



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1060

Introduced 2/4/2005, by Rep. Robin Kelly

SYNOPSIS AS INTRODUCED:

- 720 ILCS 5/Art. 24A heading new
- 720 ILCS 5/24A-1 new
- 720 ILCS 5/24A-5 new
- 720 ILCS 5/24A-10 new
- 720 ILCS 5/24A-15 new
- 720 ILCS 5/24A-20 new
- 720 ILCS 5/24A-25 new
- 720 ILCS 5/24A-30 new
- 720 ILCS 5/24A-35 new
- 720 ILCS 5/24A-40 new
- 720 ILCS 5/24A-45 new
- 720 ILCS 5/24A-50 new
- 720 ILCS 5/24A-55 new
- 720 ILCS 5/24A-60 new

Creates the Assault Weapons Control Law in the Criminal Code of 1961. Provides that any person who, within this State, manufactures or causes to be manufactured, distributes, transports, or imports into the State, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon is guilty of a Class 2 felony. Provides that any person who, within this State, possesses any assault weapon is guilty of a Class A misdemeanor. Provides that a first violation of these provisions is a petty offense punishable by a fine not exceeding \$500, if the person was found in possession of no more than 2 firearms and certain conditions are met. Permits the Director of State Police to obtain an order from the circuit court to have weapons that are prototypes or copies of the proscribed weapons to be declared assault weapons. Permits certain persons and entities to obtain a permit to possess or manufacture assault weapons.

LRB094 05851 RLC 35905 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 1961 is amended by adding
5 Article 24A as follows:

6 (720 ILCS 5/Art. 24A heading new)

7 ARTICLE 24A. ASSAULT WEAPONS CONTROL LAW

8 (720 ILCS 5/24A-1 new)

9 Sec. 24A-1. Short title. This Article may be cited as the
10 Assault Weapons Control Law.

11 (720 ILCS 5/24A-5 new)

12 Sec. 24A-5. Legislative intent. The General Assembly
13 hereby finds and declares that the proliferation and use of
14 assault weapons poses a threat to the health, safety, and
15 security of all citizens of this State. The General Assembly
16 has restricted the assault weapons specified in Section 24A-10
17 based upon finding that each firearm has such a high rate of
18 fire and capacity for firepower that its function as a
19 legitimate sports or recreational firearm is substantially
20 outweighed by the danger that it can be used to kill and injure
21 human beings. It is the intent of the General Assembly in
22 enacting this Article to place restrictions on the use of
23 assault weapons and to establish a registration and permit
24 procedure for their lawful sale and possession. It is not,
25 however, the intent of the General Assembly by this Article to
26 place restrictions on the use of those weapons that are
27 primarily designed and intended for hunting, target practice,
28 or other legitimate sports or recreational activities.

29 (720 ILCS 5/24A-10 new)

1 Sec. 24A-10. Assault weapon defined. As used in this
2 Article, "assault weapon" means the following designated
3 semiautomatic firearms:

4 (a) All of the following specified rifles:

5 (1) All AK series including, but not limited to, the
6 models identified as follows:

7 (A) Made in China AK, AKM, AKS, AK47, AK47S, 56,
8 56S, 84S, and 86S.

9 (B) Norinco 56, 56S, 84S, and 86S.

10 (C) Poly Technologies AKS and AK47.

11 (D) MAADI AK47 and ARM.

12 (2) UZI and Galil.

13 (3) Beretta AR-70.

14 (4) CETME Sporter.

15 (5) Colt AR-15 series.

16 (6) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR110 C.

17 (7) Fabrique Nationale FAL, LAR, FNC, 308 Match, and
18 Sporter.

19 (8) MAS 223.

20 (9) HK-91, HK-93, HK-94, and HK-PSG-1.

21 (10) The following MAC types:

22 (A) RPB Industries Inc. sM10 and sM11.

23 (B) SWD Incorporated M11.

24 (11) SKS with detachable magazine.

25 (12) SIG AMT, PE-57, SG 550, and SG 551.

26 (13) Springfield Armory BM59 and SAR-48.

27 (14) Sterling MK-6.

28 (15) Steyer AUG.

29 (16) Valmet M62S, M71S, and M78S.

30 (17) Armalite AR-180.

