

**DECLARATION OF C.D. MICHEL**

I, C.D. Michel, declare as follows:

1. I am an attorney representing the Plaintiffs in the matter of *Federal Firearms Licensees of Illinois v. Jay Robert Pritzker* (Case No.: 3:23-CV-00215). I am admitted to practice in a number of courts including but not limited to the United States Supreme Court, the Seventh Circuit, the Ninth Circuit, the Fourth Circuit, and the DC Circuit. I am practicing in this Court pro hac vice. My law firm, Michel & Associates, P.C., is counsel of record for Plaintiffs in this action. I submit this declaration in support of Plaintiffs' second motion for preliminary injunction.

2. Attached as **Exhibit A** is a true and correct copy of the relevant portions of the Protect Illinois Communities Act (PICA) taken from Westlaw. The relevant portions of the Act are codified within 720 Ill. Comp. Stat. Ann. 5/24-1.9.

3. Attached as **Exhibit B** is a true and correct copy of the PICA Emergency Rules published by the Illinois State Police on September 15, 2023.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Long Beach, California on November 13, 2023.



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C.D. Michel  
Declarant

# **EXHIBIT A**



KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Validity Called into Doubt by [Barnett v. Raoul](#), S.D.Ill., Apr. 28, 2023



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 720. Criminal Offenses

Criminal Code

Act 5. Criminal Code of 2012 (Refs & Annos)

Title III. Specific Offenses

Part D. Offenses Affecting Public Health, Safety and Decency

Article 24. Deadly Weapons (Refs & Annos)

720 ILCS 5/24-1.9

5/24-1.9. Manufacture, possession, delivery, sale, and purchase  
of assault weapons, .50 caliber rifles, and .50 caliber cartridges

Effective: January 10, 2023

[Currentness](#)

§ 24-1.9. Manufacture, possession, delivery, sale, and purchase of assault weapons, .50 caliber rifles, and .50 caliber cartridges.

(a) Definitions. In this Section:

(1) "Assault weapon" means any of the following, except as provided in subdivision (2) of this subsection:

(A) A semiautomatic rifle that has the capacity to accept a detachable magazine or that may be readily modified to accept a detachable magazine, if the firearm has one or more of the following:

(i) a pistol grip or thumbhole stock;

(ii) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;

(iii) a folding, telescoping, thumbhole, or detachable stock, or a stock that is otherwise foldable or adjustable in a manner that operates to reduce the length, size, or any other dimension, or otherwise enhances the concealability of, the weapon;

(iv) a flash suppressor;

(v) a grenade launcher;

(vi) 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.

(B) 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.

(C) A semiautomatic pistol that has the capacity to accept a detachable magazine or that may be readily modified to accept a detachable magazine, if the firearm has one or more of the following:

(i) a threaded barrel;

(ii) a second pistol grip or another feature capable of functioning as a protruding grip that can be held by the non-trigger hand;

(iii) 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;

(iv) a flash suppressor;

(v) the capacity to accept a detachable magazine at some location outside of the pistol grip; or

(vi) a buffer tube, arm brace, or other part that protrudes horizontally behind the pistol grip and is designed or redesigned to allow or facilitate a firearm to be fired from the shoulder.

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

(E) Any shotgun with a revolving cylinder.

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

(i) a pistol grip or thumbhole stock;

(ii) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;

(iii) a folding or thumbhole stock;

(iv) a grenade launcher;

(v) a fixed magazine with the capacity of more than 5 rounds; or

(vi) the capacity to accept a detachable magazine.

(G) Any semiautomatic firearm that has the capacity to accept a belt ammunition feeding device.

(H) Any firearm that has been modified to be operable as an assault weapon as defined in this Section.

(I) Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

(J) All of the following rifles, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon:

(i) All AK types, including the following:

(I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, 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.

(VI) SKS with a detachable magazine.

(ii) all AR types, including the following:

(I) AR-10.

(II) AR-15.

(III) Alexander Arms Overmatch Plus 16.

(IV) Armalite M-15 22LR Carbine.

(V) Armalite M15-T.

(VI) Barrett REC7.

(VII) Beretta AR-70.

(VIII) Black Rain Ordnance Recon Scout.

(IX) Bushmaster ACR.

(X) Bushmaster Carbon 15.

(XI) Bushmaster MOE series.

(XII) Bushmaster XM15.

(XIII) Chiappa Firearms MFour rifles.

