



City of Chicago



SO2013-5432

Office of the City Clerk

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Meeting Date:	6/26/2013
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Amendment of Chapter 8-20 of Municipal Code by adding new Section 8-20-075 regarding assault weapons
Committee(s) Assignment:	Committee on Public Safety

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 8-20 of the Municipal Code of Chicago is hereby amended by adding a new section 8-20-075, by repealing section 8-20-170, by adding the language underscored and by deleting the language struck through, as follows:

8-20-010 Definitions.

For purposes of this chapter the following terms shall apply:

(Omitted text is unaffected by this ordinance)

"Assault weapon" means any of the following, regardless of the caliber of ammunition accepted:

(a) (1) A semiautomatic rifle that has the ability to accept a detachable magazine and has one or more of the following:

- (i) A a folding, or telescoping or detachable stock
- (ii) B a handgun grip which protrudes conspicuously beneath the action
- (iii) C a bayonet mount forward grip
- (iv) D a flash suppressor or a barrel having a threaded barrel muzzle
- (v) E a grenade, flare or rocket launcher; or
- (vi) F a barrel shroud.

(2) A semiautomatic rifle that has a fixed magazine with the capacity to accept more than 10 rounds, except for an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(3) A semiautomatic version of an automatic rifle.

(4) Any part, combination of parts, component, device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semiautomatic rifle but not convert the semiautomatic rifle into a machine gun.

(2) 5 A semiautomatic shotgun that has one or more of the following:

- (i) A a folding, or telescoping or detachable stock
- (ii) B a handgun grip which protrudes conspicuously beneath the action
- (iii) C a fixed magazine with the capacity to accept more than in excess of 5 rounds
- (iv) D an ability to accept a detachable magazine a forward grip; or
- (E) a grenade, flare or rocket launcher.

(3) 6 A semiautomatic handgun that has an the ability to accept a detachable magazine and has one or more of the following:

- (i) A an ammunition magazine that attaches to the handgun outside the handgun grip the capacity to accept a detachable magazine at some location outside of the handgun grip
- (ii) B a barrel having a threaded muzzle a threaded barrel

- ~~(iii C) a shroud that is attached to, or partially or completely encircles the barrel, and permits the shooter to hold the firearm with the non-trigger hand without being burned a barrel shroud; or~~
- ~~(iv D) a manufactured weight of 50 ounces or more when the handgun is unloaded a second handgun grip.~~
- ~~(v) a semiautomatic version of an automatic firearm.~~

(7) A semiautomatic version of an automatic handgun.

(8) A semiautomatic handgun with a fixed magazine that has the capacity to accept more than 15 rounds.

(9) A machine gun.

(10) All of the following rifles, including any copies or duplicates thereof with the capability of any such weapon:

(A) All AK types, including the following:

- (i) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA85, SA93, Vector Arms AK-47, VEPR, WASR-10, and WUM
- (ii) IZHMAASH Saiga AK
- (iii) MAADI AK47 and ARM
- (iv) Norinco 56S, 56S2, 84S, and 86S
- (v) Poly Technologies AK47 and AKS.

(B) All AR types, including the following:

- (i) AR-10
- (ii) AR-15
- (iii) Armalite M15 22LR Carbine
- (iv) Armalite M15-T
- (v) Barrett REC7
- (vi) Beretta AR-70
- (vii) Bushmaster ACR
- (viii) Bushmaster Carbon 15
- (ix) Bushmaster MOE series
- (x) Bushmaster XM15
- (xi) Colt Match Target Rifles
- (xii) DoubleStar AR rifles
- (xiii) DPMS Tactical Rifles
- (xiv) Heckler & Koch MR556
- (xv) Olympic Arms
- (xvi) Remington R-15 rifles
- (xvii) Rock River Arms LAR-15
- (xviii) Sig Sauer SIG516 rifles
- (xix) Smith & Wesson M&P15 rifles
- (xx) Stag Arms AR rifles
- (xxi) Sturm, Ruger & Co. SR556 rifles.

(C) Barrett M107A1.

- (D) Barrett M82A1.
- (E) Beretta CX4 Storm.
- (F) Calico Liberty Series.
- (G) CETME Sporter.
- (H) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
- (I) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.
- (J) Feather Industries AT-9.
- (K) Galil Model AR and Model ARM.
- (L) Hi-Point Carbine.
- (M) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
- (N) Kel-Tec Sub-2000, SU-16, and RFB.
- (O) SIG AMT, SIG PE-57, Sig Sauer SG 550, and Sig Sauer SG 551.
- (P) Springfield Armory SAR-48.
- (Q) Steyr AUG.
- (R) Sturm, Ruger Mini-14 Tactical Rifle M-14/20CF.
- (S) All Thompson rifles, including the following:
 - (i) Thompson M1SB
 - (ii) Thompson T1100D
 - (iii) Thompson T150D
 - (iv) Thompson T1B
 - (v) Thompson T1B100D
 - (vi) Thompson T1B50D
 - (vii) Thompson T1BSB
 - (viii) Thompson T1-C
 - (xi) Thompson T1D
 - (x) Thompson T1SB
 - (xi) Thompson T5
 - (xii) Thompson T5100D
 - (xiii) Thompson TM1
 - (xiv) Thompson TM1C.
- (T) UMAREX UZI Rifle.
- (U) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine.

