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Filed: 1/2/2013

09700HB1263sam005

LRB097 07183 JWD 73033 a

1 AMENDMENT TO HOUSE BILL 1263

2 AMENDMENT NO. _____. Amend House Bill 1263, AS AMENDED, as
3 follows:

4 immediately above the enacting clause, by inserting the
5 following:

6 "WHEREAS, the United States Supreme Court, in its decision
7 in District of Columbia v. Heller (No. 07-290), found that the
8 Second Amendment to the United States Constitution protects an
9 individual right to possess a firearm, and to use that firearm
10 for traditionally lawful purposes, including self-defense; and

11 WHEREAS, in that same decision, the United States Supreme
12 Court also found that the individual right to possess and use a
13 firearm was not unlimited, that the government has the ability
14 to regulate the possession and use of firearms, and that this
15 right "does not protect those weapons not typically possessed

1 by law abiding citizens for lawful purposes", and that the
2 government may ban entirely "dangerous and unusual weapons";
3 and

4 WHEREAS, the United States Supreme Court, in its decision
5 in McDonald v. City of Chicago (No. 08-1521), found that its
6 holding in the Heller case applied to the States, reiterating
7 its findings regarding the validity of the regulation of the
8 individual right to possess and use a firearm, and noting
9 expressly that such incorporation of the holding in the Heller
10 case via the Fourteenth Amendment to the United States
11 Constitution "does not imperil every law regulating firearms";
12 therefore"; and

13 by replacing everything after the enacting clause with the
14 following:

15 "ARTICLE 1. ILLINOIS SHOOTING RANGE LICENSING ACT

16 Section 1-1. Short title. This Act shall be known as the
17 Illinois Shooting Range Licensing Act.

18 Section 1-5. Definitions.

19 "Department" means the Department of State Police.

20 "Director" means the Director of State Police.

21 "Firearm" has the meaning provided in Section 1.1 of the

1 Firearm Owners Identification Card Act.

2 "Range safety officer" means a person who possesses the
3 knowledge, skills, and aptitude essential to organizing,
4 conducting and supervising safe shooting range activities, and
5 who is certified under the National Rifle Association's Range
6 Safety Officer Program or other equivalent
7 nationally-recognized range safety officer certification.

8 "Shooting range" means a specialized facility designed for
9 firearms practice.

10 "Shooting range activities" means target shooting and any
11 other activities conducted at a shooting range involving the
12 discharge or other use of firearms.

13 "Shooting range operator" means a person who is licensed as
14 a federal firearms dealer under Section 923 of the federal Gun
15 Control Act of 1968, and who owns or operates a shooting range
16 licensed by the Department under this Act.

17 Section 1-10. Shooting ranges and shooting range
18 operators.

19 (a) Beginning on January 1, 2014, no person may own or
20 operate a shooting range that is open to the public unless that
21 shooting range has been issued a license by the Director under
22 this Act.

23 (b) The Department shall license shooting ranges and shall
24 promulgate rules regarding the standards for the ownership,
25 safety, and operation of shooting ranges licensed under this

1 Act, which at a minimum shall require that at all shooting
2 range activities conducted at a licensed shooting range by
3 persons other than the shooting range operator, or his or her
4 immediate family, shall be carried out under the supervision of
5 a range safety officer. The Department shall create standards
6 for both indoor and outdoor shooting ranges, which shall
7 include, at a minimum, the space required for each type of
8 shooting range, and the nature and composition of the backstop,
9 bullet trap, or berm required for each type of shooting range.
10 The Department may develop standards for indoor and outdoor
11 shooting ranges that include maximum caliber ratings and
12 whether magnum and other high-powered bullets can be safely
13 fired into a given backstop, bullet trap, or berm. The
14 Department shall promulgate any other rules it may deem
15 necessary to carry out the provisions of this Act, including
16 the establishment of fees charged and collected for licensing
17 and the duration of licenses issued under this Act.

