

1 AN ACT in relation to 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  
5 adding Section 24-1.7 as follows:

6 (720 ILCS 5/24-1.7 new)

7 Sec. 24-1.7. Manufacture, possession, and delivery of  
8 semiautomatic assault weapons, large capacity ammunition  
9 feeding devices, and assault weapon attachments.

10 (a) The General Assembly finds that the high rate of  
11 fire and capacity for firepower of semiautomatic assault  
12 weapons, assault weapon attachments, and large capacity  
13 ammunition feeding devices pose a significant threat to the  
14 health, safety, and welfare of the citizens of this State,  
15 that the use of these weapons, devices, or attachments for  
16 sport or recreation is substantially outweighed by the danger  
17 these weapons or devices present to human life, and that  
18 restrictions should therefore be placed on the manufacture,  
19 delivery, and possession of these weapons, devices, and  
20 attachments.

21 (b) Definitions. In this Section:

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

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

25 (i) Norinco, Mitchell, and Poly  
26 Technologies Avtomat Kalashnikovs (all models);

27 (ii) Action Arms Israeli Military  
28 Industries UZI and Galil;

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

30 (iv) Colt AR-15;

31 (v) Fabrique Nationale FN/FAL, FN/LAR,

1 and FNC;

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

3 (vii) Steyr AUG;

4 (viii) INTRATEC TEC-9, TEC-DC9 and

5 TEC-22; and

6 (ix) any shotgun which contains its  
7 ammunition in a revolving cylinder, such as

8 (but not limited to) the Street Sweeper and  
9 Striker 12;

10 (x) any firearm having a caliber of 50 or  
11 greater;

12 (B) a semiautomatic rifle that has an ability to  
13 accept a detachable magazine and has:

14 (i) a folding or telescoping stock;

15 (ii) a pistol grip that protrudes  
16 conspicuously beneath the action of the weapon;

17 (iii) a bayonet mount;

18 (iv) a flash suppressor or barrel having a  
19 threaded muzzle; and

20 (v) a grenade launcher;

21 (C) a semi-automatic pistol that has an ability to  
22 accept a detachable magazine and has:

23 (i) an ammunition magazine that attaches to  
24 the pistol outside of the pistol grip;

25 (ii) a barrel having a threaded muzzle;

26 (iii) a shroud that is attached to, or  
27 partially or completely encircles the barrel, and  
28 that permits the shooter to hold the firearm with  
29 the non-trigger hand without being burned;

30 (iv) a manufactured weight of 50 ounces or  
31 more when the pistol is unloaded; and

32 (v) a semiautomatic version of an automatic  
33 firearm; and

34 (D) a semiautomatic shotgun that has:

1           (i) a folding or telescoping stock;

2           (ii) a pistol grip that protrudes  
3 conspicuously beneath the action of the weapon;

4           (iii) a fixed magazine capacity in excess of 5  
5 rounds; and

6           (iv) an ability to accept a detachable  
7 magazine.

8 "Semiautomatic assault weapon" does not include:

9           (A) any firearm that:

10           (i) is manually operated by bolt, pump, lever  
11 or slide action;

12           (ii) is an "unserviceable firearm" or has been  
13 made permanently inoperable; or

14           (iii) is an antique firearm; or

15           (B) any semiautomatic rifle that cannot accept a  
16 detachable magazine that holds more than 5 rounds of  
17 ammunition; or

18           (C) any semiautomatic shotgun that cannot hold more  
19 than 5 rounds of ammunition in a fixed or detachable  
20 magazine.

21 (2)(A) "Large capacity ammunition feeding device" means:

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

26           (ii) any combination of parts from which a  
27 device described in subparagraph (i) can be  
28 assembled.

29           (B) "Large capacity ammunition feeding device" does  
30 not include an attached tubular device designed to  
31 accept, and capable of operating only with, .22 caliber  
32 rimfire ammunition or any device that has been made  
33 permanently inoperable.

34 (3) "Assault weapon attachment" means any device capable

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

4 (4) "Antique firearm" means:

5 (A) any firearm, including any firearm with a  
6 matchlock, flintlock, percussion cap or similar type of  
7 ignition system, manufactured in or before 1898, and

8 (B) any replica of any firearm described in  
9 subparagraph (A) if the replica:

10 (i) is not designed or redesigned for using  
11 rimfire or conventional centerfire fixed ammunition;  
12 or

13 (ii) uses rimfire or conventional centerfire  
14 ammunition that is no longer manufactured in the  
15 United States and that is not readily available in  
16 the ordinary channels of commercial trade; or

17 (C) any firearm (other than a machine gun), which,  
18 although designed as a weapon, the Department of State  
19 Police finds by reason of the date of its manufacture,  
20 value, design and other characteristics is primarily a  
21 collector's item and is not likely to be used as a  
22 weapon.

23 (c) Except as provided in subsection (e), 90 days after  
24 the effective date of this amendatory Act of the 92nd General  
25 Assembly, it is unlawful for any person within this State, to  
26 knowingly manufacture, deliver, or possess or cause to be  
27 manufactured, delivered, or possessed, a semiautomatic  
28 assault weapon, a large capacity ammunition feeding device,  
29 or an assault weapon attachment.

30 (d) Any person who knowingly possesses a semiautomatic  
31 assault weapon, large capacity ammunition feeding device, or  
32 assault weapon attachment must, within 90 days after the  
33 effective date of this amendatory Act of the 92nd General  
34 Assembly, destroy the weapon or device, render it permanently

1 inoperable, relinquish it to a law enforcement agency, or  
2 remove it from this State.

3 (e) A person has an affirmative defense to an alleged  
4 violation of subsection (c) of this Section if he or she  
5 lawfully possessed or delivered the semiautomatic assault  
6 weapon, large capacity ammunition feeding device, or assault  
7 weapon attachment while in the performance of his or her  
8 official duties as a peace officer, correctional institution  
9 employee or official, or member of the Armed Services or  
10 Reserve Forces of the United States, or of the Illinois  
11 National Guard.

12 (f) Sentence.

13 (1) A person who manufactures, possesses, or  
14 delivers a semiautomatic assault weapon in violation of  
15 this Section commits a Class 3 felony for a first  
16 violation and a Class 2 felony for a second or subsequent  
17 violation or for the possession or delivery of 2 or more  
18 of these weapons at the same time.

19 (2) A person who possesses or delivers in violation  
20 of this Section a large capacity ammunition feeding  
21 device capable of holding more than 17 rounds of  
22 ammunition commits a Class 3 felony for a first violation  
23 and a Class 2 felony for a second or subsequent violation  
24 or for possession or delivery of 2 or more of these  
25 devices at the same time.

26 (3) A person who possesses or delivers in violation  
27 of this Section a large capacity ammunition feeding  
28 device capable of holding more than 10 rounds but not  
29 more than 17 rounds of ammunition commits a Class 4  
30 felony for a first violation and a Class 3 felony for a  
31 second or subsequent violation or for possession or  
32 delivery of more than one of these devices at the same  
33 time.

34 (4) A person who possesses or delivers in violation

1 of this Section an assault weapon attachment commits a  
2 Class 4 felony for a first violation and a Class 3 felony  
3 for a second or subsequent violation.