(V) Valmet M62S, M71S, and M78.

(W) Vector Arms UZI Type.

(X) Weaver Arms Nighthawk.

(Y) Wilkinson Arms Linda Carbine.

(11) All of the following handguns, including any copies or duplicates thereof with the capability of any such weapon:

(A) All AK-47 types, including the following:

(i) Centurion 39 AK handgun

(ii) Draco AK-47 handgun

(iii) HCR AK-47 handgun

(iv) IO Inc. Hellpup AK-47 handgun

(v) Krinkov handgun

(vi) Mini Draco AK-47 handgun

(vii) Yugo Krebs Krink handgun.

(B) All AR-15 types, including the following:

(i) American Spirit AR-15 handgun

(ii) Bushmaster Carbon 15 handgun

(iii) DoubleStar Corporation AR handgun

(iv) DPMS AR-15 handgun

(v) Olympic Arms AR-15 handgun

(vi) Rock River Arms LAR 15 handgun.

(C) Calico Liberty handguns.

(D) DSA SA58 PKP FAL handgun.

(E) Encom MP-9 and MP-45.

(F) Heckler & Koch model SP-89 handgun.

(G) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-DC9.

(H) Kel-Tec PLR 16 handgun.

(I) The following MAC types:

(i) MAC-10

(ii) MAC-11

(iii) Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol, and MPA Mini Tactical Pistol

(iv) Military Armament Corp. Ingram M-11

(v) Velocity Arms VMAC.

(J) Sig Sauer P556 handgun.

(K) Sites Spectre.

(L) All Thompson types, including the following:

- (i) Thompson TA510D
- (ii) Thompson TA5.

(M) All UZI types, including Micro-UZI.

(12) All of the following shotguns, including any copies or duplicates thereof with the capability of any such weapon:

(A) Franchi LAW-12 and SPAS 12.

(B) All IZHMAISH Saiga 12 types, including the following:

- (i) IZHMAISH Saiga 12
- (ii) IZHMAISH Saiga 12S
- (iii) IZHMAISH Saiga 12S EXP-01
- (iv) IZHMAISH Saiga 12K
- (v) IZHMAISH Saiga 12K-030
- (vi) IZHMAISH Saiga 12K-040 Taktika.

(C) Streetsweeper.

(D) Striker 12.

(13) All belt-fed semiautomatic firearms, including TNW M2HB.

(14) Any combination of parts from which a firearm described in subparagraphs (1) through (13) can be assembled.

(15) The frame or receiver of a rifle or shotgun described in subparagraph (1), (2), (5), (9), (10), (12), (13), or (18).

(16) A sawed-off shotgun.

(17) A short-barrel rifle.

(18) A .50 caliber rifle.

(b) An "assault weapon" shall not include any firearm that:

- (1) is manually operated by bolt, pump, lever, or slide action;
- (2) has been rendered permanently inoperable. "Permanently inoperable" means a firearm which is incapable of discharging a projectile by means of an explosive and incapable of being restored to a firing condition; or
- (3) is an antique firearm.

(c) For purposes of this definition of "assault weapon" the following terms apply:

- (1) "barrel shroud" means a shroud that is attached to, or partially or completely encircles, the barrel of a firearm so that the shroud protects the user of the firearm from heat generated by the barrel. The term does not include (i) a slide that partially or completely encloses the barrel; or (ii) an extension of the stock along the bottom of the barrel which does not completely or substantially encircle the barrel.

(2) "detachable magazine" means an ammunition feeding device that can be removed from a firearm without disassembly of the firearm action.

(3) "fixed magazine" means an ammunition feeding device that is permanently fixed to the firearm in such a manner that it cannot be removed without disassembly of the firearm.

(4) "folding, telescoping, or detachable stock" means a stock that folds, telescopes, detaches or otherwise operates to reduce the length, size, or any other dimension, or otherwise to enhance the concealability, of a firearm.

(5) "forward grip" means a grip located forward of the trigger that functions as a handgun grip.

(6) "rocket" means any simple or complex tubelike device containing combustibles that on being ignited liberate gases whose action propels the device through the air and has a propellant charge of not more than 4 ounces.

