



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB4357

by Rep. Edward J. Acevedo

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.8 new  
720 ILCS 5/24-1.9 new

Amends the Criminal Code of 1961. Provides that 90 days after the effective date of this amendatory Act, it is unlawful for any person within this 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 beginning 90 days after the effective date of this amendatory Act, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed a large capacity ammunition feeding device. Provides that these provisions do not apply to a person who possessed a prohibited weapon, device, or attachment before the effective date of this amendatory Act if the person has provided proof of ownership to the Department of State Police within 90 days after the effective date of this amendatory Act. Provides that on or after the effective date of this amendatory Act, such person may transfer such 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. Specifies penalties for violations. Provides exemptions. Provides that the provisions of the Act are severable. Effective immediately.

LRB095 15180 RLC 41160 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 Sections 24-1.8 and 24-1.9 as follows:

6 (720 ILCS 5/24-1.8 new)

7 Sec. 24-1.8. 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;

11

(ii) a pistol grip or thumbhole stock;

12

(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

16

(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:

21

(i) a folding, telescoping, or thumbhole

22

stock;

23

(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

26

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

18           (A) any firearm that:

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

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

23           (iii) is an antique firearm;

24           (B) any air rifle as defined in Section 1 of the  
25 Air Rifle Act.

26           (2) "Assault weapon attachment" means any device

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

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

7 (4) ".50 caliber rifle" means a centerfire rifle  
8 capable of firing a .50 caliber cartridge. The term does  
9 not include any antique firearm as defined in 18 U.S.C.  
10 Section 921 (a) (16), any shotgun including a shotgun that  
11 has a rifle barrel, or a muzzle-loader used for "black  
12 powder" hunting or battle re-enactments.

13 (5) ".50 caliber cartridge" means a cartridge in .50  
14 BMG caliber, either by designation or actual measurement,  
15 that is capable of being fired from a centerfire rifle. The  
16 term ".50 caliber cartridge" does not include any  
17 memorabilia or display item that is filled with a permanent  
18 inert substance or that is otherwise permanently altered in  
19 a manner that prevents ready modification for use as live  
20 ammunition or shotgun ammunition with a caliber  
21 measurement that is equal to or greater than .50 caliber.

22 (b) Except as provided in subsections (c) and (d), 90 days  
23 after the effective date of this amendatory Act of the 95th  
24 General Assembly, it is unlawful for any person within this  
25 State to knowingly manufacture, deliver, sell, purchase, or  
26 possess or cause to be manufactured, delivered, sold,

1 purchased, or possessed, a semi-automatic assault weapon, an  
2 assault weapon attachment, any .50 caliber rifle, or .50  
3 caliber cartridge.

4 (c) This Section does not apply to a person who possessed a  
5 weapon or attachment prohibited by subsection (b) before the  
6 effective date of this amendatory Act of the 95th General  
7 Assembly, provided that the person has provided proof of  
8 ownership to the Department of State Police within 90 days  
9 after the effective date of this amendatory Act of the 95th  
10 General Assembly as required by law. On or after the effective  
11 date of this amendatory Act of the 95th General Assembly, such  
12 person may transfer such weapon or attachment only to an heir,  
13 an individual residing in another state maintaining that weapon  
14 in another state, or a dealer licensed as a federal firearms  
15 dealer under Section 923 of the federal Gun Control Act of  
16 1968.

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

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

25 (2) Wardens, superintendents, and keepers of prisons,  
26 penitentiaries, jails, and other institutions for the

1 detention of persons accused or convicted of an offense.

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

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

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

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

1 Olympic target shooting practice or events if the firearm  
2 is broken down in a non-functioning state, is not  
3 immediately accessible, or is unloaded and enclosed in a  
4 case, firearm carrying box, shipping box, or other  
5 container, and when the Olympic target shooting competitor  
6 or target shooting coach is engaging in those practices or  
7 events. For the purposes of this paragraph (6), "firearm"  
8 is defined in Section 1.1 of the Firearm Owners  
9 Identification Card Act.

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

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



1       (e) Sentence.

