



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2789

by Rep. Laura Fine

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.9 new

Amends the Criminal Code of 2012. Provides that 90 days after the effective date of the amendatory Act, it is unlawful for any person within the State to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed a semi-automatic assault weapon, an assault weapon attachment, any .50 caliber rifle, or .50 caliber cartridge. Provides that these provisions do not apply to a person who possessed a prohibited weapon, device, or attachment before the effective date of the amendatory Act if the person has provided proof of ownership to the Department of State Police within 90 days after the effective date of the amendatory Act. Provides that on or after the effective date of the amendatory Act, the person may transfer the weapon or assault weapon attachment 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. Specifies penalties for violations. Provides exemptions. Effective immediately.

LRB099 05803 RLC 25847 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL 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 2012 is amended by adding  
5 Section 24-1.9 as follows:

6 (720 ILCS 5/24-1.9 new)

7 Sec. 24-1.9. Manufacture, possession, delivery, sale, and  
8 purchase of semi-automatic assault weapons, assault weapon  
9 attachments, .50 caliber rifles, and .50 caliber cartridges.

10 (a) Definitions. In this Section:

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

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

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

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

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

19 (iv) Colt AR-15;

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

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

23 (vii) Steyr AUG;

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2

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

3

and

4

(ix) any shotgun which contains its ammunition

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in a revolving cylinder, such as (but not limited

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to) the Street Sweeper and Striker 12;

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(B) a semi-automatic rifle that has an ability to

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accept a detachable magazine and has any of the

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following:

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(i) a folding or telescoping stock;

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(ii) a pistol grip or thumbhole stock;

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(iii) a shroud that is attached to, or

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partially or completely encircles the barrel, and

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that permits the shooter to hold the firearm with

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the non-trigger hand without being burned; or

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(iv) a fixed magazine that has the capacity to

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accept more than 10 rounds of ammunition;

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(C) a semi-automatic pistol that has an ability to

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accept a detachable magazine and has any of the

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following:

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(i) a folding, telescoping, or thumbhole

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stock;

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(ii) a shroud that is attached to, or partially

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or completely encircles the barrel, and that

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permits the shooter to hold the firearm with the

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non-trigger hand without being burned;

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

3           (iv) a fixed magazine that has the capacity to  
4 accept more than 10 rounds of ammunition;

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

7           (vi) a semi-automatic version of an automatic  
8 firearm;

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

11           (i) a folding or telescoping stock;

12           (ii) a pistol grip or thumbhole stock;

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

15           (iv) an ability to accept a detachable  
16 magazine.

17           "Semi-automatic assault weapon" does not  
18 include:

19           (A) any firearm that:

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

22           (ii) is an "unserviceable firearm" or has been  
23 made permanently inoperable; or

24           (iii) is an antique firearm;

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

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

6           (3) "Antique firearm" has the meaning ascribed to it in  
7           18 U.S.C. Section 921 (a) (16).

8           (4) ".50 caliber rifle" means a centerfire rifle  
9           capable of firing a .50 caliber cartridge. The term does  
10           not include any antique firearm as defined in 18 U.S.C.  
11           Section 921 (a) (16), any shotgun including a shotgun that  
12           has a rifle barrel, or a muzzle-loader used for "black  
13           powder" hunting or battle re-enactments.

14           (5) ".50 caliber cartridge" means a cartridge in .50  
15           BMG caliber, either by designation or actual measurement,  
16           that is capable of being fired from a centerfire rifle. The  
17           term ".50 caliber cartridge" does not include any  
18           memorabilia or display item that is filled with a permanent  
19           inert substance or that is otherwise permanently altered in  
20           a manner that prevents ready modification for use as live  
21           ammunition or shotgun ammunition with a caliber  
22           measurement that is equal to or greater than .50 caliber.

23           (b) Except as provided in subsections (c) and (d), 90 days  
24           after the effective date of this amendatory Act of the 99th  
25           General Assembly, it is unlawful for any person within this  
26           State to knowingly manufacture, deliver, sell, purchase, or

1 possess or cause to be manufactured, delivered, sold,  
2 purchased, or possessed, a semi-automatic assault weapon, an  
3 assault weapon attachment, any .50 caliber rifle, or .50  
4 caliber cartridge.