(7) "grenade, flare or rocket launcher" means an attachment for use on a firearm that is designed to propel a grenade, flare, rocket, or other similar device.

(8) "handgun grip" means a grip, a thumbhole stock, or any other part, feature or characteristic that can function as a grip.

(9) "threaded barrel" means a feature or characteristic that is designed to allow for the attachment of a device such as a firearm silencer or a flash suppressor.

(10) "belt-fed semiautomatic firearm" means any repeating firearm that:
(i) utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round;
(ii) requires a separate pull of the trigger to fire each cartridge; and
(iii) has the capacity to accept a belt ammunition feeding device.

(11) ".50 caliber rifle" means a centerfire rifle capable of firing a .50 caliber cartridge. The term does not include any antique firearm, any shotgun including a shotgun that has a rifle barrel, or any muzzle-loader which uses black powder for hunting or historical re-enactments.

(12) ".50 caliber cartridge" means a fixed cartridge in .50 BMG caliber, either by designation or actual measurement, that is capable of being fired from a centerfire rifle. ".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.

(Omitted text is unaffected by this ordinance)

"High capacity magazine" means any ammunition magazine having a capacity of more than 12 rounds of ammunition a magazine, belt, drum, feed strip, or similar device, including any

such device joined or coupled with another in any manner, that has an overall capacity of more than 15 rounds of ammunition. A "high capacity magazine" does not include an attached tubular device to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(Omitted text is unaffected by this ordinance)

8-20-070 Unlawful firearm, laser sight accessory, or firearm silencer or muffler in a motor vehicle – Impoundment.

(a) ~~The owner of record of any motor vehicle that contains a firearm registered to a person who is not the driver or occupant of the vehicle, an unregistered firearm, a firearm that is not being lawfully transported, an unregistrable firearm, an assault weapon,~~ a laser sight accessory, or a firearm silencer or muffler, shall be liable to the city for an administrative penalty of \$2,000 plus any towing and storage fees applicable under Section 9-92-080. If the violation takes place within 500 feet of the boundary line of a public park or elementary or secondary school, the penalty shall be \$3,000 plus towing and storage fees. Any such vehicle shall be subject to seizure and impoundment pursuant to this section.

(Omitted text is unaffected by this ordinance)

8-20-075 Possession of Assault Weapons.

(a) It shall be unlawful for a person to import, sell, manufacture, transfer, or possess an assault weapon.

(b) This section shall not apply to corrections officers, members of the armed forces of the United States, or the organized militia of this or any other state, and peace officers, to the extent that any such person is otherwise authorized to acquire or possess assault weapons, and is acting within the scope of his duties, or to any person while engaged in the manufacturing, transportation or sale of assault weapons to people authorized to possess them under this section.

(c) Notwithstanding subsection (a):

(1) Any person who lawfully possesses a firearm that on the effective date of this section became prohibited as being an assault weapon has 60 days after the effective date of this section to legally dispose of, or remove from the city, the assault weapon.

(2) Any person who is a qualified retired law enforcement officer, as that term is defined in 18 U.S.C. §926C, and who lawfully possessed a duty-related assault weapon at the time of separation from active duty in law enforcement, shall legally dispose of, or remove from the city, the assault weapon within 60 days of such separation.

(d) Any assault weapon carried, possessed, displayed, sold or otherwise transferred in violation of this section is hereby declared to be contraband and shall be seized by and forfeited to the city.

8-20-085 High capacity magazines and certain tubular magazine extensions metal piercing bullets – Sale and possession prohibited – Exceptions.

(a) It is unlawful for any person to carry, possess, sell, offer or display for sale, or otherwise transfer any high capacity magazine or tubular magazine extension for a shotgun, metal piercing bullets. This section shall not apply to corrections officers, members of the armed forces of the United States, or the organized militia of this or any other state, and peace officers, to the extent that any such person is otherwise authorized to acquire or possess a high

~~capacity magazine or tubular magazine extension for a shotgun metal piercing bullets, and is acting within the scope of his duties, or to any person while in the manufacturing, transportation or sale of high capacity magazines or tubular magazine extension for a shotgun metal piercing bullets to people authorized to possess them under this section.~~

(b) Any high capacity magazine, or tubular magazine extension for a shotgun metal piercing bullets carried, possessed, displayed, sold or otherwise transferred in violation of this section is hereby declared to be contraband and shall be seized by and forfeited to the city.

~~8-20-170 Unregisterable firearms.~~

~~No registration certificate shall be approved for any of the following types of firearms:~~

- ~~(a) a sawed off shot gun, .50 caliber rifle, machine gun, or short barreled rifle;~~
- ~~(b) an unsafe handgun;~~
- ~~(c) a firearm that becomes unregisterable under the provisions of this chapter; provided that it shall only be unregisterable for that person; or~~
- ~~(d) assault weapons, unless they are owned by a person who is entitled to carry or possess them pursuant to section 8-20-035.~~

8-20-250 Seizure and forfeiture of firearms, ammunition, laser sight accessories and firearm silencers and mufflers – Authority and destruction.