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

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

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

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

1 Class A misdemeanor.

2 (720 ILCS 5/24-1.9 new)

3 Sec. 24-1.9. Manufacture, possession, delivery, sale, and  
4 purchase of large capacity ammunition feeding devices.

5 (a) As used in this Section:

6 "Large capacity ammunition feeding device" means:

7 (1) a magazine, belt, drum, feed strip, or similar  
8 device that has a capacity of, or that can be readily  
9 restored or converted to accept, more than 10 rounds of  
10 ammunition; or

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

13 "Large capacity ammunition feeding device" does not  
14 include an attached tubular device designed to accept, and  
15 capable of operating only with, .22 caliber rimfire ammunition  
16 or any device that has been made permanently inoperable.

17 (b) Except as provided in subsections (c) and (d), it is  
18 unlawful for any person within this State, beginning 90 days  
19 after the effective date of this amendatory Act of the 95th  
20 General Assembly, to knowingly manufacture, deliver, sell,  
21 purchase, or possess or cause to be manufactured, delivered,  
22 sold, purchased, or possessed, a large capacity ammunition  
23 feeding device.

24 (c) This Section does not apply to a person who possessed a  
25 device prohibited by subsection (b) before the effective date

1 of this amendatory Act of the 95th General Assembly, provided  
2 that the person has provided proof of ownership to the  
3 Department of State Police within 90 days after the effective  
4 date of this amendatory Act of the 95th General Assembly as  
5 required by law. On or after the effective date of this  
6 amendatory Act of the 95th General Assembly, such person may  
7 transfer such device only to an heir, an individual residing in  
8 another state maintaining that device in another state, or a  
9 dealer licensed as a federal firearms dealer under Section 923  
10 of the federal Gun Control Act of 1968.

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

13 (1) Peace officers as defined in Section 2-13 of this  
14 Code and retired peace officers not otherwise prohibited  
15 from receiving a firearm, in possession of a large capacity  
16 ammunition feeding device transferred to the retired peace  
17 officer by his or her law enforcement agency upon  
18 retirement.

19 (2) Wardens, superintendents, and keepers of prisons,  
20 penitentiaries, jails, and other institutions for the  
21 detention of persons accused or convicted of an offense.

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

26 (4) Manufacture, transportation, or sale of large

1 capacity ammunition feeding devices to persons authorized  
2 under subdivisions (1) through (3) of this subsection to  
3 possess those items.

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

12 (6) Possession of any large capacity ammunition  
13 feeding device if that large capacity ammunition feeding  
14 device is sanctioned by the International Olympic  
15 Committee and by USA Shooting, the national governing body  
16 for international shooting competition in the United  
17 States, but only when the large capacity ammunition feeding  
18 device is in the actual possession of an Olympic target  
19 shooting competitor or target shooting coach for the  
20 purpose of storage, transporting to and from Olympic target  
21 shooting practice or events if the device is broken down in  
22 a non-functioning state, is not immediately accessible, or  
23 is unloaded and enclosed in a case, firearm carrying box,  
24 shipping box, or other container, and when the Olympic  
25 target shooting competitor or target shooting coach is  
26 engaging in those practices or events.

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

9           (e) Sentence. A person who knowingly manufactures,  
10          delivers, sells, purchases, or possesses or causes to be  
11          manufactured, delivered, sold, purchased, or possessed in  
12          violation of this Section a large capacity ammunition feeding  
13          device capable of holding more than 17 rounds of ammunition  
14          commits a Class 3 felony for a first violation and a Class 2  
15          felony for a second or subsequent violation or for possession  
16          or delivery of 2 or more of these devices at the same time. A  
17          person who knowingly manufactures, delivers, sells, purchases,  
18          or possesses or causes to be manufactured, delivered, sold,  
19          purchased, or possessed in violation of this Section a large  
20          capacity ammunition feeding device capable of holding more than  
21          10 rounds but not more than 17 rounds of ammunition commits a  
22          Class 4 felony for a first violation and a Class 3 felony for a  
23          second or subsequent violation or for possession or delivery of  
24          more than one of these devices at the same time.

25           Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

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