(XIV) Colt Match Target rifles.

(XV) CORE Rifle Systems CORE15 rifles.

(XVI) Daniel Defense M4A1 rifles.

(XVII) Devil Dog Arms 15 Series rifles.

(XVIII) Diamondback DB15 rifles.

(XIX) DoubleStar AR rifles.

(XX) DPMS Tactical rifles.

(XXI) DSA Inc. ZM-4 Carbine.

(XXII) Heckler & Koch MR556.

(XXIII) High Standard HSA-15 rifles.

(XXIV) Jesse James Nomad AR-15 rifle.

(XXV) Knight's Armament SR-15.

(XXVI) Lancer L15 rifles.

(XXVII) MGI Hydra Series rifles.

(XXVIII) Mossberg MMR Tactical rifles.

(XXIX) Noreen Firearms BN 36 rifle.

(XXX) Olympic Arms.

(XXXI) POF USA P415.

(XXXII) Precision Firearms AR rifles.

(XXXIII) Remington R-15 rifles.

(XXXIV) Rhino Arms AR rifles.

(XXXV) Rock River Arms LAR-15 or Rock River Arms LAR-47.

(XXXVI) Sig Sauer SIG516 rifles and MCX rifles.

(XXXVII) Smith & Wesson M&P15 rifles.

(XXXVIII) Stag Arms AR rifles.

(XXXIX) Sturm, Ruger & Co. SR556 and AR-556 rifles.

(XL) Usselton Arms Air-Lite M-4 rifles.

(XLI) Windham Weaponry AR rifles.

(XLII) WMD Guns Big Beast.

(XLIII) Yankee Hill Machine Company, Inc. YHM-15 rifles.

(iii) Barrett M107A1.

(iv) Barrett M82A1.

(v) Beretta CX4 Storm.

(vi) Calico Liberty Series.

(vii) CETME Sporter.

(viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.

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

(x) Feather Industries AT-9.

(xi) Galil Model AR and Model ARM.

(xii) Hi-Point Carbine.

(xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.

(xiv) IWI TAVOR, Galil ACE rifle.

(xv) Kel-Tec Sub-2000, SU-16, and RFB.

(xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig Sauer SG 551, and SIG MCX.



(xvii) Springfield Armory SAR-48.

(xviii) Steyr AUG.

(xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF.

(xx) 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.

(IX) Thompson T1D.

(X) Thompson T1SB.

(XI) Thompson T5.

(XII) Thompson T5100D.

(XIII) Thompson TM1.

(XIV) Thompson TM1C.

(xxi) UMAREX UZI rifle.

(xxii) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine.

(xxiii) Valmet M62S, M71S, and M78.

(xxiv) Vector Arms UZI Type.

(xxv) Weaver Arms Nighthawk.

(xxvi) Wilkinson Arms Linda Carbine.

(K) All of the following pistols, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:

(i) All AK types, including the following:

(I) Centurion 39 AK pistol.

(II) CZ Scorpion pistol.

(III) Draco AK-47 pistol.

(IV) HCR AK-47 pistol.

(V) IO Inc. Hellpup AK-47 pistol.

(VI) Krinkov pistol.

(VII) Mini Draco AK-47 pistol.

(VIII) PAP M92 pistol.

(IX) Yugo Krebs Krink pistol.

(ii) All AR types, including the following:

- (I) American Spirit AR-15 pistol.
- (II) Bushmaster Carbon 15 pistol.
- (III) Chiappa Firearms M4 Pistol GEN II.
- (IV) CORE Rifle Systems CORE15 Roscoe pistol.
- (V) Daniel Defense MK18 pistol.
- (VI) DoubleStar Corporation AR pistol.
- (VII) DPMS AR-15 pistol.
- (VIII) Jesse James Nomad AR-15 pistol.
- (IX) Olympic Arms AR-15 pistol.
- (X) Osprey Armament MK-18 pistol.
- (XI) POF USA AR pistols.
- (XII) Rock River Arms LAR 15 pistol.
- (XIII) Uselton Arms Air-Lite M-4 pistol.
  
- (iii) Calico pistols.
- (iv) DSA SA58 PKP FAL pistol.
- (v) Encom MP-9 and MP-45.
- (vi) Heckler & Koch model SP-89 pistol.
- (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-DC9.

(viii) IWI Galil Ace pistol, UZI PRO pistol.