The superintendent has the authority to seize any firearm, assault weapon, ammunition, laser sight accessories, or firearm silencer or muffler carried or possessed in violation of this chapter or any applicable state or federal law. Such items are hereby declared contraband and shall be seized by and forfeited to the city.

Whenever any firearm, ammunition, laser sight accessories, or firearm silencer or muffler is surrendered or forfeited pursuant to the terms of this chapter, or any applicable state or federal law, the superintendent shall ascertain whether such firearm, ammunition, assault weapon, laser sight accessories, or firearm silencer or muffler is needed as evidence in any matter. All such items which are not required for evidence shall be destroyed at the direction of the superintendent; provided that those firearms and ammunition that the superintendent shall deem to be of use to the department may be retained for the use of the department. A record of the date and method of destruction and an inventory of the firearm or ammunition so destroyed shall be maintained.

Nothing in this section shall be construed to regulate any firearm or ammunition to the extent that such regulation is preempted.

8-20-300 Violation – Penalty.

(a) Any person who violates section 8-20-020, 8-20-030, 8-20-060 or 8-20-080 shall upon conviction be fined not less than \$1,000.00 nor more than \$5000.00 and be incarcerated for a term not less than 20 days nor more than 90 days.

Any person who violates Sections 8-20-035, 8-20-075, 8-20-085, 8-20-110 or 8-20-280 shall upon conviction be fined not less than \$1,000.00 nor more than \$5,000.00 and be incarcerated for a term of not less than 90 days nor more than 180 days.

(Omitted text is unaffected by this ordinance)

SECTION 2. (a) Notwithstanding any provision in the Municipal Code to the contrary, the superintendent of police shall establish a pilot program within 30 days of the effective date of

this ordinance to authorize one or more professional theatrical armorers to import, manufacture, possess, loan or rent theatrical props, under the following conditions:

- (1) the professional theatrical armorer submits a written request to the superintendent in a form and manner prescribed by the superintendent;
- (2) the professional theatrical armorer engages in such business solely for a professional theatrical purpose;
- (3) the professional theatrical armorer imports, manufactures, or possess any theatrical prop in accordance with applicable state laws, and the Gun Control Act of 1968, or the National Firearm Act of 1934, or both; and
- (4) the professional theatrical armorer complies with a safety plan, approved by the superintendent, for the safe storage, handling, possession, loan or rental of the theatrical props.

The superintendent shall grant such authorization in conjunction with a specific professional theatrical production or event and for only such time as is necessary for the professional theatrical armorer to support that production or event in the City.

(b) The superintendent is authorized to promulgate rules and regulations to implement the requirements of this section, including requirements for the safety plan, the safe storage and handling of the theatrical props, and any other restriction, including restrictions on the type or caliber of theatrical props used, which the superintendent deems necessary for public safety.

(c) For purposes of this section the following definitions apply:

(1) "Professional theatrical armorer" means a person who:

- (i) is a licensed manufacturer, licensed importer, or licensed dealer under Chapter 44 of Title 18, United States Code;
- (ii) is registered under section 5802 of the National Firearms Act of 1934; and
- (iii) derives not less than 80 percent of the business revenue from the use of firearms for a professional theatrical purpose, or can demonstrate to the satisfaction of the superintendent that he is widely recognized as a federal firearms licensee engaged in the business of manufacturing, importing, possessing, loaning or renting theatrical props for purposes of distribution, loan or rental for a professional theatrical purpose.

(2) "Professional theatrical purpose" means the use of a theatrical prop by a professional theatrical armorer, or by a person recognized under federal law as having the authority to maintain dominion and control over such theatrical props for the armorer, in a motion picture, live professional theatre, or television production.

(3) "Theatrical prop" means: (i) any blank ammunition, ammunition feeding device, or firearm modified or adapted to fire blank ammunition, or any component thereof; or (2) any other non-firearm dangerous or deadly weapon prohibited under the Municipal Code.

(d) This section expires on January 1, 2014.

SECTION 3. The City Council finds that prompt passage of this legislation is an urgent matter, in light of the potential for enormous harm that assault weapons can cause and the importance of maintaining clear, continuous and effective regulation of firearms. Accordingly, pursuant to 65 ILCS 5/1-2-4, this ordinance shall take effect immediately upon its passage and

approval, if such passage is by a vote of at least two-thirds of the members of this Council. In the event this ordinance passes by a majority vote of less than two-thirds of the members of this Council, it shall take effect ten days after passage and publication.