31 (18) Bushmaster Assault Rifle.

32 (19) Calico M-900.

33 (20) J&R ENG M-68.

34 (21) Weaver Arms Nighthawk.

35 (b) All of the following specified pistols:

36 (1) UZI.

1 (2) Encom MP-9 and MP-45.

2 (3) The following MAC types:

3 (A) RPB Industries Inc. sM10 and sM11.

4 (B) SWD Incorporated M-11.

5 (C) Advance Armament Inc. M-11.

6 (D) Military Armament Corp. Ingram M-11.

7 (4) Intratec TEC-9.

8 (5) Sites Spectre.

9 (6) Sterling MK-7.

10 (7) Calico M-950.

11 (8) Bushmaster Pistol.

12 (c) All of the following specified shotguns:

13 (1) Franchi SPAS 12 and LAW 12.

14 (2) Striker 12.

15 (3) The Streetsweeper type S/S Inc. SS/12.

16 (d) Any firearm declared by the court pursuant to Section
17 24A-20 to be an assault weapon that is specified as an assault
18 weapon in a list promulgated pursuant to Section 24A-20.

19 (e) The term "series" includes all other models that are
20 only variations, with minor differences, of those models listed
21 in subdivision (a), regardless of the manufacturer.

22 (720 ILCS 5/24A-15 new)

23 Sec. 24A-15. Additional weapons.

24 (a) Notwithstanding Section 24A-10, "assault weapon" also
25 means any of the following:

26 (1) A semiautomatic, centerfire rifle that has the
27 capacity to accept a detachable magazine and any one of the
28 following:

29 (A) A pistol grip that protrudes conspicuously
30 beneath the action of the weapon.

31 (B) A thumbhole stock.

32 (C) A folding or telescoping stock.

33 (D) A grenade launcher or flare launcher.

34 (E) A flash suppressor.

35 (F) A forward pistol grip.

1 (2) A semiautomatic, centerfire rifle that has a fixed
2 magazine with the capacity to accept more than 10 rounds.

3 (3) A semiautomatic, centerfire rifle that has an
4 overall length of less than 30 inches.

5 (4) A semiautomatic pistol that has the capacity to
6 accept a detachable magazine and any one of the following:

7 (A) A threaded barrel, capable of accepting a flash
8 suppressor, forward handgrip, or silencer.

9 (B) A second handgrip.

10 (C) A shroud that is attached to, or partially or
11 completely encircles, the barrel that allows the
12 bearer to fire the weapon without burning his or her
13 hand, except a slide that encloses the barrel.

14 (D) The capacity to accept a detachable magazine at
15 some location outside of the pistol grip.

16 (5) A semiautomatic pistol with a fixed magazine that
17 has the capacity to accept more than 10 rounds.

18 (6) A semiautomatic shotgun that has both of the
19 following:

20 (A) A folding or telescoping stock.

21 (B) A pistol grip that protrudes conspicuously
22 beneath the action of the weapon, thumbhole stock, or
23 vertical handgrip.

24 (7) A semiautomatic shotgun that has the ability to
25 accept a detachable magazine.

26 (8) Any shotgun with a revolving cylinder.

27 (b) The General Assembly finds a significant public purpose
28 in exempting pistols that are designed expressly for use in
29 Olympic target shooting events. Therefore, those pistols that
30 are sanctioned by the International Olympic Committee and by
31 USA Shooting, the national governing body for international
32 shooting competition in the United States, and that are used
33 for Olympic target shooting purposes at the time the act adding
34 this subdivision is enacted, and that would otherwise fall
35 within the definition of "assault weapon" pursuant to this
36 Section are exempt, as provided in subdivision (c).

1 (c) "Assault weapon" does not include either of the
2 following:

3 (1) Any antique firearm.