(ix) Kel-Tec PLR 16 pistol.

(x) All MAC types, including the following:

(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.

(xi) Sig Sauer P556 pistol.

(xii) Sites Spectre.

(xiii) All Thompson types, including the following:

(I) Thompson TA510D.

(II) Thompson TA5.

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

(L) All of the following shotguns, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:

(i) DERYA Anakon MC-1980, Anakon SD12.

(ii) Doruk Lethal shotguns.

(iii) Franchi LAW-12 and SPAS 12.

(iv) All IZHMASH Saiga 12 types, including the following:

(I) IZHMASH Saiga 12.

(II) IZHMASH Saiga 12S.

(III) IZHMASH Saiga 12S EXP-01.

(IV) IZHMASH Saiga 12K.

(V) IZHMASH Saiga 12K-030.

(VI) IZHMASH Saiga 12K-040 Taktika.

(v) Streetsweeper.

(vi) Striker 12.

(2) “Assault weapon” does not include:

(A) Any firearm that is an unserviceable firearm or has been made permanently inoperable.

(B) An antique firearm or a replica of an antique firearm.

(C) A firearm that is manually operated by bolt, pump, lever or slide action, unless the firearm is a shotgun with a revolving cylinder.

(D) Any air rifle as defined in Section 24.8-0.1 of this Code.

(E) Any handgun, as defined under the Firearm Concealed Carry Act, unless otherwise listed in this Section.

(3) “Assault weapon attachment” means any device capable of being attached to a firearm that is specifically designed for making or converting a firearm into any of the firearms listed in paragraph (1) of this subsection (a).

(4) “Antique firearm” has the meaning ascribed to it in 18 U.S.C. 921(a)(16).

(5) “.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 reenactments.

(6) “.50 caliber cartridge” means a cartridge in .50 BMG caliber, either by designation or actual measurement, that is capable of being fired from a centerfire rifle. The term “.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.

(7) “Detachable magazine” means an ammunition feeding device that may be removed from a firearm without disassembly of the firearm action, including an ammunition feeding device that may be readily removed from a firearm with the use of a bullet, cartridge, accessory, or other tool, or any other object that functions as a tool, including a bullet or cartridge.

(8) “Fixed magazine” means an ammunition feeding device that is permanently attached to a firearm, or contained in and not removable from a firearm, or that is otherwise not a detachable magazine, but does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(b) Except as provided in subsections (c), (d), and (e), on or after the effective date of this amendatory Act of the 102nd General Assembly, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, import, or purchase or cause to be manufactured, delivered, sold, imported, or purchased by another, an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge.

(c) Except as otherwise provided in subsection (d), beginning January 1, 2024, it is unlawful for any person within this State to knowingly possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge.

(d) This Section does not apply to a person's possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge device if the person lawfully possessed that assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge prohibited by subsection (c) of this Section, if the person has provided in an endorsement affidavit, prior to January 1, 2024, under oath or affirmation and in the form and manner prescribed by the Illinois State Police, no later than October 1, 2023:

(1) the affiant's Firearm Owner's Identification Card number;

(2) an affirmation that the affiant: (i) possessed an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge before the effective date of this amendatory Act of the 102nd General Assembly; or (ii) inherited the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge from a person with an endorsement under this Section or from a person authorized under subdivisions (1) through (5) of subsection (e) to possess the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge; and

(3) the make, model, caliber, and serial number of the .50 caliber rifle or assault weapon or assault weapons listed in paragraphs (J), (K), and (L) of subdivision (1) of subsection (a) of this Section possessed by the affiant prior to the effective date of this amendatory Act of the 102nd General Assembly and any assault weapons identified and published by the Illinois State Police pursuant to this subdivision (3). No later than October 1, 2023, and every October 1 thereafter, the Illinois State Police shall, via rulemaking, identify, publish, and make available on its website, the list of assault weapons subject to an endorsement affidavit under this subsection (d). The list shall identify, but is not limited to, the copies, duplicates, variants, and altered facsimiles of the assault weapons identified in paragraphs (J), (K), and (L) of subdivision (1) of subsection (a) of this Section and shall be consistent with the definition of “assault weapon” identified in this Section. The Illinois State Police may adopt emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The adoption of emergency rules authorized by Section 5-45 of the Illinois Administrative Procedure Act and this paragraph is deemed to be necessary for the public interest, safety, and welfare.

