

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;

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; or

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

12 (B) a semiautomatic rifle that has an ability
13 to accept a detachable magazine and has any of the
14 following:

15 (i) a folding or telescoping stock;

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

18 (iii) a bayonet mount;

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

21 (v) a grenade launcher; or

22 (C) a semi-automatic pistol that has an
23 ability to accept a detachable magazine and has any
24 of the following:

25 (i) an ammunition magazine that attaches
26 to the pistol outside of the pistol grip;

27 (ii) a barrel having a threaded muzzle;

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

33 (iv) a manufactured weight of 50 ounces
34 or more when the pistol is unloaded; or

1 (v) a semiautomatic version of an
2 automatic firearm; or

3 (D) a semiautomatic shotgun that has any of
4 the following:

5 (i) a folding or telescoping stock;

6 (ii) a pistol grip that protrudes
7 conspicuously beneath the action of the weapon;

8 (iii) a fixed magazine capacity in excess
9 of 5 rounds; or

10 (iv) an ability to accept a detachable
11 magazine.

12 "Semiautomatic assault weapon" does not include:

13 (A) any firearm that:

14 (i) is manually operated by bolt, pump,
15 lever or slide action;

16 (ii) is an "unserviceable firearm" or has
17 been made permanently inoperable; or

18 (iii) is an antique firearm; or

19 (B) any semiautomatic rifle that cannot accept
20 a detachable magazine that holds more than 5 rounds
21 of ammunition; or

22 (C) any semiautomatic shotgun that cannot hold
23 more than 5 rounds of ammunition in a fixed or
24 detachable magazine.

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

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

31 (ii) any combination of parts from which
32 a device described in subparagraph (i) can be
33 assembled.

34 (B) "Large capacity ammunition feeding device"

1 does not include an attached tubular device designed
2 to accept, and capable of operating only with, .22
3 caliber rimfire ammunition or any device that has
4 been made permanently inoperable.

5 (3) "Assault weapon attachment" means any device
6 capable of being attached to a firearm that is
7 specifically designed for making or converting a firearm
8 into any of the firearms listed in paragraph (1) of
9 subsection (b) of this Section.

10 (4) "Antique firearm" means:

11 (A) any firearm, including any firearm with a
12 6 matchlock, flintlock, percussion cap or similar
13 type of ignition system, manufactured in or before
14 1898, or

15 (B) any replica of any firearm described in
16 subparagraph (A) if the replica:

17 (i) is not designed or redesigned for
18 using rimfire or conventional centerfire fixed
19 ammunition; or

20 (ii) uses rimfire or conventional
21 centerfire ammunition that is no longer
22 manufactured in the United States and that is
23 not readily available in the ordinary channels
24 of commercial trade; or

25 (C) any firearm (other than a machine gun),
26 which, although designed as a weapon, the Department
27 of State Police finds by reason of the date of its
28 manufacture, value, design, and other
29 characteristics is primarily a collector's item and
30 is not likely to be used as a weapon.

31 (c) Except as provided in subsections (e) and (f),
32 beginning 90 days after the effective date of this amendatory
33 Act of the 92nd General Assembly, it is unlawful for any
34 person within this State, to knowingly manufacture, deliver,

1 or possess or cause to be manufactured, delivered, or
2 possessed, a semiautomatic assault weapon, a large capacity
3 ammunition feeding device, or an assault weapon attachment.

4 (d) Except as provided otherwise in subsection (e), any
5 person who knowingly possesses a semiautomatic assault
6 weapon, large capacity ammunition feeding device, or assault
7 weapon attachment must, within 90 days after the effective
8 date of this amendatory Act of the 92nd General Assembly,
9 destroy the weapon or device, render it permanently
10 inoperable, relinquish it to a law enforcement agency, or
11 remove it from this State.

12 (e) Any person who lawfully possessed a semiautomatic
13 assault weapon, large capacity ammunition feeding device, or
14 assault weapon attachment may, within 90 days after the
15 effective date of this amendatory Act of the 92nd General
16 Assembly, register the weapon or device with the Department
17 of State Police pursuant to rules promulgated by that
18 Department. The registration shall contain a description of
19 the weapon or device that identifies it uniquely, including
20 all identification marks, the full name, address, date of
21 birth, and thumbprint of the owner, and any other information
22 that the Department may deem appropriate. The Department may
23 charge a fee for registration not to exceed the actual
24 processing costs of the Department. A weapon or device
25 properly registered under this Section may be possessed by
26 the person who registered the weapon or device, or by any
27 person who receives ownership of the weapon or device
28 pursuant to an order of a court in a probate proceeding and
29 who registers the weapon or device with the Department within
30 30 days after the court order becomes effective. No
31 registered weapon or device may be possessed by any other
32 person or delivered or transferred to any person within this
33 State in any manner other than pursuant to court order in a
34 probate proceeding. Nothing in this Section authorizes the

1 possession, delivery, or transfer of a weapon or device in
2 violation of any other law or in violation of any ordinance.

3 (f) A person has an affirmative defense to an alleged
4 violation of subsection (c) of this Section if (i) he or she
5 otherwise lawfully possessed or delivered the semiautomatic
6 assault weapon, large capacity ammunition feeding device, or
7 assault weapon attachment while in the performance of his or
8 her official duties as a peace officer, correctional
9 institution employee or official, or member of the Armed
10 Services or Reserve Forces of the United States, or of the
11 Illinois National Guard, or (ii) he or she is engaged in the
12 manufacture of such weapon or device exclusively for such use
13 pursuant to a contract or subcontract with a governmental
14 body.

15 (g) Sentence.

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

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

29 (3) A person who possesses or delivers in violation
30 of this Section a large capacity ammunition feeding
31 device capable of holding more than 10 rounds but not
32 more than 17 rounds of ammunition commits a Class 4
33 felony for a first violation and a Class 3 felony for a
34 second or subsequent violation or for possession or

1 delivery of more than one of these devices at the same
2 time.

3 (4) A person who possesses or delivers in violation
4 of this Section an assault weapon attachment commits a
5 Class 4 felony for a first violation and a Class 3 felony
6 for a second or subsequent violation.