4 (2) Any of the following pistols, because they are
5 consistent with the significant public purpose expressed
6 in subdivision (b):

7 MANUFACTURER

8 MODEL

9 CALIBER

10 BENELLI

11 MP90

12 .22LR

13 BENELLI

14 MP90

15 .32 S&W LONG

16

17 BENELLI

18 MP95

19 .22LR

20

21 BENELLI

22 MP95

23 .32 S&W LONG

24

25 HAMMERLI

26 280

27 .22LR

28

29 HAMMERLI

30 280

31 .32 S&W LONG

32

33 HAMMERLI

- 1 SP20
- 2 .22LR
- 3
- 4 HAMMERLI
- 5 SP20
- 6 .32 S&W LONG
- 7
- 8 PARDINI
- 9 GPO
- 10 .22 SHORT
- 11
- 12 PARDINI
- 13 GP-SCHUMANN
- 14 .22 SHORT
- 15
- 16 PARDINI
- 17 HP
- 18 .32 S&W LONG
- 19
- 20 PARDINI
- 21 MP
- 22 .32 S&W LONG
- 23
- 24 PARDINI
- 25 SP
- 26 .22LR
- 27
- 28 PARDINI
- 29 SPE
- 30 .22LR
- 31
- 32 WALTHER
- 33 GSP
- 34 .22LR
- 35
- 36 WALTHER

1 GSP
2 .32 S&W LONG
3
4 WALTHER
5 OSP
6 .22 SHORT
7
8 WALTHER
9 OSP-2000
10 .22 SHORT

11 (3) The Department of State Police shall create a
12 program that is consistent with the purposes stated in
13 subdivision (b) to exempt new models of competitive pistols
14 that would otherwise fall within the definition of "assault
15 weapon" pursuant to this Section from being classified as
16 an assault weapon. The exempt competitive pistols may be
17 based on recommendations by USA Shooting consistent with
18 the regulations contained in the USA Shooting Official
19 Rules or may be based on the recommendation or rules of any
20 other organization that the Department deems relevant.

21 (d) The following definitions shall apply under this
22 Section:

23 (1) "Magazine" means any ammunition feeding device.

24 (2) "Capacity to accept more than 10 rounds" means
25 capable of accommodating more than 10 rounds, but shall not
26 be construed to include a feeding device that has been
27 permanently altered so that it cannot accommodate more than
28 10 rounds.

29 (3) "Antique firearm" means any firearm manufactured
30 prior to January 1, 1899.

31 (e) This Section is operative on January 1, 2006.

32 (720 ILCS 5/24A-20 new)

33 Sec. 24A-20. Court order declaring weapon an assault

1 weapon.

2 (a) Upon request by the Director of State Police filed in a
3 verified petition in a circuit court of a county with a
4 population of more than 1,000,000, the circuit court shall
5 issue a declaration of temporary suspension of the manufacture,
6 sale, distribution, transportation, or importation into the
7 State, or the giving or lending of a firearm alleged to be an
8 assault weapon within the meaning of Section 24A-10 because the
9 firearm is either of the following:

10 (1) Another model by the same manufacturer or a copy by
11 another manufacturer of an assault weapon listed in
12 subdivision (a), (b), or (c) of Section 24A-10 that is
13 identical to one of the assault weapons listed in those
14 subdivisions except for slight modifications or
15 enhancements including, but not limited to, a folding or
16 retractable stock; adjustable sight; case deflector for
17 left-handed shooters; shorter barrel; wooden, plastic or
18 metal stock; larger magazine size; different caliber
19 provided that the caliber exceeds .22 rimfire; or bayonet
20 mount. The court shall strictly construe this paragraph so
21 that a firearm which is merely similar in appearance but
22 not a prototype or copy cannot be found to be within the
23 meaning of this paragraph.

24 (2) A firearm first manufactured or sold to the general
25 public in Illinois on or after January 1, 2006, that has
26 been redesigned, renamed, or renumbered from one of the
27 firearms listed in subdivision (a), (b), or (c) of Section
28 24A-10, or that is manufactured or sold by another company
29 under a licensing agreement to manufacture or sell one of
30 the firearms listed in subdivision (a), (b), or (c) of
31 Section 24A-10, regardless of the company of production or
32 distribution, or the country of origin.

33 (b) Upon the issuance of a declaration of temporary
34 suspension by the circuit court and after the Director of State
35 Police has completed the notice requirements of subdivisions
36 (c) and (d), the provisions of subdivision (a) of Section

1 24A-25 apply with respect to those weapons.