5 (c) This Section does not apply to a person who possessed a  
6 weapon or attachment prohibited by subsection (b) before the  
7 effective date of this amendatory Act of the 99th General  
8 Assembly, provided that the person has provided proof of  
9 ownership to the Department of State Police within 90 days  
10 after the effective date of this amendatory Act of the 99th  
11 General Assembly as required by law. On or after the effective  
12 date of this amendatory Act of the 99th General Assembly, the  
13 person may transfer the weapon or attachment only to an heir,  
14 an individual residing in another state maintaining that weapon  
15 in another state, or a dealer licensed as a federal firearms  
16 dealer under Section 923 of the federal Gun Control Act of  
17 1968.

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

20 (1) Peace officers as defined in Section 2-13 of this  
21 Code and retired peace officers not otherwise prohibited  
22 from receiving a firearm, in possession of a semi-automatic  
23 assault weapon, assault weapon attachment, or .50 caliber  
24 rifle transferred to the retired peace officer by his or  
25 her law enforcement agency upon retirement.

26 (2) Wardens, superintendents, and keepers of prisons,

1 penitentiaries, jails, and other institutions for the  
2 detention of persons accused or convicted of an offense.

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

7 (4) Manufacture, transportation, or sale of weapons,  
8 attachments, or ammunition to persons authorized under  
9 subdivisions (1) through (3) of this subsection to possess  
10 those items.

11 (5) Possession of a semi-automatic assault weapon, an  
12 assault weapon attachment, a .50 caliber rifle, or a .50  
13 caliber cartridge at events taking place at the World  
14 Shooting and Recreational Complex at Sparta, only while  
15 engaged in the legal use of the firearm or attachment, or  
16 while traveling to or from this location if the items are  
17 broken down in a non-functioning state, or are not  
18 immediately accessible, or are unloaded and enclosed in a  
19 case, firearm carrying box, shipping box, or other  
20 container.

21 (6) Possession of any firearm if that firearm is  
22 sanctioned by the International Olympic Committee and by  
23 USA Shooting, the national governing body for  
24 international shooting competition in the United States,  
25 but only when the firearm is in the actual possession of an  
26 Olympic target shooting competitor or target shooting

1 coach for the purpose of storage, transporting to and from  
2 Olympic target shooting practice or events if the firearm  
3 is broken down in a non-functioning state, is not  
4 immediately accessible, or is unloaded and enclosed in a  
5 case, firearm carrying box, shipping box, or other  
6 container, and when the Olympic target shooting competitor  
7 or target shooting coach is engaging in those practices or  
8 events.

9 (7) Possession of a semi-automatic assault weapon, an  
10 assault weapon attachment, a .50 caliber rifle, or a .50  
11 caliber cartridge only for a hunting use expressly  
12 permitted under the Wildlife Code, or while traveling to or  
13 from a location authorized for hunting use under the  
14 Wildlife Code if the items are broken down in a  
15 non-functioning state, or are not immediately accessible,  
16 or are unloaded and enclosed in a case, firearm carrying  
17 box, shipping box, or other container.

18 (8) Manufacture, transportation, possession, sale, or  
19 rental of blank-firing semi-automatic assault weapons and  
20 .50 caliber rifles or the weapons respective attachments to  
21 persons authorized or permitted, or both authorized and  
22 permitted to acquire and possess the weapons for the  
23 purposes of rental for use solely as props for a motion  
24 picture, television, or video production or entertainment  
25 event.

26 (e) Sentence.

1           (1) A person who knowingly manufactures, delivers,  
2           sells, purchases, or possesses or causes to be  
3           manufactured, delivered, sold, purchased, or possessed a  
4           semi-automatic assault weapon in violation of this Section  
5           commits a Class 3 felony for a first violation and a Class  
6           2 felony for a second or subsequent violation or for the  
7           possession or delivery of 2 or more of these weapons at the  
8           same time.

9           (2) A person who knowingly manufactures, delivers,  
10           sells, purchases, or possesses or causes to be  
11           manufactured, delivered, sold, purchased, or possessed in  
12           violation of this Section an assault weapon attachment  
13           commits a Class 4 felony for a first violation and a Class  
14           3 felony for a second or subsequent violation.

15           (3) A person who knowingly manufactures, delivers,  
16           sells, purchases, or possesses or causes to be  
17           manufactured, delivered, sold, purchased, or possessed in  
18           violation of this Section a .50 caliber rifle commits a  
19           Class 3 felony for a first violation and a Class 2 felony  
20           for a second or subsequent violation or for the possession  
21           or delivery of 2 or more of these weapons at the same time.

22           (4) A person who knowingly manufactures, delivers,  
23           sells, purchases, or possesses or causes to be  
24           manufactured, delivered, sold, purchased, or possessed in  
25           violation of this Section a .50 caliber cartridge commits a  
26           Class A misdemeanor.

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.