18 Section 1-15. Judicial review of final administrative
19 decisions. All final administrative decisions of the
20 Department under this Act, including final administrative
21 decisions of the Director of State Police to deny an
22 application for licensure for a shooting range, or to revoke
23 the license of a shooting range, shall be subject to judicial
24 review under the provisions of the Administrative Review Law,
25 and all amendments and modifications thereof, and the rules

1 adopted pursuant thereto. The term "administrative decision"
2 is defined as in Section 3-101 of the Code of Civil Procedure.

3 Section 1-20. Firearms Owner's Identification Card.

4 (a) Only a holder of a valid Firearm Owner's Identification
5 Card may discharge a firearm on a shooting range licensed under
6 this Act.

7 (b) No shooting range operator shall permit an individual
8 to discharge a firearm on a shooting range licensed under this
9 Act, until that individual shall have first displayed a valid
10 Firearm Owner's Identification Card to the shooting range
11 operator or to the range safety officer.

12 Section 1-25. Exemptions. This Act shall not apply to a
13 shooting range that is:

14 (a) Located on private land that is not open to the public.

15 (b) Located on land owned by clubs or other organizations
16 that is open only to members of the club or other organization
17 and their invited guests.

18 (c) Configured for use in trapshooting, skeet shooting, or
19 sporting clays.

20 (d) Used solely by peace officers, as defined in Section
21 2-13 of the Criminal Code of 2012.

22 (e) Used solely by correctional officers employed by the
23 Department of Corrections, or by county correctional officers
24 or court security officers, as defined in Section 2 of the

1 Illinois Police Training Act.

2 (f) Used solely by members of the Armed Services or Reserve
3 Forces of the United States or the Illinois National Guard,
4 while in the performance of their official duties.

5 (g) Used solely for air rifles, as defined by Section
6 24.8-0.1 of the Criminal Code of 2012.

7 Section 1-30. Sentence. A person who violates any provision
8 of this Act, or the rules promulgated under this Act, is guilty
9 of a petty offense for a first violation. A second or
10 subsequent violation of this Act, or the rules promulgated
11 under this Act, is a Class A misdemeanor, and may be grounds
12 for the revocation of the license of the shooting range by the
13 Department.

14 Section 1-35. Home rule. A home rule unit may not regulate
15 or license shooting ranges or shooting range operators in a
16 manner more restrictive than the regulation by the Department
17 of shooting ranges under this Act. This Section is a limitation
18 on home rule powers and functions under subsection (i) of
19 Section 6 of Article VII of the Illinois Constitution on the
20 concurrent exercise by home rule units of powers and functions
21 exercised by the State. Nothing in this Section shall be
22 construed to limit the zoning authority of any home rule unit.

23

ARTICLE 5.

1 Section 5-5. The Criminal Code of 2012 is amended by adding
2 Sections 24-1.9 and 24-4.1 as follows:

3 (720 ILCS 5/24-1.9 new)

4 Sec. 24-1.9. Possession, delivery, sale, and purchase of
5 semi-automatic assault weapons, assault weapon attachments,
6 .50 caliber rifles, and .50 caliber cartridges.

7 (a) Definitions. In this Section:

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

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

11 (i) Norinco, Mitchell, and Poly Technologies
12 Avtomat Kalashnikovs (all models);

13 (ii) Action Arms Israeli Military Industries
14 UZI and Galil;

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

16 (iv) Colt AR-15;

17 (v) Fabrique Nationale FN/FAL, FN/LAR, and
18 FNC;

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

20 (vii) Steyr AUG;

21 (viii) INTRATEC TEC-9, TEC-DC9, and TEC-22;

22 and

23 (ix) any shotgun which contains its ammunition
24 in a revolving cylinder, such as (but not limited

1 to) the Street Sweeper and Striker 12;

2 (B) a semi-automatic rifle or pump-action rifle
3 that has an ability to accept a detachable magazine and
4 has any of the following:

5 (i) a folding or telescoping stock;

6 (ii) a pistol grip or thumbhole stock;

7 (iii) a shroud that is attached to, or
8 partially or completely encircles the barrel, and
9 that permits the shooter to hold the firearm with
10 the non-trigger hand without being burned;