2 (c) Upon declaration of temporary suspension, the Director
3 of State Police shall immediately notify all police, sheriffs,
4 State's Attorneys, and those requesting notice pursuant to
5 subdivision (d), and inform industry and association
6 publications for those who manufacture, sell, or use firearms,
7 and shall publish notice in not less than 10 newspapers of
8 general circulation in geographically diverse sections of the
9 State of the fact that the declaration has been issued.

10 (d) The Director of State Police shall maintain a list of
11 any persons who request to receive notice of any declaration of
12 temporary suspension and shall furnish notice under
13 subdivision (c) to all these persons immediately upon a circuit
14 court declaration. Notice shall also be furnished by the
15 Director of State Police by certified mail, return receipt
16 requested (or substantial equivalent if the person who is to
17 receive the notice resides outside the United States), to any
18 known manufacturer and Illinois distributor of the weapon which
19 is the subject of the temporary suspension order or their
20 Illinois statutory agent for service. The notice shall be
21 deemed effective upon mailing.

22 (e) After issuing a declaration of temporary suspension
23 under this Section, the circuit court shall set a date for
24 hearing on a permanent declaration that the weapon is an
25 assault weapon. The hearing shall be set no later than 30 days
26 from the date of issuance of the declaration of temporary
27 suspension. The hearing may be continued for good cause
28 thereafter. Any manufacturer or Illinois distributor of the
29 weapon that is the subject of the temporary suspension order
30 has the right, within 20 days of notification of the issuance
31 of the order, to intervene in the action. Any manufacturer or
32 Illinois distributor who fails to timely exercise its right of
33 intervention, or any other person who manufacturers, sells, or
34 owns the assault weapon may, in the court's discretion,
35 thereafter join the action as amicus curiae.

36 (f) At the hearing, the burden of proof is upon the

1 Director of State Police to show by a preponderance of evidence
2 that the weapon which is the subject of the declaration of
3 temporary suspension is an assault weapon. If the court finds
4 the weapon to be an assault weapon, it shall issue a
5 declaration that it is an assault weapon under Section 24A-10.
6 Any party to the matter may appeal the court's decision. A
7 declaration that the weapon is an assault weapon remains in
8 effect during the pendency of the appeal unless ordered
9 otherwise by the Appellate Court.

10 (g) The Director of State Police shall prepare a
11 description for identification purposes, including a picture
12 or diagram, of each assault weapon listed in Section 24A-10,
13 and any firearm declared to be an assault weapon pursuant to
14 this Section, and shall distribute the description to all law
15 enforcement agencies responsible for enforcement of this
16 Article. Those law enforcement agencies shall make the
17 description available to all agency personnel.

18 (h) The Director of State Police shall promulgate a list
19 that specifies all firearms designated as assault weapons in
20 Section 24A-10 or declared to be assault weapons pursuant to
21 this Section. The Director of State Police shall file that list
22 with the Secretary of State for publication in the Illinois
23 Register. Any declaration that a specified firearm is an
24 assault weapon shall be implemented by the Director of State
25 Police who, within 90 days, shall promulgate an amended list
26 which shall include the specified firearm declared to be an
27 assault weapon. The Director of State Police shall file the
28 amended list with the Secretary of State for publication in the
29 Illinois Register.

30 (i) The Director of State Police shall adopt those rules
31 that may be necessary or proper to carry out the purposes and
32 intent of this Article.

33 (720 ILCS 5/24A-25 new)

34 Sec. 24A-25. Violations.

35 (a) (1) Any person who, within this State, manufactures or

1 causes to be manufactured, distributes, transports, or imports
2 into the State, keeps for sale, or offers or exposes for sale,
3 or who gives or lends any assault weapon, except as provided by
4 this Article, is guilty of a Class 2 felony.

5 (2) In addition and consecutive to the punishment imposed
6 under paragraph (1), any person who transfers, lends, sells, or
7 gives any assault weapon to a minor in violation of paragraph
8 (1) shall receive an additional term of imprisonment of one
9 year.

10 (b) Any person who, within this State, possesses any
11 assault weapon, except as provided in this Article, is guilty
12 of a Class A misdemeanor. However, a first violation of these
13 provisions is a petty offense punishable by a fine not
14 exceeding \$500, if the person was found in possession of no
15 more than 2 firearms in compliance with subdivision (c) of
16 Section 24A-30 and the person meets all of the following
17 conditions:

18 (1) The person proves that he or she lawfully possessed
19 the assault weapon prior to the date it was defined as an
20 assault weapon pursuant to Section 24A-10, 24A-15, or
21 24A-20.

