AMENDMENT TO SENATE BILL 2899

AMENDMENT NO. ______. Amend Senate Bill 2899 by replacing everything after the enacting clause with the following:

"Section 2. The State Police Act is amended by adding Section 24 as follows:

(20 ILCS 2610/24 new)

Sec. 24. Assault weapons and large ammunition feeding device registration eligibility verification system vendor contract.

(a) For the purposes of this Section, "Department" means the Department of State Police.

(b) Because of the urgent need to protect the public safety from firearm violence, the Department shall enter into a contract or contracts with one or more third-party entities to provide the services as set forth in subsection (c) of this Section. Any of these procurements by the Department to perform..."
functions related to this Section shall be deemed to be emergency procurements necessary to prevent or minimize serious disruption in critical State services that affect public safety. The procurement of this contract or contracts shall be conducted in accordance with the emergency purchase provisions prescribed in Section 20-30 of the Illinois Procurement Code. However, the term of these emergency contracts shall not be limited to 90 days but may be for an initial term of up to 2 years. In addition, any emergency contracts may be subject to 2 one-year renewals. In procuring any emergency contract or contracts, (i) the State Procurement Officer at the request of the Agency Procurement Officer for the Department shall cause to be posted to the Illinois Procurement Bulletin the Department's intent to procure, a description of the anticipated contract objectives, and the duties and responsibilities of any third-party entity; (ii) the Department may invite an interested third-party entity or entities to one or more meetings to discuss the procurement, the contents thereof, and the scope of the procurement, and to answer questions; (iii) the interested third-party entity or entities shall be invited to submit their solutions in writing; (iv) the Department shall select the third-party entity or entities whose solutions best fit the Department's needs and shall enter into negotiations with one or more to settle on final duties and responsibilities and the price for the final contract or contracts; and (v) the Department may cause any
award to be posted to the Illinois Procurement Bulletin. The provisions prescribed in paragraph (1) of subsection (e) of Section 50-10.5 of the Illinois Procurement Code and prescribed in Section 50-39 of the Illinois Procurement Code do not apply to any emergency purchases procured under this Section or under Section 20-30 of the Illinois Procurement Code. Participation by any third-party entity in the procurement activities authorized under this Section shall not constitute pre-solicitation assistance under paragraph (2) of subsection (e) of Section 50-10.5 of the Illinois Procurement Code or under the Illinois Administrative Code. Notwithstanding any other provision of the Illinois Procurement Code to the contrary, any amendments to any contract or contracts that the Department determines are necessary to implement this Section shall be deemed to be within the scope of the emergency purchases allowed under this Section and under Section 20-30 of the Illinois Procurement Code, and shall not be deemed a material amendment for which a new procurement is required.

(c) No later than 60 days after the effective date of this amendatory Act of the 97th General Assembly, the Agency Procurement Officer for the Department shall conduct and complete any procurement necessary to procure a vendor to create, implement, and administer a registration eligibility verification system for semi-automatic assault weapons, assault weapon attachments, .50 caliber rifles, .50 caliber cartridges, and large capacity ammunition feeding devices as
provided in Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 and as required by the Department. The registration eligibility verification system must ensure the firearms and devices are registered to persons with valid Firearm Owner's Identification cards whom may lawfully possess the weapons or devices. Notwithstanding any other provision of the Illinois Procurement Code to the contrary:

(1) The procurement may include procurement of a vendor to assist the Agency Procurement Officer in conducting the procurement.

(2) The Chief Procurement Officer for General Services shall cooperate with and provide any assistance necessary and requested by the Department's Agency Procurement Officer to conduct the procurement.

(3) The Agency Procurement Officer for the Department shall negotiate final contract terms with a vendor selected by the Department and within 30 days of selection of an registration eligibility verification vendor, the Department shall enter into a contract with the selected vendor.

(d) The Department of State Police shall adopt any rules necessary to implement this Section.

Section 5. The Criminal Code of 2012 is amended by adding Sections 24-1.9, 24-1.10, and 24-4.1 as follows:
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; or

(iii) is an antique firearm;

(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 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 a muzzle-loader used for "black powder" hunting or battle re-enactments.

(5) ".50 caliber cartridge" means a cartridge in .50 BMG caliber, 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.