The affidavit form shall include the following statement printed in bold type: “Warning: Entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012. Entering false information on this form is a violation of the Firearm Owners Identification Card Act.”

In any administrative, civil, or criminal proceeding in this State, a completed endorsement affidavit submitted to the Illinois State Police by a person under this Section creates a rebuttable presumption that the person is entitled to possess and transport the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge.

Beginning 90 days after the effective date of this amendatory Act of the 102nd General Assembly, a person authorized under this Section to possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge shall possess such items only:

- (1) on private property owned or immediately controlled by the person;
- (2) on private property that is not open to the public with the express permission of the person who owns or immediately controls such property;
- (3) while on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair;
- (4) while engaged in the legal use of the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge at a properly licensed firing range or sport shooting competition venue; or
- (5) while traveling to or from these locations, provided that the assault weapon, assault weapon attachment, or .50 caliber rifle is unloaded and the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge is enclosed in a case, firearm carrying box, shipping box, or other container.

Beginning on January 1, 2024, the person with the endorsement for an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge or a person authorized under subdivisions (1) through (5) of subsection (e) to possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge may transfer the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge only to an heir, an individual residing in another state maintaining it in another state, or a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968. Within 10 days after transfer of the weapon except to an heir, the person shall notify the Illinois State Police of the name and address of the transferee and comply with the requirements of subsection (b) of Section 3 of the Firearm Owners Identification Card

Act. The person to whom the weapon or ammunition is transferred shall, within 60 days of the transfer, complete an affidavit required under this Section. A person to whom the weapon is transferred may transfer it only as provided in this subsection.

Except as provided in subsection (e) and beginning on January 1, 2024, any person who moves into this State in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge shall, within 60 days, apply for a Firearm Owners Identification Card and complete an endorsement application as outlined in subsection (d).

Notwithstanding any other law, information contained in the endorsement affidavit shall be confidential, is exempt from disclosure under the Freedom of Information Act, and shall not be disclosed, except to law enforcement agencies acting in the performance of their duties.

(e) The provisions of this Section regarding the purchase or possession of assault weapons, assault weapon attachments, .50 caliber rifles, and .50 cartridges, as well as the provisions of this Section that prohibit causing those items to be purchased or possessed, do not apply to:

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

(2) Qualified law enforcement officers and qualified retired law enforcement officers as defined in the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B and 926C) and as recognized under Illinois law.

(3) Acquisition and possession by a federal, State, or local law enforcement agency for the purpose of equipping the agency's peace officers as defined in paragraph (1) or (2) of this subsection (e).

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

(5) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while performing their official duties or while traveling to or from their places of duty.

(6) Any company that employs armed security officers in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission and any person employed as an armed security force member at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the federal Nuclear Regulatory Commission and while performing official duties.

(7) Any private security contractor agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 that employs private security contractors and any private security contractor who is licensed and has been issued a firearm control card under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 while performing official duties.

The provisions of this Section do not apply to the manufacture, delivery, sale, import, purchase, or possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge or causing the manufacture, delivery, sale, importation, purchase, or possession of those items:



- (A) for sale or transfer to persons authorized under subdivisions (1) through (7) of this subsection (e) to possess those items;
- (B) for sale or transfer to the United States or any department or agency thereof; or
- (C) for sale or transfer in another state or for export.

This Section does not apply to or affect any of the following:

- (i) Possession of any firearm if that firearm is sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, but only when the firearm is in the actual possession of an Olympic target shooting competitor or target shooting coach for the purpose of storage, transporting to and from Olympic target shooting practice or events if the firearm is broken down in a nonfunctioning state, is not immediately accessible, or is unloaded and enclosed in a firearm case, carrying box, shipping box, or other similar portable container designed for the safe transportation of firearms, and when the Olympic target shooting competitor or target shooting coach is engaging in those practices or events. For the purposes of this paragraph (8), “firearm” has the meaning provided in Section 1.1 of the Firearm Owners Identification Card Act.
- (ii) Any nonresident who transports, within 24 hours, a weapon for any lawful purpose from any place where the nonresident may lawfully possess and carry that weapon to any other place where the nonresident may lawfully possess and carry that weapon if, during the transportation, the weapon is unloaded, and neither the weapon nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of the transporting vehicle. In the case of a vehicle without a compartment separate from the driver's compartment, the weapon or ammunition shall be contained in a locked container other than the glove compartment or console.
- (iii) Possession of a weapon at an event taking place at the World Shooting and Recreational Complex at Sparta, only while engaged in the legal use of the weapon, or while traveling to or from that location if the weapon is broken down in a nonfunctioning state, is not immediately accessible, or is unloaded and enclosed in a firearm case, carrying box, shipping box, or other similar portable container designed for the safe transportation of firearms.
- (iv) Possession of a weapon only for hunting use expressly permitted under the Wildlife Code, or while traveling to or from a location authorized for this hunting use under the Wildlife Code if the weapon is broken down in a nonfunctioning state, is not immediately accessible, or is unloaded and enclosed in a firearm case, carrying box, shipping box, or other similar portable container designed for the safe transportation of firearms. By October 1, 2023, the Illinois State Police, in consultation with the Department of Natural Resources, shall adopt rules concerning the list of applicable weapons approved under this subparagraph (iv). The Illinois State Police may adopt emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The adoption of emergency rules authorized by Section 5-45 of the Illinois Administrative Procedure Act and this paragraph is deemed to be necessary for the public interest, safety, and welfare.
- (v) The manufacture, transportation, possession, sale, or rental of blank-firing assault weapons and .50 caliber rifles, or the weapon's respective attachments, to persons authorized or permitted, or both authorized and permitted, to acquire and possess these weapons or attachments for the purpose of rental for use solely as props for a motion picture, television, or video production or entertainment event.

Any person not subject to this Section may submit an endorsement affidavit if the person chooses.

(f) Any sale or transfer with a background check initiated to the Illinois State Police on or before the effective date of this amendatory Act of the 102nd General Assembly is allowed to be completed after the effective date of this amendatory Act once an approval is issued by the Illinois State Police and any applicable waiting period under Section 24-3 has expired.

(g) The Illinois State Police shall take all steps necessary to carry out the requirements of this Section within by October 1, 2023.

(h) The Department of the State Police shall also develop and implement a public notice and public outreach campaign to promote awareness about the provisions of this amendatory Act of the 102nd General Assembly and to increase compliance with this Section.

### **Credits**

Laws 1961, p. 1983, § 24-1.9, added by P.A. 102-1116, § 25, eff. Jan. 10, 2023.

### [Notes of Decisions \(31\)](#)

720 I.L.C.S. 5/24-1.9, IL ST CH 720 § 5/24-1.9

Current through P.A. 103-561 of the 2023 Reg. Sess. Some statute sections may be more current, see credits for details.

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# **EXHIBIT B**



# ILLINOIS STATE POLICE

## NEWS RELEASE

Brendan F. Kelly - Director

FOR IMMEDIATE RELEASE  
September 15, 2023

CONTACT: ISP Public Information Office  
[ISP.PIO.Personnel@illinois.gov](mailto:ISP.PIO.Personnel@illinois.gov)

### **PROTECT ILLINOIS COMMUNITIES ACT EMERGENCY** **RULE FILED**

#### *Assault weapons and high-capacity magazine endorsement affidavit process*

**SPRINGFIELD** – The Illinois State Police (ISP) has filed an emergency rule with the Illinois Secretary of State to implement the Protect Illinois Communities Act (Act). On January 10, 2023, Governor JB Pritzker signed into law [Public Act 102-1116](#) regulating the sale and distribution of assault weapons, high-capacity magazines, and switches in Illinois. The Act went into effect immediately upon signing. Individuals who possessed an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge before the Act took effect are required to submit an endorsement affidavit through their Firearm Owner's Identification (FOID) Card account prior to January 1, 2024. A copy of the emergency rule will be posted on this page [www.isp.illinois.gov/Home/AssaultWeapons](http://www.isp.illinois.gov/Home/AssaultWeapons).

Individuals can begin submitting their endorsement affidavits online beginning **October 1, 2023**. Affidavits must be submitted online through a FOID Card account. Individuals can access their FOID Card account from the [ISP Firearms Services Bureau website](http://www.ispfsb.com/Public/Login.aspx), or going directly to [www.ispfsb.com/Public/Login.aspx](http://www.ispfsb.com/Public/Login.aspx). If you have forgotten your username or password, links on the login page will help you recover or reset your information. The same Firearm Service Bureau links can be used to create an account for those who do not have one. You will need an email address, driver's license or State ID, and FOID card to create an account. A tutorial video on how to create an account can be found on the ISP FOID webpage under [Application Help](#).

