

NEW ITEMS AGENDA

**Meeting of the Cook County Board of Commissioners
County Board Room, County Building
Wednesday, July 17, 2013 10:45 A.M.
Issued: Monday, July 15, 2013

PRESIDENT

PROPOSED ORDINANCE AMENDMENT

NEW ITEM #1

Submitting a Proposed Ordinance Amendment Sponsored by
TONI PRECKWINKLE, President and JESUS G. GARCIA,
County Commissioner

PROPOSED ORDINANCE AMENDMENT

BLAIR HOLT ASSAULT WEAPONS BAN

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 54, Licenses, Permits and Miscellaneous Business Regulations, Article III, Deadly Weapons Dealers, Division 4, Blair Holt Assault Weapons Ban, Section 54-210 through 54-215 is hereby amended as follows:

Division 4. Blair Holt Assault Weapons Ban

Sec. 54-210. Applicability.

(a) The provisions included in this division apply to all persons in Cook County including but not limited to persons licensed under this article.

(b) As provided in Article VII, Section 6(c), of the State of Illinois Constitution of 1970, if this article conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

Sec. 54-211. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assault weapon means:

- (1) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:
 - (A) Only a pistol grip without a stock attached;
 - (B) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;

- (C) A folding, telescoping or thumbhole stock;
 - (D) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or
 - (E) A muzzle brake or muzzle compensator;
- (2) A semiautomatic pistol or any semi-automatic rifle that has a fixed magazine, that has the capacity to accept more than ten rounds of ammunition;
- (3) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:
- (A) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (B) A folding, telescoping or thumbhole stock;
 - (C) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;
 - (D) A muzzle brake or muzzle compensator; or
 - (E) The capacity to accept a detachable magazine at some location outside of the pistol grip.
- (4) A semiautomatic shotgun that has one or more of the following:
- (A) Only a pistol grip without a stock attached;
 - (B) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (C) A folding, telescoping or thumbhole stock;
 - (D) A fixed magazine capacity in excess of five rounds; ~~or~~
 - (E) An ability to accept a detachable magazine; or
 - (F) A grenade, flare or rocket launcher.
- (5) Any shotgun with a revolving cylinder.
- (6) Conversion kit, part or combination of parts, from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person;
- (7) Shall include, but not be limited to, the assault weapons models identified as follows:
- (A) The following rifles or copies or duplicates thereof:
 - ~~(i)~~(1) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR, Rock River Arms LAR-47, Vector Arms AK-47, VEPR, WASR-10, WUM, MAADI, Norinco 56S, 56S2, 84S, and 86S;
 - ~~(ii)~~(2) AR-10;

- ~~(iii)~~(3) AR-15, Bushmaster XM15, Bushmaster Carbon 15, Bushmaster ACR, Bushmaster MOE series, Armalite M15, Armalite M15-T and Olympic Arms PCR;
- ~~(iv)~~(4) AR70;
- ~~(v)~~(5) Calico Liberty;
- ~~(vi)~~(6) Dragunov SVD Sniper Rifle or Dragunov SVU;
- ~~(vii)~~(7) Fabrique National FN/FAL, FN/LAR, or FNC;
- ~~(viii)~~(8) Hi-Point Carbine;
- ~~(ix)~~(9) HK-91, HK-93, HK-94, HK-USC and HK-PSG-1;
- ~~(x)~~(10) Kel-Tec Sub Rifle, Kel-Tec Sub-2000, SU-16, and RFB;
- ~~(xi)~~(11) Saiga;
- ~~(xii)~~(12) SAR-8, SAR-4800;
- ~~(xiii)~~(13) KS with detachable magazine;
- ~~(xiv)~~(14) SLG 95;
- ~~(xv)~~(15) SLR 95 or 96;
- ~~(xvi)~~(16) Steyr AUG;
- ~~(xvii)~~(17) Sturm, Ruger Mini-14, and Sturm, Ruger & Co. SR556;
- ~~(xviii)~~(18) Tavor;
- ~~(xix)~~(19) All Thompson rifles, including Thompson 1927, Thompson M1, Thompson M1SB, Thompson T1100D, Thompson T150D, Thompson T1B, Thompson T1B100D, Thompson T1B50D, Thompson T1BSB, Thompson T1-C, Thompson T1D, Thompson T1SB, Thompson T5, Thompson T5100D, Thompson TM1, Thompson TM1C and Thompson 1927 Commando; ~~or~~
- ~~(xx)~~(20) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz)-
- ~~(xxi)~~(21) Barret REC7, Barrett M82A1, Barrett M107A1;
- (22) Colt Match Target Rifles;
- (23) Double Star AR Rifles;
- (24) DPMS Tactical Rifles;
- (25) Heckler & Koch MR556;
- (26) Remington R-15 Rifles;
- (27) Rock River Arms LAR-15;
- (28) Sig Sauer SIG516 Rifles, SIG AMT, SIG PE 57, Sig Saucer SG 550, and Sig Saucer SG 551;
- (29) Smith & Wesson M&P15;
- (30) Stag Arms AR;
- (31) Baretta CX4 Storm;
- (32) CETME Sporter;
- (33) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C;