11 (C) a semi-automatic pistol that has an ability to
12 accept a detachable magazine and has any of the
13 following:

14 (i) a folding, telescoping, or thumbhole
15 stock;

16 (ii) a shroud that is attached to, or partially
17 or completely encircles the barrel, and that
18 permits the shooter to hold the firearm with the
19 non-trigger hand without being burned;

20 (iii) an ammunition magazine that attaches to
21 the pistol outside of the pistol grip;

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

24 (v) a semi-automatic version of an automatic
25 firearm;

26 (C-1) a semi-automatic rifle or pistol with a fixed

1 magazine that has the capacity to accept more than 10
2 rounds of ammunition;

3 (C-2) a semi-automatic rifle or a pistol with the
4 capacity to accept a detachable magazine, a muzzle
5 brake, or muzzle compensator;

6 (D) a semi-automatic shotgun that has any of the
7 following:

8 (i) a folding or telescoping stock;

9 (ii) a pistol grip or thumbhole stock;

10 (iii) a fixed magazine capacity in excess of 5
11 rounds; or

12 (iv) an ability to accept a detachable
13 magazine.

14 "Semi-automatic assault weapon" does not
15 include:

16 (A) any firearm that:

17 (i) is manually operated by bolt, pump, lever,
18 or slide action;

19 (ii) is an unserviceable firearm or has been
20 made permanently inoperable, as defined by 27
21 C.F.R. 478.11;

22 (iii) is an antique firearm; or

23 (iv) is a rifle with a fixed tubular magazine
24 located under the barrel that is only capable of
25 holding rounds of ammunition placed end to end;

26 (B) any air rifle as defined in Section 24.8-0.1 of

1 this Code.

2 For the purposes of this Section, a firearm is considered
3 to have the ability to accept a detachable magazine unless the
4 magazine or ammunition feeding device can only be removed
5 through disassembly of the firearm action.

6 (2) "Assault weapon attachment" means any device
7 capable of being attached to a firearm that is specifically
8 designed for, or when installed will have the effect of,
9 making or converting a firearm into any of the firearms
10 listed in paragraph (1) of subsection (a) of this Section.

11 (3) "Antique firearm" has the meaning ascribed to it in
12 18 U.S.C. Section 921 (a)(16).

13 (4) ".50 caliber rifle" means a centerfire rifle
14 capable of firing a .50 caliber cartridge. The term does
15 not include any antique firearm as defined in 18 U.S.C.
16 Section 921 (a)(16), any shotgun including a shotgun that
17 has a rifle barrel, or any muzzle loading rifle or shotgun
18 which is designed to use black powder, or a black powder
19 substitute, and which cannot use fixed ammunition.

20 (5) ".50 caliber cartridge" means a cartridge in .50
21 BMG caliber, as defined by the North Atlantic Treaty
22 Organization's Standardization Agreement 4383, either by
23 designation or actual measurement, that is capable of being
24 fired from a centerfire rifle. The term ".50 caliber
25 cartridge" does not include any memorabilia or display item
26 that is filled with a permanent inert substance or that is

1 otherwise permanently altered in a manner that prevents
2 ready modification for use as live ammunition or shotgun
3 ammunition with a caliber measurement that is equal to or
4 greater than .50 caliber.

5 (6) "Pistol grip" includes any feature of a rifle,
6 shotgun, or pistol capable of functioning as a protruding
7 grip that can be held by the non-trigger hand.

8 (b) Except as provided in subsections (c) and (d), 90 days
9 after January 1, 2014, it is unlawful for any person within
10 this State to knowingly deliver, sell, purchase, or possess or
11 cause to be delivered, sold, purchased, or possessed, directly
12 or indirectly, a semi-automatic assault weapon, an assault
13 weapon attachment, any .50 caliber rifle, or .50 caliber
14 cartridge.