Individuals who need help submitting an endorsement affidavit can refer to the Frequently Asked Questions page or visit one of the ISP FOID Kiosks, both of which can be found on the ISP website at [www.isp.illinois.gov/Home/AssaultWeapons.com](http://www.isp.illinois.gov/Home/AssaultWeapons.com). Do not bring your weapon, ammunition, or accessories if you visit a Kiosk. A tutorial video on how to submit an endorsement affidavit through your FOID account will be available on the [ISP website](#) by October 1, 2023.

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ILLINOIS REGISTER

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ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER II: ILLINOIS STATE POLICE

PART 1230  
FIREARM OWNER'S IDENTIFICATION CARD ACT

Section

1230.10 Definitions

EMERGENCY

1230.15 FOID Card and Assault Weapon Electronic Endorsement Affidavit Requirement  
~~Definitions for Section 1230.75 (Transferred)~~

EMERGENCY

1230.20 Application Procedures

1230.25 Electronic Communication

1230.30 Duration, Renewal, and Expiration of FOID Card

1230.40 Sponsorship of a Minor

1230.45 Firearm Serial Number System to Identify Firearms Reported Stolen

1230.50 Return of FOID Card – Applicant

EMERGENCY

1230.60 Return of Revoked FOID Card – Other

1230.65 Transfer of Items Regulated by Sections 24-1.9 or 24-1.10 of the Criminal Code 2012

EMERGENCY

1230.70 Record Challenge

1230.75 Request for Relief (Transferred)

1230.80 Judicial Review (Repealed)

1230.90 Certification (Repealed)

1230.100 Reduction of Remittance (Repealed)

1230.110 Retention of Remittance

1230.120 Clear and Present Danger Reporting

1230.APPENDIX A List of Assault Weapons Subject to an Endorsement Affidavit

EMERGENCY

1230.APPENDIX B List of Assault Weapons Approved for Hunting Use Expressly Permitted Under the Wildlife Code

EMERGENCY

1230.EXHIBIT A Application for Firearm Owner's Identification Card (Form FOID-1.2) (Repealed)

1230.EXHIBIT B Certification (Repealed)

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**AUTHORITY:** Implementing and authorized by the Firearm Owners Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois. (Illinois State Police Law) [20 ILCS 2605].

**SOURCE:** Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 16629, effective September 8, 1998; amended at 27 Ill. Reg. 10308, effective June 26, 2003; amended at 38 Ill. Reg. 2301, effective December 31, 2013; emergency amendment at 44 Ill. Reg. 6166, effective April 6, 2020, for a maximum of 150 days; emergency expired September 2, 2020; emergency amendment at 44 Ill. Reg. 15819, effective September 3, 2020, for a maximum of 150 days; emergency expired January 30, 2021; emergency amendment at 45 Ill. Reg. 2763, effective February 19, 2021, for a maximum of 150 days; emergency expired July 18, 2021; amended at 45 Ill. Reg. 11201, effective August 30, 2021; amended at 46 Ill. Reg. 1057, effective December 21, 2021; amended at 46 Ill. Reg. 6798, effective April 12, 2022; emergency amendment at 46 Ill. Reg. 13553, effective July 15, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 19237, effective November 21, 2022; amended at 47 Ill. Reg. 2431, effective February 3, 2023; Sections 1230.15 and 1230.75 transferred to 20 Ill. Adm. Code 3500 at 47 Ill. Reg. 2474; emergency amendment at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days; amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1230.10 Definitions**

**EMERGENCY**

Terms defined in the Firearm Owners Identification Card Act [430 ILCS 65/1.1] and Section 24-1.9 and 1.10 of the Criminal Code of 2012 [720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10] have the same meanings when used in this Part. The following additional definitions also apply to this Part, ~~with the exception of Section 1230.75~~, unless the context clearly requires a different meaning:

"Act" means Firearm Owners Identification Card Act [430 ILCS 65].

"Active" means the Firearm Owner's Identification Card is active in the online FOID/~~FCCLCCL~~ system and valid for purposes of acquiring and possessing firearms and firearms ammunition.

