

SB2510



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2510

Introduced 2/26/2021, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.9 new

Amends the Criminal Code of 2012. Makes it unlawful for any person to knowingly possess an assault weapon 300 days after the effective date of the amendatory Act, except possession of weapons registered with the Illinois State Police in the time provided. Provides exemptions and penalties. Effective immediately.

LRB102 12848 KMF 18191 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections 24-1.9 as follows:

6 (720 ILCS 5/24-1.9 new)

7 Sec. 24-1.9. Possession, delivery, sale, and purchase of
8 assault weapons.

9 (a) Definitions. In this Section:

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

12 (2) "Assault weapon" means:

13 (A) a semiautomatic rifle that has the capacity to
14 accept a large capacity magazine detachable or
15 otherwise and one or more of the following:

16 (i) only a pistol grip without a stock
17 attached;

18 (ii) any feature capable of functioning as a
19 protruding grip that can be held by the
20 non-trigger hand;

21 (iii) a folding, telescoping, or thumbhole
22 stock;

23 (iv) a shroud attached to the barrel, or that

1 partially or completely encircles the barrel,
2 allowing the bearer to hold the firearm with the
3 non-trigger hand without being burned, but
4 excluding a slide that encloses the barrel; or

5 (v) a muzzle brake or muzzle compensator;

6 (B) a semiautomatic pistol or any semi-automatic
7 rifle that has a fixed magazine, that has the capacity
8 to accept more than 10 rounds of ammunition;

9 (C) a semiautomatic pistol that has the capacity
10 to accept a detachable magazine and has one or more of
11 the following:

12 (i) any feature capable of functioning as a
13 protruding grip that can be held by the
14 non-trigger hand;

15 (ii) a folding, telescoping, or thumbhole
16 stock;

17 (iii) a shroud attached to the barrel, or that
18 partially or completely encircles the barrel,
19 allowing the bearer to hold the firearm with the
20 non-trigger hand without being burned, but
21 excluding a slide that encloses the barrel;

22 (iv) a muzzle brake or muzzle compensator; or

23 (v) the capacity to accept a detachable
24 magazine at some location outside of the pistol
25 grip;

26 (D) a semiautomatic shotgun that has one or more

1 of the following:

2 (i) only a pistol grip without a stock
3 attached;

4 (ii) any feature capable of functioning as a
5 protruding grip that can be held by the
6 non-trigger hand;

7 (iii) a folding, telescoping, or thumbhole
8 stock;

9 (iv) a fixed magazine capacity in excess of 5
10 rounds; or

11 (v) an ability to accept a detachable
12 magazine;

13 (E) any shotgun with a revolving cylinder; or

14 (F) a conversion kit, part or combination of
15 parts, from which an assault weapon can be assembled
16 if those parts are in the possession or under the
17 control of the same person.

18 "Assault weapon" includes, but is not limited to, the
19 assault weapon models identified as follows:

20 (i) the following rifles or copies or duplicates
21 of those rifles:

22 (I) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90,
23 Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;

24 (II) AR-10;

25 (III) AR-15, Bushmaster XM15, Armalite M15, or
26 Olympic Arms PCR;

- 1 (IV) AR70;
- 2 (V) Calico Liberty;
- 3 (VI) Dragunov SVD Sniper Rifle or Dragunov
- 4 SVU;
- 5 (VII) Fabrique National FN/FAL, FN/LAR, or
- 6 FNC;
- 7 (VIII) Hi-Point Carbine;
- 8 (IX) HK-91, HK-93, HK-94, or HK-PSG-1;
- 9 (X) Kel-Tec Sub Rifle;
- 10 (XI) Saiga;
- 11 (XII) SAR-8, SAR-4800;
- 12 (XIII) SKS with detachable magazine;
- 13 (XIV) SLG 95;
- 14 (XV) SLR 95 or 96;
- 15 (XVI) Steyr AUG;
- 16 (XVII) Sturm, Ruger Mini-14;
- 17 (XVIII) Tavor;
- 18 (XIX) Thompson 1927, Thompson M1, or Thompson
- 19 1927 Commando; or
- 20 (XX) Uzi, Galil and Uzi Sporter, Galil
- 21 Sporter, or Galil Sniper Rifle (Galatz).
- 22 (ii) the following pistols or copies or duplicates
- 23 of those pistols:
- 24 (I) Calico M-110;
- 25 (II) MAC-10, MAC-11, or MPA3;
- 26 (III) Olympic Arms OA;

1 (IV) TEC-9, TEC-DC9, TEC-22 Scorpion, or
2 AB-10; or

3 (V) Uzi.