(a-5) The Department of State Police shall take all steps necessary to carry out the requirements of this Section within 150 days after the effective date of this amendatory Act of the 97th General Assembly.
(b) Except as provided in subsections (c), (c-2), and (d), on or after the effective date of this amendatory Act of the 97th General Assembly, it is unlawful for any person within this State to knowingly deliver, sell, or purchase or cause to be delivered, sold, or purchased or cause to be possessed by another, a semi-automatic assault weapon, an assault weapon attachment, any .50 caliber rifle, or .50 caliber cartridge.

(b-5) Except as otherwise provided in subsections (c), (c-2), and (d), 240 days after the effective date of this amendatory Act of the 97th General Assembly, it is unlawful for any person within this State to knowingly possess 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-5) before the effective date of this amendatory Act of the 97th General Assembly, provided that the person has provided in an affidavit, under oath or affirmation and in the form and manner prescribed by the Department of State Police, his or her name, date of birth, Firearm Owners Identification Card Number, and the weapon's or attachment's make, model, caliber, and serial number, on or after 150 days after the effective date of this amendatory Act of the 97th General Assembly but within 240 days after the effective date of this amendatory Act of the 97th General Assembly. The affidavit shall include a statement that the weapon or attachment is owned by the person submitting the
affidavit. Each affidavit form shall include the following statement printed in bold type: "Warning: Entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012.". Beginning 240 days after the effective date of this amendatory Act of the 97th General Assembly, 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 person to whom the weapon or attachment is transferred shall, within 60 days of the transfer, complete an affidavit and pay the required registration fee as set forth in this Section. A person to whom the weapon or attachment is transferred may transfer the weapon or attachment only as provided in this subsection.

(c-2) This Section does not apply to a peace officer who has retired in good standing from a law enforcement agency of this State and who possesses a weapon or attachment prohibited by subsection (b-5), if the weapon or attachment was lawfully possessed and acquired by the peace officer prior to retirement and the retired peace officer within 10 days of retirement registers the weapon or attachment with the Department of State Police.
Police and pays the required registration fee as provided in this Section. The retired peace officer shall comply with the transfer and notification requirements provided in subsection (c).

(c-5) For the purpose of registration required under subsections (c) and (c-2), the Department of State Police shall charge a registration fee of $10 per person to the owner of a semi-automatic assault weapon and $15 per person to the owner of a .50 caliber rifle. The fees shall be deposited into the LEADS Maintenance Fund.

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

(5) Manufacture, transportation, or sale of weapons,
attachments, or ammunition for sale or transfer in another
state.

(6) 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 (6), "firearm"
is defined in Section 1.1 of the Firearm Owners
Identification Card Act.

(7) Any non-resident who transports, within 24 hours, a
semi-automatic assault weapon for any lawful purpose from
any place where he or she may lawfully possess and carry
that weapon to any other place where he or she may lawfully
possess and carry that weapon if, during the transportation
the weapon is unloaded, and neither the weapon nor any
ammunition being transported is readily accessible or is
directly accessible from the passenger compartment of the
transporting vehicle. Provided that, in the case of a vehicle without a compartment separate from the driver's compartment the weapon or ammunition shall be contained in a locked container other than the glove compartment or console.

(e) Sentence.

(1) A person who knowingly delivers, sells, purchases, or possesses or causes to be delivered, sold, purchased, or possessed 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 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 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 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 5/24-1.10 new)

Sec. 24-1.10. Possession, delivery, sale, and purchase of large capacity ammunition feeding devices.

(a) As used in this Section:

"Large capacity ammunition feeding device" means:

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

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

"Large capacity ammunition feeding device" does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition. "Large capacity ammunition feeding device" does not include a tubular magazine that is contained in a lever-action firearm or any device that has been made permanently inoperable.

(a-5) The Department of State Police shall take all steps necessary to carry out the requirements of this Section within 150 days after the effective date of this amendatory Act of the
97th General Assembly.

(b) Except as provided in subsections (c), (c-2), and (d), on or after the effective date of this amendatory Act of the 97th General Assembly, it is unlawful for any person within this State to knowingly deliver, sell, or purchase or cause to be delivered, sold, or purchased or cause to be possessed by another, a large capacity ammunition feeding device.

(b-5) Except as otherwise provided in subsections (c), (c-2), and (d), 240 days after the effective date of this amendatory Act of the 97th General Assembly, it is unlawful for any person within this State to knowingly possess a large capacity ammunition feeding device.