"Antique firearm" shall have the meaning ascribed to it in 18 U.S.C. 921(a)(16), i.e.:

any firearm, including any firearm with a matchlock, flintlock, percussion cap, or

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similar type of ignition system, manufactured in or before 1898; or

any replica of any firearm described in the previous paragraph if the replica:

is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or

any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder or a black powder substitute and that cannot use fixed ammunition.

The term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination of these.

"Applicant" means a person who has submitted an application for a Firearm Owner's Identification Card.

"Assault Weapon" means a firearm that meets the definition of an assault weapon as set forth in Section 24-1.9 of the Criminal Code of 2012 [720 ILCS 5/24-1.9(a)(1)], including, but not limited to, those set forth in Appendix A as required by Section 24-1.9 of the Criminal Code of 2012.

"ATF" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

"Criminal Justice System Employee" includes law enforcement officials, courts, State's Attorneys, probation officers, parole officers, and federal law enforcement officials.

"Department" means the Illinois State Police.

"Designator" means an indication printed on the face of a FOID Card that the card holder has been issued an FCCL.

"Director" means the Director of the Illinois State Police or the Director's designee.

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"Endorsement Affidavit" means an affidavit electronically executed through the online FOID/FCCL System that registers an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, with the Department as required by Section 24-1.9(d) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(d)].

"FCCL" means Firearm Concealed Carry License pursuant to the Firearm Concealed Carry Act [430 ILCS 66], which may be indicated as a Designator printed on the face of a FOID Card.

"FFL" means a person or business who has been issued a Federal Firearms License by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

"Felony Indictment" shall mean an indictment for a crime punishable by imprisonment for a term exceeding one year pursuant to 18 U.S.C. 922(d)(1) and (n).

"FOID Card" means the Firearm Owner's Identification Card as defined in Section 6 of the Act, which may include an FCCL Designator printed on the face of the card.

"Having Possessed Such Items Prior to January 10, 2023" means persons who possess one of the prohibited items under the Act, as the result of a sale or transfer with a background check initiated with the Department on or before January 10, 2023, where the sale or transfer was completed after that date pursuant to Section 24-1.9(f) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(f)].

"Heir" means a person who receives property by reason of the death of another whether as heir, legatee, beneficiary, survivor or any other capacity as allowed by the Illinois Probate Act [755 ILCS 5/] and the Illinois rules of intestate succession.

"Inherit" means to receive a distribution pursuant to intestate succession, will, trust, or other method permitted by law upon the death of the owner.

"Law enforcement officer" means an employee of a government agency who:

is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

has statutory powers of arrest or custodial detention;

is authorized by the agency to carry a firearm while on duty;



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is not the subject of any disciplinary action by the employing agency that could result in termination;

meets the standards established by the agency that require the employee to regularly qualify in the use of a firearm; and

is not prohibited by federal law from possessing a firearm.

"Law enforcement official", for purposes of clear and present danger reporting, means any peace officer, warden, superintendent or keeper of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of a criminal offense, and employees of police laboratories having a department or section of forensic firearm identification.

"Move to Illinois" means to relocate from another state or country with intent to make Illinois the primary domicile as evidenced by an Illinois Driver's License or Illinois State Identification Card.

"Online FOID/FCCL System" means the Department's applicant and person-to-person portal which allows a person to apply for a FOID Card or FCCL and access their FOID Card/FCCL dashboard, as well as determine whether the applicant's FOID or another person's FOID Card is valid and active where permitted by law.

"Out-of-state resident" means a person who does not qualify for an Illinois driver's license or an Illinois State identification card due to his or her establishment of a primary domicile in another state.

"Peace Officer" shall have the meaning ascribed to it in Section 2-13 of the Criminal Code of 2012 [720 ILCS 5/2-13].

"Protective order" means any orders of protection issued under the Illinois Domestic Violence Act of 1986 [750 ILCS 60], stalking no contact orders issued under the Stalking No Contact Order Act [740 ILCS 21], civil no contact orders issued under the Civil No Contact Order Act [740 ILCS 22], and firearms restraining orders issued under the Firearms Restraining Order Act [430 ILCS 67].

"Purchaser" means any person who is buying or receiving firearms or firearms ammunition as part of a sale or transfer.

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"Qualified Law Enforcement Officer" and "Qualified Retired Law Enforcement Officer" shall have the meanings ascribed to those terms in the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B and 926C) and as recognized under Illinois law. (See 720 ILCS 5/24-1.9(e)(2) and 720 ILCS 5/24-1.10(e)(2))

"Seller" means any person who is selling or transferring firearms or firearms ammunition as part of a sale or transfer.