15 (c) This Section does not apply to a person who possessed a
16 weapon or attachment prohibited by subsection (b) before
17 January 1, 2014, provided that the person has provided proof of
18 ownership, his or her name, and other identifying information
19 to the Department of State Police, as required by the
20 Department, within 90 days after January 1, 2014. On or after
21 January 1, 2014, the person may transfer the weapon or
22 attachment only to an heir, an individual residing in another
23 state maintaining that weapon in another state, or a dealer
24 licensed as a federal firearms dealer under Section 923 of the
25 federal Gun Control Act of 1968. Within 10 days after transfer
26 of the weapon or attachment, the person shall notify the

1 Department of State Police of the name and address of the
2 transferee and comply with the requirements of subsection (b)
3 of Section 3 of the Firearm Owners Identification Card Act. The
4 Department shall promulgate any rules it may deem necessary to
5 carry out the provisions of this subsection, including the
6 establishment of fees charged and collected for collecting and
7 maintaining the information required to be provided under this
8 subsection.

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

11 (1) Peace officers as defined in Section 2-13 of this
12 Code.

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

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

20 (4) The manufacture, transportation, or distribution
21 of weapons, attachments, or ammunition.

22 (5) The sale of weapons, attachments, or ammunition to
23 persons authorized to possess those items under
24 subdivisions (1) through (3) or subdivision (7) of this
25 subsection.

26 (6) The manufacture, transportation, distribution, or

1 sale of weapons, attachments, or ammunition for sale or
2 transfer in another state.

3 (7) The possession of any firearm if that firearm is
4 sanctioned by the International Olympic Committee and by
5 USA Shooting, the national governing body for
6 international shooting competition in the United States,
7 but only when the firearm is in the actual possession of an
8 Olympic target shooting competitor or target shooting
9 coach for the purpose of storage, transporting to and from
10 Olympic target shooting practice or events if the firearm
11 is broken down in a non-functioning state, is not
12 immediately accessible, or is unloaded and enclosed in a
13 case, firearm carrying box, shipping box, or other
14 container, and when the Olympic target shooting competitor
15 or target shooting coach is engaging in those practices or
16 events. For the purposes of this paragraph (7), "firearm"
17 is defined in Section 1.1 of the Firearm Owners
18 Identification Card Act.

19 (8) The possession of a semi-automatic assault weapon,
20 an assault weapon attachment, a .50 caliber rifle, or a .50
21 caliber cartridge at events taking place at the World
22 Shooting and Recreational Complex at Sparta, only while
23 engaged in the legal use of the firearm or attachment, or
24 while traveling to or from this location if the items are
25 broken down in a non-functioning state, or are not
26 immediately accessible, or are unloaded and enclosed in a

1 case, firearm carrying box, shipping box, or other
2 container.

3 (9) The possession of a semi-automatic assault weapon,
4 an assault weapon attachment, a .50 caliber rifle, or a .50
5 caliber cartridge only for a hunting use expressly
6 permitted under the Wildlife Code, or while traveling to or
7 from a location authorized for such hunting use under the
8 Wildlife Code if the items are broken down in a
9 non-functioning state, or are not immediately accessible,
10 or are unloaded and enclosed in a case, firearm carrying
11 box, shipping box, or other container.

12 (10) The manufacture, transportation, possession,
13 sale, or rental of blank-firing semi-automatic assault
14 weapons and .50 caliber rifles, or the weapons' respective
15 attachments, to persons authorized or permitted, or both
16 authorized and permitted to acquire and possess such
17 weapons for the purposes of rental for use solely as props
18 for a motion picture, television, or video production or
19 entertainment event.

20 (e) Shooting Ranges.

21 (1) A shooting range operator may deliver, sell,
22 purchase, or possess a semi-automatic assault weapon, or an
23 assault weapon attachment, for the purpose of operating,
24 using, or storing the same on the shooting range owned or
25 operated by the shooting range operator, including
26 traveling to and from the shooting range for purposes of

1 purchase, sale, repair, or valuation of the semi-automatic
2 assault weapon or assault weapon attachment. The delivery
3 or sale of a semi-automatic assault weapon, or an assault
4 weapon attachment, by a shooting range operator may only be
5 to a person who may otherwise lawfully possess the
6 semi-automatic assault weapon or assault weapon
7 attachment.