4 (iii) The following shotguns or copies or
5 duplicates of those shotguns:

6 (I) Armscor 30 BG;

7 (II) SPAS 12 or LAW 12;

8 (III) Striker 12; or

9 (IV) Streetsweeper.

10 "Assault weapon" does not include any firearm that has
11 been made permanently inoperable, or satisfies the
12 definition of antique firearm, or weapons designed for
13 Olympic target shooting events.

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

19 (4) "Detachable magazine" means any ammunition feeding
20 device, the function of which is to deliver one or more
21 ammunition cartridges into the firing chamber, which can
22 be removed from the firearm without the use of any tool,
23 including a bullet or ammunition cartridge.

24 (5) "Locking mechanism" means secured by a device or
25 mechanism, other than the firearm safety, designed to
26 render a firearm temporarily inoperable; or a box or

1 container capable of containing the firearm and that can
2 be securely locked.

3 (6) "Muzzle brake" means a device attached to the
4 muzzle of a weapon that utilizes escaping gas to reduce
5 recoil.

6 (7) "Muzzle compensator" means a device attached to
7 the muzzle of a weapon that utilizes escaping gas to
8 control muzzle movement.

9 (b) The Illinois State Police shall take all steps
10 necessary to carry out the requirements of this Section within
11 180 days after the effective date of this amendatory Act of the
12 102nd General Assembly.

13 (c) Except as provided in subsections (d), (e), (f), and
14 (h) of this Section, it is unlawful for any person within this
15 State to knowingly deliver, sell, or purchase or cause to be
16 delivered, sold, or purchased or cause to be possessed by
17 another, an assault weapon or assault weapon attachment.

18 (d) Except as otherwise provided in subsections (e), (f),
19 and (h) of this Section, 300 days after the effective date of
20 this amendatory Act of the 102nd General Assembly, it is
21 unlawful for any person within this State to knowingly possess
22 an assault weapon.

23 (e) This Section does not apply to a person who possessed
24 an assault weapon before the effective date of this amendatory
25 Act of the 102nd General Assembly, provided the person has
26 provided in a registration affidavit, under oath or

1 affirmation and in the form and manner prescribed by the
2 Illinois State Police on or after 180 days after the effective
3 date of this amendatory Act of the 102nd General Assembly but
4 within 300 days after the effective date of this amendatory
5 Act of the 102nd General Assembly:

6 (1) his or her name;

7 (2) his or her date of birth;

8 (3) his or her Firearm Owner's Identification Card
9 number;

10 (4) the make, model, caliber, and serial number of the
11 weapon; and

12 (5) proof of a locking mechanism that properly fits
13 the weapon. The affidavit shall include a statement that
14 the weapon is owned by the person submitting the affidavit
15 and that he or she owns a locking mechanism for the weapon.

16 The affidavit form shall include the following statement
17 printed in bold type: "Warning: Entering false information on
18 this form is punishable as perjury under Section 32-2 of the
19 Criminal Code of 2012."

20 Beginning 300 days after the effective date of this
21 amendatory Act of the 102nd General Assembly, the person may
22 transfer the assault weapon only to an heir, an individual
23 residing in another state maintaining it in another state, or
24 a dealer licensed as a federal firearms dealer under Section
25 923 of the federal Gun Control Act of 1968. Within 10 days
26 after transfer of the weapon except to an heir, the person

1 shall notify the Illinois State Police of the name and address
2 of the transferee and comply with the requirements of
3 subsection (b) of Section 3 of the Firearm Owners
4 Identification Card Act. The person to whom the weapon is
5 transferred shall, within 60 days of the transfer, complete an
6 affidavit and pay the required registration fee under this
7 Section. A person to whom the weapon is transferred may
8 transfer it only as provided in this subsection.