(34) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000;

(35) Feather Industries AT-9;

(36) Galil Model AR and Model ARM;

(37) Springfield Armory SAR-48;

(38) Steyr AUG;

(39) UMAREX UZI Rifle;

(40) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine;

(41) Valmet M62S, M71S, and M78;

(42) Vector Arms UZI Type;

(43) Weaver Arms Nighthawk; and

(44) Wilkinson Arms Linda Carbine

(B) The following handguns, pistols or copies or duplicates thereof:

~~(i) Calico M-110;~~

~~(ii) MAC-10, MAC-11, or MPA3;~~

~~(iii) Olympic Arms OA;~~

~~(iv) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; or~~

~~(v) Uzi;~~

(1) All AK-47 types, including Centurion 39 AK handgun, Draco AK-47 handgun, HCR AK-47 handgun, 10 Inc. Hellpup, AK-47 handgun, Krinkov handgun, Mini Draco AK-47 handgun, and Yugo Krebs Krink handgun.

(2) All AR-15 types, including American Spirit AR-15 handgun, Bushmaster Carbon 15 handgun, DoubleStar Corporation AR handgun, DPMS AR-15 handgun, Olympic Arms AR-15 handgun and Rock River Arms LAR 15 handgun;

(3) Calico Liberty handguns;

(4) DSA SA58 PKP FAL handgun;

(5) Encom MP-9 and MP-45;

(6) Heckler & Koch model SP-89 handgun;

(7) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-DC9;

(8) Kel-Tec PLR 16 handgun;

(9) MAC-10, MAC-11, Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol, MPA 3 and MPA Mini Tactical Pistol;

(10) Military Armament Corp. Ingram M-11 and Velocity Arms VMAC;

(11) Sig Sauer P556 handgun;

(12) Sites Spectre;

(13) All Thompson types, including the Thompson TA510D and Thompson TA5;

- (14) Olympic Arms OA;
- (15) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; and
- (16) All UZI types, including Micro-UZI.

(C) The following shotguns or copies or duplicates thereof:

- ~~(i)~~(1) Armscor 30 BG;
- ~~(ii)~~(2) SPAS 12 or LAW 12;
- ~~(iii)~~(3) Striker 12; ~~or~~
- ~~(iv)~~(4) Streetsweeper;

(5) All IZHMASH Saiga 12 types, including the IZHMASH Saiga 12, IZHMASH Saiga 12S, IZHMASH Saiga 12S EXP-01, IZHMASH Saiga 12K, IZHMASH Saiga 12K-030, and IZHMASH Saiga 12K-040 Taktika.

(D) All belt-fed semiautomatic firearms, including TNWM2HB.

"Assault weapon" does not include any firearm that has been made permanently inoperable, or satisfies the definition of "antique firearm," stated in this section, or weapons designed for Olympic target shooting events.