8 (2) Notwithstanding any provision of this Section to
9 the contrary, a holder of a valid Firearm Owner's
10 Identification Card may possess, operate, and use a
11 semi-automatic assault weapon or an assault weapon
12 attachment leased from a shooting range operator, while on
13 the shooting range owned or operated by the shooting range
14 operator. A shooting range operator may lease the use of a
15 semi-automatic assault weapon, or an assault weapon
16 attachment, to a holder of a valid Firearm Owner's
17 Identification Card for the purpose of operating or using
18 the same on the shooting range owned or operated by the
19 shooting range operator. A leased semi-automatic assault
20 weapon or an assault weapon attachment may not be removed
21 from the shooting range by the individual leasing the
22 semi-automatic assault weapon or assault weapon
23 attachment.

24 (3) A shooting range operator must register any
25 semi-automatic assault weapons or assault weapon
26 attachments owned as provided for under subsection (c). A

1 shooting range operator may acquire semi-automatic assault
2 weapons or assault weapon attachments after January 1,
3 2014, and any semi-automatic assault weapons or assault
4 weapon attachments so acquired must also be registered as
5 provided for under subsection (c).

6 (4) For purposes of this subsection:

7 (i) "Shooting range operator" means a person who is
8 licensed as a federal firearms dealer under Section 923
9 of the federal Gun Control Act of 1968, and who owns or
10 operates a shooting range licensed under the Illinois
11 Shooting Range Licensing Act.

12 (ii) "Shooting range" means a shooting range
13 licensed under the Illinois Shooting Range Licensing
14 Act.

15 (f) Sentence.

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

23 (2) A person who knowingly delivers, sells, purchases,
24 or possesses or causes to be delivered, sold, purchased, or
25 possessed, directly or indirectly, in violation of this
26 Section an assault weapon attachment commits a Class 4

1 felony for a first violation and a Class 3 felony for a
2 second or subsequent violation.

3 (3) A person who knowingly delivers, sells, purchases,
4 or possesses or causes to be delivered, sold, purchased, or
5 possessed, directly or indirectly, in violation of this
6 Section a .50 caliber rifle commits a Class 3 felony for a
7 first violation and a Class 2 felony for a second or
8 subsequent violation or for the possession or delivery of 2
9 or more of these weapons at the same time.

10 (4) A person who knowingly delivers, sells, purchases,
11 or possesses or causes to be delivered, sold, purchased, or
12 possessed, directly or indirectly, in violation of this
13 Section a .50 caliber cartridge commits a Class A
14 misdemeanor.

15 (5) Any other violation of this Section is a Class A
16 misdemeanor.

17 (720 ILCS 5/24-4.1 new)

18 Sec. 24-4.1. Report of lost or stolen semi-automatic
19 assault weapons, assault weapon attachment, .50 caliber rifle,
20 or .50 caliber cartridge.

21 (a-5) A person who possesses a valid Firearm Owner's
22 Identification Card and who possesses or acquires a
23 semi-automatic assault weapon, an assault weapon attachment, a
24 .50 caliber rifle, or a .50 caliber cartridge and thereafter
25 loses or misplaces the semi-automatic assault weapon, assault

1 weapon attachment, .50 caliber rifle, or .50 caliber cartridge
2 or the semi-automatic assault weapon, assault weapon
3 attachment, .50 caliber rifle, or .50 caliber cartridge is
4 stolen from the person, the person must report the loss or
5 theft to the local law enforcement agency within 72 hours after
6 obtaining knowledge of the loss or theft.

7 (b) Sentence. A person who violates this Section is guilty
8 of a petty offense for a first violation. A second violation of
9 this Section is a Class A misdemeanor. A third or subsequent
10 violation of this Section is a Class 4 felony.

11 ARTICLE 9.

12 Section 9-97. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.

14 Section 9-99. Effective date. This Act takes effect January
15 1, 2014."