9 (f) This Section does not apply to a peace officer who has
10 retired in good standing from a law enforcement agency of this
11 State and who possesses an assault weapon if the weapon was
12 lawfully possessed and acquired by the peace officer prior to
13 retirement and the retired peace officer within 30 days of
14 retirement registers the weapon with the Illinois State Police
15 and pays the required registration fee under this Section. The
16 retired peace officer shall comply with the transfer and
17 notification requirements in subsection (e).

18 (g) For the purpose of registration required under
19 subsections (e) and (f) of this Section, the Illinois State
20 Police shall assess a registration fee of \$25 per person to the
21 owner of an assault weapon. The fee shall be deposited into the
22 State Police Firearm Services Fund.

23 (h) This Section does not apply to or affect any of the
24 following:

25 (1) Peace officers.

26 (2) Acquisition and possession by a local law

1 enforcement agency for the purpose of equipping the
2 agency's peace officers.

3 (3) Wardens, superintendents, and keepers of prisons,
4 penitentiaries, jails, and other institutions for the
5 detention of persons accused or convicted of an offense.

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

10 (5) Any company that employs armed security officers
11 in this State at a nuclear energy, storage, weapons, or
12 development site or facility regulated by the federal
13 Nuclear Regulatory Commission and persons employed as an
14 armed security force member at a nuclear energy, storage,
15 weapons, or development site or facility regulated by the
16 federal Nuclear Regulatory Commission who have completed
17 the background screening and training mandated by the
18 rules and regulations of the federal Nuclear Regulatory
19 Commission and while in the performance of their official
20 duties.

21 (6) Manufacture, transportation, or sale of weapons,
22 attachments, or ammunition to persons authorized under
23 subdivisions (1) through (5) of this subsection (h) to
24 possess those items.

25 (7) Manufacture, transportation, or sale of weapons,
26 attachments, or ammunition for sale or transfer in another

1 state.

2 (8) Possession of any firearm if that firearm is
3 sanctioned by the International Olympic Committee and by
4 USA Shooting, the national governing body for
5 international shooting competition in the United States,
6 but only when the firearm is in the actual possession of an
7 Olympic target shooting competitor or target shooting
8 coach for the purpose of storage, transporting to and from
9 Olympic target shooting practice or events if the firearm
10 is broken down in a non-functioning state, is not
11 immediately accessible, or is unloaded and enclosed in a
12 firearm case, carrying box, shipping box, or other similar
13 portable container designed for the safe transportation of
14 firearms, and when the Olympic target shooting competitor
15 or target shooting coach is engaging in those practices or
16 events.

17 (9) Any non-resident who transports, within 24 hours,
18 a weapon for any lawful purpose from any place where he or
19 she may lawfully possess and carry that weapon to any
20 other place where he or she may lawfully possess and carry
21 that weapon if, during the transportation the weapon is
22 unloaded, and neither the weapon nor any ammunition being
23 transported is readily accessible or is directly
24 accessible from the passenger compartment of the
25 transporting vehicle. Provided that, in the case of a
26 vehicle without a compartment separate from the driver's

1 compartment the weapon or ammunition shall be contained in
2 a locked container other than the glove compartment or
3 console.

4 (10) Possession of a weapon at events taking place at
5 the World Shooting and Recreational Complex at Sparta,
6 only while engaged in the legal use of this weapon, or
7 while traveling to or from this location if the weapon is
8 broken down in a non-functioning state, or is not
9 immediately accessible, or is unloaded and enclosed in a
10 firearm case, carrying box, shipping box, or other similar
11 portable container designed for the safe transportation of
12 firearms.

13 (11) Possession of a weapon only for hunting use
14 expressly permitted under the Wildlife Code, or while
15 traveling to or from a location authorized for this
16 hunting use under the Wildlife Code if the weapon is
17 broken down in a non-functioning state, or is not
18 immediately accessible, or is unloaded and enclosed in a
19 firearm case, carrying box, shipping box, or other similar
20 portable container designed for the safe transportation of
21 firearms.

22 (12) The manufacture, transportation, possession,
23 sale, or rental of blank-firing assault weapons and the
24 weapon's respective attachments, to persons authorized or
25 permitted, or both authorized and permitted to acquire and
26 possess these weapons or attachments for the purpose of

1 rental for use solely as props for a motion picture,
2 television, or video production or entertainment event.

3 (i) Sentence.

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

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

17 (3) Any other violation of this Section is a Class A
18 misdemeanor.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.