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.

Detachable magazine means any ammunition feeding device, the function of which is to deliver one or more ammunition cartridges into the firing chamber, which can be removed from the firearm without the use of any tool, including a bullet or ammunition cartridge.

Large capacity magazine means any ammunition feeding device with the capacity to accept more than ten rounds, but shall not be construed to include the following:

- (1) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds.
- (2) A 22 caliber tube ammunition feeding device.
- (3) A tubular magazine that is contained in a lever-action firearm.

Muzzle brake means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

Muzzle compensator means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

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.

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 destructive device.

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.

Sec. 54-212. Assault weapons, and large capacity magazines; sale prohibited; exceptions.

(a) It shall be unlawful for any ~~No~~ person ~~shall~~ to manufacture, sell, offer or display for sale, give, lend, transfer ownership of, acquire, carry or possess any assault weapon or large capacity magazine in Cook County. This subsection shall not apply to:

(1) The sale or transfer to, or possession by any officer, agent, or employee of Cook County or any other municipality or state or of the United States, members of the armed forces of the United States; or the organized militia of this or any other state; or peace officers to the extent that any such person named in this subsection is otherwise authorized to acquire or possess an assault weapon and/or large capacity magazine and does so while acting within the scope of his or her duties;

(2) Transportation of assault weapons or large capacity magazine if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.

(b) Any assault weapon or large capacity magazine possessed, carried, sold or transferred in violation of Subsection (a) of this section is hereby declared to be contraband and shall be seized and disposed of in accordance with the provisions of [Section 54-213](#).

~~(c) Any person found in violation of this section shall be sentenced to not more than six months imprisonment or fined not less than \$500.00 and not more than \$1,000.00, or both.~~

~~(d)~~ Any person including persons who are a qualified retired law enforcement officer as defined in 18 U.S.C. § 926C who, prior to the effective date of the ordinance codified in this section, was legally in possession of an assault weapon or large capacity magazine prohibited by this division shall have ~~90~~ (60) days from the effective date of the ordinance to do any of the following without being subject to prosecution hereunder:

(1) To legally remove the assault weapon or large capacity magazine from within the limits of the County of Cook; or

(2) To modify the assault weapon or large capacity magazine either to render it permanently inoperable ~~or to permanently make it a device no longer defined as an assault weapon or large capacity magazine~~; or

(3) To surrender the assault weapon or large capacity magazine to the Sheriff or his designee for disposal as provided below.

Sec. 54-213. Destruction of weapons confiscated.

- (a) Whenever any firearm, assault weapon, or large capacity magazine is surrendered or confiscated pursuant to the terms of this article, the Sheriff shall ascertain whether such firearm is needed as evidence in any matter.
- (b) If such firearm, assault weapon, or large capacity magazine is not required for evidence it shall be destroyed at the direction of the Sheriff. A record of the date and method of destruction and inventory of the firearm, assault weapon, or large capacity magazine so destroyed shall be maintained.

Sec. 54-214. Violation – Penalty.

- (a) Any person found in violation of this division shall be fined not less than \$1000.00 and not more than \$5,000.00 and may be sentenced for a term not to exceed more than six months imprisonment. Any subsequent violation of this division shall be punishable by a fine of not less than \$5,000.00 and not more than \$10,000.00 and may be sentenced for a term not to exceed more than six months imprisonment.
- (b) It shall not be a violation of this division if a person transporting an assault weapon firearm or ammunition while engaged in interstate travel is in compliance with 18 U.S.C.A. § 926A. There shall be a rebuttable presumption that any person within the county for more than 24 hours is not engaged in interstate travel, and is subject to the provisions of this chapter.

Sec. 54-215. Severability.

If any subsection, paragraph, sentence or clause of this division or the application thereof to any person is for any reason deemed to be invalid or unconstitutional, such decision shall not affect, impair or invalidate any remaining subsection, paragraph, sentence or clause hereof or the application of this Section to any other person.

Effective Date. These ordinance amendments are effective upon passage.