AMENDMENT TO HOUSE BILL 1263

AMENDMENT NO. ______. Amend House Bill 1263, AS AMENDED, 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" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 1-20. Firearms Owner's Identification Card.
(a) Only a holder of a 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

(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 24-1.9 and 24-4.1 as follows:

(720 ILCS 5/24-1.9 new)

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

(a) Definitions. In this Section:

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

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

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

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

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

(iv) Colt AR-15;

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

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

(vii) Steyr AUG;

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

and

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

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

(i) a folding or telescoping stock;

(ii) a pistol grip or thumbhole stock;

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

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

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

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

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

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

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

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

(C-2) a semi-automatic rifle or a pistol with the capacity to accept a detachable magazine, a muzzle brake, or muzzle compensator;

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

(i) a folding or telescoping stock;

(ii) a pistol grip or thumbhole stock;

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

(iv) an ability to accept a detachable magazine.

"Semi-automatic assault weapon" does not include:

(A) any firearm that:

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

(ii) is an unserviceable firearm or has been made permanently inoperable, as defined by 27 C.F.R. 478.11;

(iii) is an antique firearm; or

(iv) is a rifle with a fixed tubular magazine located under the barrel that is only capable of holding rounds of ammunition placed end to end;

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

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

(2) "Assault weapon attachment" means any device capable of being attached to a firearm that is specifically designed for, or when installed will have the effect of, making or converting a firearm into any of the firearms listed in paragraph (1) of subsection (a) of this Section.

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

(4) "50 caliber rifle" means a centerfire rifle capable of firing a .50 caliber cartridge. The term does not include any antique firearm as defined in 18 U.S.C. Section 921 (a)(16), any shotgun including a shotgun that has a rifle barrel, or any muzzle loading rifle or shotgun which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition.

(5) "50 caliber cartridge" means a cartridge in .50 BMG caliber, as defined by the North Atlantic Treaty Organization's Standardization Agreement 4383, either by designation or actual measurement, that is capable of being fired from a centerfire rifle. The term "50 caliber cartridge" does not include any memorabilia or display item that is filled with a permanent inert substance or that is
otherwise permanently altered in a manner that prevents ready modification for use as live ammunition or shotgun ammunition with a caliber measurement that is equal to or greater than .50 caliber.

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

(b) Except as provided in subsections (c) and (d), 90 days after January 1, 2014, it is unlawful for any person within this State to knowingly deliver, sell, purchase, or possess or cause to be delivered, sold, purchased, or possessed, directly or indirectly, a semi-automatic assault weapon, an assault weapon attachment, any .50 caliber rifle, or .50 caliber cartridge.

(c) This Section does not apply to a person who possessed a weapon or attachment 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 weapon or attachment only to an heir, an individual residing in another state maintaining that weapon 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 weapon or attachment, 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 weapons, attachments, or ammunition.

(5) The sale of weapons, attachments, or ammunition to persons authorized to possess those items under subdivisions (1) through (3) or subdivision (7) of this subsection.

(6) The manufacture, transportation, distribution, or
sale of weapons, attachments, or ammunition for sale or transfer in another state.

(7) The possession of any firearm if that firearm 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 firearm 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 firearm 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. For the purposes of this paragraph (7), "firearm" is defined in Section 1.1 of the Firearm Owners Identification Card Act.

(8) The possession of a semi-automatic assault weapon, an assault weapon attachment, a .50 caliber rifle, or a .50 caliber cartridge at events taking place at the World Shooting and Recreational Complex at Sparta, only while engaged in the legal use of the firearm or attachment, 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 semi-automatic assault weapon, an assault weapon attachment, a .50 caliber rifle, or a .50 caliber cartridge 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 semi-automatic assault weapons and .50 caliber rifles, or the weapons' respective attachments, to persons authorized or permitted, or both authorized and permitted to acquire and possess such weapons 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 semi-automatic assault weapon, or an assault weapon attachment, 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 semi-automatic assault weapon or assault weapon attachment. The delivery or sale of a semi-automatic assault weapon, or an assault weapon attachment, by a shooting range operator may only be to a person who may otherwise lawfully possess the semi-automatic assault weapon or assault weapon attachment.

(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 semi-automatic assault weapon or an assault weapon attachment 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 semi-automatic assault weapon, or an assault weapon attachment, 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 leased semi-automatic assault weapon or an assault weapon attachment may not be removed from the shooting range by the individual leasing the semi-automatic assault weapon or assault weapon attachment.

(3) A shooting range operator must register any semi-automatic assault weapons or assault weapon attachments owned as provided for under subsection (c). A
shooting range operator may acquire semi-automatic assault weapons or assault weapon attachments after January 1, 2014, and any semi-automatic assault weapons or assault weapon attachments 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.

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

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

(3) 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 .50 caliber rifle commits a Class 3 felony for a first violation and a Class 2 felony for a second or subsequent violation or for the possession or delivery of 2 or more of these weapons at the same time.

(4) 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 .50 caliber cartridge commits a Class A misdemeanor.

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

(720 ILCS 5/24-4.1 new)

Sec. 24-4.1. Report of lost or stolen semi-automatic assault weapons, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge.

(a-5) A person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a semi-automatic assault weapon, an assault weapon attachment, a .50 caliber rifle, or a .50 caliber cartridge and thereafter loses or misplaces the semi-automatic assault weapon, assault
weapon attachment, .50 caliber rifle, or .50 caliber cartridge
or the semi-automatic assault weapon, assault weapon
attachment, .50 caliber rifle, or .50 caliber cartridge 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.".