22 (2) The person has not previously been convicted of a
23 violation of this Section.

24 (3) The person was found to be in possession of the
25 assault weapon within one year following the end of the
26 one-year registration period established pursuant to
27 subdivision (a) of Section 24A-30.

28 (4) The person relinquished the firearm pursuant to
29 Section 24A-40, in which case the assault weapon shall be
30 destroyed pursuant to Section 24-6.

31 (c) A person who has registered an assault weapon under
32 this Section may possess it only under any of the following:

33 (1) At that person's residence, place of business, or
34 other property owned by that person, or on property owned
35 by another with the owner's express permission.

36 (2) While on the premises of a target range of a public

1 or private club or organization organized for the purpose
2 of practicing shooting at targets.

3 (3) While on a target range that holds a regulatory or
4 business license for the purpose of practicing shooting at
5 that target range.

6 (4) While on the premises of a shooting club approved
7 by the Department of State Police.

8 (5) While attending any exhibition, display, or
9 educational project which is about firearms and which is
10 sponsored by, conducted under the auspices of, or approved
11 by a law enforcement agency or a nationally or state
12 recognized entity that fosters proficiency in, or promotes
13 education about, firearms.

14 (6) While on publicly owned land if the possession and
15 use of a firearm described in this Article is specifically
16 permitted by the managing agency of the land.

17 (7) While transporting the assault weapon between any
18 of the places mentioned in this subdivision, or to any
19 licensed gun dealer for servicing or repair pursuant to
20 subdivision (b) of Section 24A-60, if the assault weapon is
21 transported broken down in a nonfunctioning state or is
22 immediately inaccessible.

23 (d) Notwithstanding any other provision of law, any person
24 who commits another crime while violating this Section may
25 receive an additional, consecutive punishment of one year for
26 violating this Section, in addition and consecutive to the
27 punishment, including enhancements, which is prescribed for
28 the other crime.

29 (e) Subdivisions (a), (b), and (c) do not apply to the sale
30 to, purchase by, importation of, or possession of assault
31 weapons by the Department of State Police, police departments,
32 sheriffs' offices, the Department of Corrections, State's
33 Attorneys' offices, Department of Natural Resources, or the
34 military or naval forces of this State or of the United States,
35 or any federal law enforcement agency for use in the discharge
36 of their official duties.

1 (f) (1) Subdivisions (b) and (c) do not prohibit the
2 possession or use of assault weapons by sworn peace officer
3 members of those agencies specified in subdivision (e) for law
4 enforcement purposes, whether on or off duty.

5 (2) Subdivisions (a), (b), and (c) do not prohibit the
6 delivery, transfer, or sale of an assault weapon to, or the
7 possession of an assault weapon by, a sworn peace officer
8 member of an agency specified in subdivision (e); provided that
9 the peace officer is authorized by his or her employer to
10 possess or receive the assault weapon. Required authorization
11 is defined as verifiable written certification from the head of
12 the agency, identifying the recipient or possessor of the
13 assault weapon as a peace officer and authorizing him or her to
14 receive or possess the specific assault weapon. For this
15 exemption to apply, in the case of a peace officer who
16 possesses or receives the assault weapon prior to the effective
17 date of this amendatory Act of the 94th General Assembly, the
18 officer shall register the assault weapon pursuant to Section
19 24A-30 on or before April 1, 2006; in the case of a peace
20 officer who possesses or receives the assault weapon on or
21 after January 1, 2006, the officer shall register the assault
22 weapon pursuant to Section 24A-30 not later than 90 days after
23 possession or receipt.

24 (3) Nothing in this Section shall be construed to limit or
25 prohibit the delivery, transfer, or sale of an assault weapon
26 to, or the possession of an assault weapon by, a member of a
27 federal law enforcement agency provided that person is
28 authorized by the employing agency to possess the assault
29 weapon.

