2 or more of these devices at the same time. Any other violation of this Section is a Class A misdemeanor.
Sec. 24-4.1. Report of lost or stolen large capacity ammunition feeding device.

(a) A person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a large capacity ammunition feeding device and thereafter loses or misplaces the large capacity ammunition feeding device, or the large capacity ammunition feeding device is stolen from the person, the person must report the loss or theft to the local law enforcement agency within 72 hours after obtaining knowledge of the loss or theft.

(b) Sentence. A person who violates this Section is guilty of a petty offense for a first violation. A second violation of this Section is a Class A misdemeanor. A third or subsequent violation of this Section is a Class 4 felony.

ARTICLE 9.

Section 9-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 9-99. Effective date. This Act takes effect January 1, 2014."