(c) This Section does not apply to a person who possessed a device prohibited by subsection (b-5) before the effective date of this amendatory Act of the 97th General Assembly, provided that the person has provided in an affidavit, under oath or affirmation and in the form and manner prescribed by the Department of State Police, his or her name, date of birth, Firearm Owners Identification Card Number, and the device's make, model, caliber, and serial number, on or after 150 days after the effective date of this amendatory Act of the 97th General Assembly but within 240 days after the effective date of this amendatory Act of the 97th General Assembly. The affidavit shall include a statement that the device is owned by the person submitting the affidavit. Each affidavit form shall include the following statement printed in bold type: "Warning:
Entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012.

Beginning 240 days after the effective date of this amendatory Act of the 97th General Assembly, the person may transfer the 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 under Section 923 of the federal Gun Control Act of 1968. Within 10 days after transfer of the device, 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 person to whom the device is transferred shall, within 60 days of the transfer, complete an affidavit and pay the required registration fee as set forth in this Section. A person to whom the device is transferred may transfer the device only as provided in this subsection.

(c-2) This Section does not apply to a peace officer who has retired in good standing from a law enforcement agency of this State and who possesses a device prohibited by subsection (b-5), if the device was lawfully possessed and acquired by the peace officer prior to retirement and the retired peace officer within 10 days of retirement registers the device with the Department of State Police and pays the required registration fee as provided in this Section. The retired peace officer shall comply with the transfer and notification requirements provided in subsection (c).
(c-5) For the purpose of registration required under subsections (c) and (c-2), the Department of State Police shall charge a registration fee of $5 for each large capacity ammunition feeding device. The fees shall be deposited into the LEADS Maintenance Fund.

(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. Manufacture, transportation, or sale of large capacity ammunition feeding devices to persons authorized under subdivisions (1) through (3) of this subsection to possess those items.

5. Manufacture, transportation, or sale of large capacity ammunition feeding devices for sale or transfer in another state.

6. Possession of any large capacity ammunition feeding device if that large capacity ammunition feeding device 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 large capacity ammunition feeding device 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 device 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.

(7) Any non-resident who transports, within 24 hours, a large capacity ammunition feeding device for any lawful purpose from any place where he or she may lawfully possess and carry that device to any other place where he or she may lawfully possess and carry that device if, during the transportation the device is unattached to a firearm, and the device is not readily accessible nor is directly accessible from the passenger compartment of the transporting vehicle. Provided that, in the case of a vehicle without a compartment separate from the driver's compartment the device shall be contained in a locked container other than the glove compartment or console.

(e) Sentence. A person who knowingly delivers, sells, purchases, or possesses or causes to be delivered, sold,
purchased, or possessed in violation of this Section a large
capacity ammunition feeding device capable of holding more than
10 rounds of ammunition commits a Class 3 felony for a first
violation and a Class 2 felony for a second or subsequent
violation or for possession or delivery of 2 or more of these
devices at the same time. 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 attachments, .50 caliber
rifles, .50 caliber cartridges, and large capacity ammunition
feeding devices.

(a) A person who possesses a valid Firearm Owner's
Identification Card and who possesses or acquires a
semi-automatic assault weapon, assault weapon attachment, .50
caliber rifle, .50 caliber cartridge, or large capacity
ammunition feeding device and thereafter loses or misplaces the
semi-automatic assault weapon, assault weapon attachment, .50
caliber rifle, .50 caliber cartridge, or large capacity
ammunition feeding device, or the semi-automatic assault
weapon, assault weapon attachment, .50 caliber rifle, .50
caliber cartridge, or large capacity ammunition feeding device
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) For the purposes of this Section:

"Assault weapon attachment" has the meaning ascribed to it in Section 24-1.9 of this Code.

".50 caliber rifle" has the meaning ascribed to it in Section 24-1.9 of this Code.

".50 caliber cartridge" has the meaning ascribed to it in Section 24-1.9 of this Code.

"Large capacity ammunition feeding device" has the meaning ascribed to it in Section 24-1.10 of this Code.

"Semi-automatic assault weapon" has the meaning ascribed to it in Section 24-1.9 of this Code.

(c) Sentence. A person who violates this Section is guilty of a petty offense for a first violation. A second or subsequent violation of this Section is a Class A misdemeanor.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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