30 (g) Subdivision (b) does not apply to the possession of an
31 assault weapon during the 90-day period immediately after the
32 date it was specified as an assault weapon pursuant to Section
33 24A-20, or during the one-year period after the date it was
34 defined as an assault weapon pursuant to Section 24A-15, if all
35 of the following are applicable:

36 (1) The person is eligible under this Article to

1 register the particular assault weapon.

2 (2) The person lawfully possessed the particular
3 assault weapon prior to the date it was specified as an
4 assault weapon pursuant to Section 24A-20, or prior to the
5 date it was defined as an assault weapon pursuant to
6 Section 24A-15.

7 (3) The person is otherwise in compliance with this
8 Article.

9 (h) Subdivisions (a), (b), and (c) do not apply to the
10 manufacture by persons who are issued permits pursuant to
11 Section 24A-35 of assault weapons for sale to the following:

12 (1) Exempt entities listed in subdivision (e).

13 (2) Entities and persons who have been issued permits
14 pursuant to Section 24A-30 or 24A-35.

15 (3) Entities outside the state who have, in effect, a
16 federal firearms dealer's license solely for the purpose of
17 distribution to an entity listed in paragraphs (4) to (6),
18 inclusive.

19 (4) Federal military and law enforcement agencies.

20 (5) Law enforcement and military agencies of other
21 states.

22 (6) Foreign governments and agencies approved by the
23 United States State Department.

24 (i) Subdivision (a) does not apply to a person who is the
25 executor or administrator of an estate that includes an assault
26 weapon registered under Section 24A-30 or that was possessed
27 pursuant to paragraph (1) of subdivision (f) which is disposed
28 of as authorized by the circuit court, if the disposition is
29 otherwise permitted by this Article.

30 (j) Subdivisions (b) and (c) do not apply to a person who
31 is the executor or administrator of an estate that includes an
32 assault weapon registered under Section 24A-30 or that was
33 possessed pursuant to paragraph (1) of subdivision (f), if the
34 assault weapon is possessed at a place set forth in paragraph
35 (1) of subdivision (c) of this Section or as authorized by the
36 circuit court.

1 (k) Subdivision (a) does not apply to:

2 (1) A person who lawfully possesses and has registered
3 an assault weapon pursuant to this Article who lends that
4 assault weapon to another if all the following apply:

5 (A) The person to whom the assault weapon is lent
6 is 18 years of age or over and is not in a class of
7 persons prohibited from possessing firearms by virtue
8 of Sections 4 and 8 of the Firearm Owners
9 Identification Card Act. The person to whom the assault
10 weapon was lent remains in the presence of the
11 registered possessor of the assault weapon.

12 (B) The assault weapon is possessed at any of the
13 following locations:

14 (i) While on a target range that holds a
15 regulatory or business license for the purpose of
16 practicing shooting at that target range.

17 (ii) While on the premises of a target range of
18 a public or private club or organization organized
19 for the purpose of practicing shooting at targets.

20 (iii) While attending any exhibition, display,
21 or educational project that is about firearms and
22 that is sponsored by, conducted under the auspices
23 of, or approved by a law enforcement agency or a
24 nationally or state recognized entity that fosters
25 proficiency in, or promotes education about,
26 firearms.

27 (2) The return of an assault weapon to the registered
28 possessor, or lawful possessor, which is lent by the same
29 pursuant to paragraph (1).

30 (l) Subdivisions (b) and (c) do not apply to the possession
31 of an assault weapon by a person to whom an assault weapon is
32 lent pursuant to subdivision (k).

33 (m) Subdivisions (a), and (b), and (c) do not apply to the
34 possession and importation of an assault weapon into this State
35 by a nonresident if all of the following conditions are met:

36 (1) The person is attending or going directly to or

1 coming directly from an organized competitive match or
2 league competition that involves the use of an assault
3 weapon.

4 (2) The competition or match is conducted on the
5 premises of one of the following:

6 (A) A target range that holds a regulatory or
7 business license for the purpose of practicing
8 shooting at that target range.

9 (B) A target range of a public or private club or
10 organization that is organized for the purpose of
11 practicing shooting at targets.

12 (3) The match or competition is sponsored by, conducted
13 under the auspices of, or approved by, a law enforcement
14 agency or a nationally or state recognized entity that
15 fosters proficiency in, or promotes education about,
16 firearms.

17 (4) During transportation, the assault weapon is
18 broken down in a nonfunctioning state or is not immediately
19 accessible.

20 (5) The person is 18 years of age or over and is not in
21 a class of persons prohibited from possessing firearms by
22 virtue of Section 4 or 8 of the Firearm Owners
23 Identification Card Act.

24 (n) Subdivisions (b) and (c) do not apply to any of the
25 following persons:

26 (1) A person acting in accordance with Section 24A-35.

27 (2) A person who has a permit to possess an assault
28 weapon issued pursuant to Section 24A-35 when he or she is
29 acting in accordance with Section 24A-30 or 24A-35.

30 (o) Subdivisions (a), (b), and (c) do not apply to any of
31 the following persons:

32 (1) A person acting in accordance with Section 24A-30.

33 (2) A person acting in accordance with Section 24A-35
34 or 24A-60.

35 (p) Subdivisions (b) and (c) do not apply to the registered
36 owner of an assault weapon possessing that firearm in

1 accordance with subdivision (c) of this Section.

2 (g) Subdivision (a) does not apply to the importation into
3 this State of an assault weapon by the registered owner of that
4 assault weapon, if it is in accordance with the provisions of
5 subdivision (c) of this Section.

6 (r) As used in this Article, the date a firearm is "an
7 assault weapon" is the earliest of the following:

8 (1) The effective date of an amendment to Section
9 24A-10 that adds the designation of the specified firearm.

10 (2) The effective date of the list promulgated pursuant
11 to Section 24A-20 that adds or changes the designation of
12 the specified firearm.

13 (3) The operative date of Section 24A-15, as specified
14 in subdivision (e) of that Section.

15 (720 ILCS 5/24A-30 new)

16 Sec. 24A-30. Permits. Any person who lawfully acquired an
17 assault weapon before the effective date of this amendatory Act
18 of the 94th General Assembly and wishes to use it in a manner
19 different than specified in subdivision (c) of Section 24A-25,
20 who lawfully acquired an assault weapon between the effective
21 date of this amendatory Act of the 94th General Assembly and
22 January 1, 2007, and wishes to keep it after January 1, 2007,
23 or who wishes to acquire an assault weapon after January 1,
24 2007 shall first obtain a permit from the Department of State
25 Police in the same manner as specified in this Article.

26 (720 ILCS 5/24A-35 new)

27 Sec. 24A-35. Entities that may obtain permits.

28 (a) The Department of State Police may, upon a finding of
29 good cause, issue permits for the manufacture or sale of
30 assault weapons for the sale to, purchase by, or possession of
31 assault weapons by, any of the following:

32 (1) The agencies listed in subdivision (e) of Section
33 24A-25, and the officers described in subdivision (f) of
34 Section 24A-25.

1 (2) Entities and persons who have been issued permits
2 pursuant to this Section or Section 24A-30.

3 (3) Entities outside the state who have, in effect, a
4 federal firearms dealer's license solely for the purpose of
5 distribution to an entity listed in paragraphs (4) to (6),
6 inclusive.

7 (4) Federal law enforcement and military agencies.

8 (5) Law enforcement and military agencies of other
9 states.

10 (6) Foreign governments and agencies approved by the
11 United States State Department.

12 (b) Application for the permits, the keeping and inspection
13 of those permits, and the revocation of permits shall be
14 undertaken in the same manner as specified in the Firearm
15 Owners Identification Card Act for the issuance of Firearm
16 Owner's Identification Cards.

17 (720 ILCS 5/24A-40 new)

18 Sec. 24A-40. Relinquishment of assault weapons. Any
19 individual may arrange in advance to relinquish an assault
20 weapon to a police or sheriff's department. The assault weapon
21 shall be transported broken down in a nonfunctioning State and
22 not immediately accessible.

23 (720 ILCS 5/24A-45 new)

24 Sec. 24A-45. Broadcast of permit holders.

25 (a) No peace officer or dispatcher shall broadcast over a
26 police radio that an individual has registered, or has obtained
27 a permit to posses, an assault weapon pursuant to this Article,
28 unless there exists a reason to believe in good faith that one
29 of the following conditions shall exist:

30 (1) The individual has engaged, or may be engaged, in
31 criminal conduct.

32 (2) The police responding to a call in which the person
33 allegedly committing a criminal violation may gain access
34 to the assault weapon.

1 (3) The victim, witness, or person who reported the
2 alleged criminal violation may be using the assault weapon
3 to hold the person allegedly committing the criminal
4 violation or may be using the weapon in defense of himself,
5 herself, or other persons.

6 (b) This Section does not prohibit a peace officer or
7 dispatcher from broadcasting over a police radio that an
8 individual has not registered, or has not obtained a permit to
9 possess, an assault weapon pursuant to this Article.

10 (c) This Section does not limit the transmission of an
11 assault weapon ownership status via law enforcement computers
12 or any other medium that is legally accessible only to peace
13 officers or other authorized personnel.

14
15 (720 ILCS 5/24A-50 new)

16 Sec. 24A-50. Public education program.

17 (a) The Department of State Police shall conduct a public
18 education and notification program regarding the registration
19 of assault weapons and the definition of the weapons set forth
20 in Section 24A-15. The public education and notification
21 program shall include outreach to local law enforcement
22 agencies and utilization of public service announcements in a
23 variety of media approaches, to ensure maximum publicity of the
24 limited forgiveness period of the registration requirement
25 specified in subdivision (f) of Section 24A-25 and the
26 consequences of nonregistration. The Department shall develop
27 posters describing gunowners' responsibilities under this
28 Article which shall be posted in a conspicuous place in every
29 licensed gun store in the state during the forgiveness period.

30 (b) Any costs incurred by the Department of State Police to
31 implement this Section which cannot be absorbed by the
32 Department shall be funded upon appropriation by the General
33 Assembly.

34 (720 ILCS 5/24A-55 new)

1 Sec. 24A-55. Inspections.

2 (a) Except as provided in subdivision (b) the Department of
3 State Police shall, for every person, firm, or corporation to
4 whom a permit is issued pursuant to this Article, annually
5 conduct an inspection for security and safe storage purposes,
6 and to reconcile the inventory of assault weapons.

7 (b) A person, firm, or corporation with an inventory of
8 fewer than five devices that require any Department of State
9 Police permit shall be subject to an inspection for security
10 and safe storage purposes, and to reconcile inventory, once
11 every 5 years, or more frequently if determined by the
12 Department.

13 (720 ILCS 5/24A-60 new)

14 Sec. 24A-60. Licensed gun dealers.

15 (a) Any licensed gun dealer, as defined in subdivision (c),
16 who lawfully possesses an assault weapon pursuant to Section
17 24A-30, in addition to the uses allowed in Section 24A-30, may
18 transport the firearm between dealers or out of the state if
19 that person is permitted pursuant to the National Firearms Act,
20 display it at any gun show licensed by a State or local
21 governmental entity, sell it to a resident outside the State,
22 or sell it to a person who has been issued a permit pursuant to
23 Section 24A-35. Any transporting allowed by this Section must
24 be broken down in a nonfunctioning state and not immediately
25 accessible.

26 (b) (1) Any licensed gun dealer, as defined in subdivision
27 (c), may take possession of any assault weapon for the purposes
28 of servicing or repair from any person to whom it is legally
29 registered or who has been issued a permit to possess it
30 pursuant to this Article.

31 (2) Any licensed gun dealer, as defined in subdivision (c),
32 may transfer possession of any assault weapon received pursuant
33 to paragraph (1), to a gunsmith for purposes of accomplishing
34 service or repair of the same. Transfers are permissible only
35 to the following persons:

1 (A) A gunsmith who is in the dealer's employ.

2 (B) A gunsmith with whom the dealer has contracted for
3 gunsmithing services. In order for this subparagraph to
4 apply, the gunsmith receiving the assault weapon shall hold
5 all of the following:

6 (i) A dealer's license issued pursuant to Article
7 44 (commencing with Section 921) of Title 18 of the
8 United States Code and the regulations issued pursuant
9 to that Article.

10 (ii) Any business license required by a State or
11 local governmental entity.

12 (c) The term "licensed gun dealer", as used in this
13 Article, means a person who is licensed as a firearm dealer
14 pursuant to Title 18 U.S.C., Section 923 and who has a permit
15 to sell assault weapons.