"Transfer" means the permanent relinquishment of ownership of a firearm or other item, where possession of the item is regulated by the Act or Article 24 of the Criminal Code of 2012 [720 ILCS 5/24], to another person regardless of whether consideration or money is received by the seller.

"Unlawful Drug Use" shall mean any unlawful use of or addiction to any controlled substance pursuant to 18 U.S.C. 922(d)(3) and (g)(3).

"Valid" means current and not suspended, revoked, expired, canceled, invalidated, denied or disqualified.

(Source: Emergency amendment at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

**Section 1230.15 FOID Card and Assault Weapon Electronic Endorsement Affidavit Requirement Definitions for Section 1230.75 (Transferred)**  
**EMERGENCY**

- a) FOID Card Requirement. Pursuant to Section 2 of the Act, no person may acquire or possess any firearm, stun gun, or taser within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Illinois State Police. [430 ILCS 65/2(a)(1)]
  - 1) Pursuant to Section 12 of the Act, if an Illinois resident without a FOID Card inherits a firearm or firearm ammunition upon the death of the owner, the provisions of the Act and this Part shall not apply to the person until 60 days after the passing or transfer of the firearm or ammunition. [430 ILCS 65/12]
  - 2) Except as provided in subsection (e) of Section 24-1.9 of the Criminal Code of 2012 and beginning on January 1, 2024, any person, who moves into this State in possession of an assault weapon, assault weapon

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attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device, shall apply for a FOID Card within 60 days after moving to Illinois. [720 ILCS 5/24-1.9(d)]

3) If a FOID Card application is denied, then upon receipt of the denial notice, any person who possesses a firearm or firearm ammunition and applied for a FOID Card upon inheriting or moving to Illinois must transfer the firearm or firearm ammunition to a person authorized to possess the firearm.

b) Electronic Endorsement Affidavit Requirement. Any person, other than individuals exempt by Section 24-1.9(e) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(d)], in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, must electronically file an endorsement affidavit through the online FOID/FCCL system beginning October 1, 2023, but shall be completed no later than January 1, 2024.

1) Any person who moves into Illinois in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device, shall complete the endorsement affidavit within 60 days after moving to Illinois. [720 ILCS 5/24-1.9(d)]

2) The electronic endorsement affidavit requirements of this Section do not apply to:

A) Peace officers;

B) Qualified law enforcement officers and retirees;

C) the acquisition and possession by a federal, State, or local law enforcement agency for the purpose of equipping that agency's peace officers; and

D) Wardens, superintendents, and keepers of correctional institutions for the detention of persons accused or convicted of an offense. (See 720 ILCS 5/24-1.9(e)(1-4)).

3) Exemptions for Official Duties.

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A) The following persons are not required to complete an electronic endorsement affidavit to possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge while the person is performing official duties:

i) Armed security personnel in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission;

ii) Private security personnel licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004; and

iii) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, who are also exempt while traveling to or from their places of duty.

B) However, these persons must complete an electronic endorsement affidavit if their possession of these items extends beyond the performance of their official duties. (See 720 ILCS 5/24 1.9(e)).

4) Other Exemptions.

A) The following persons are not required to complete an electronic endorsement affidavit under the following circumstances:

i) Olympic target shooting competitors and coaches in possession of any firearm sanctioned by the International Olympic Committee and by USA Shooting;

ii) Nonresidents who are transporting an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge to any other place where the nonresident may lawfully possess and carry that weapon;

iii) Persons in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge at an event at the World Shooting and Recreational Complex at Sparta;

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- iv) Persons in possession of a weapon set forth in Appendix B, if the possession is only for hunting use expressly permitted under the Wildlife Code [520 ILCS 5]; and
    - v) Persons in possession of blank-firing assault weapons if the possession is only for props for a motion picture, television or video production or entertainment event. (See 720 ILCS 5/24 1.9(e)(7)(C)(v)).
  - B) However, these persons must have completed an electronic endorsement affidavit if their possession of these items extends beyond the circumstances outlined in subsection (b)(4)(A). For example, if a person owns an assault weapon and hunts with it, their possession extends beyond hunting use; or if a person owns an assault weapon and takes it to an event at the World Shooting and Recreational Complex at Sparta, their possession extends beyond possession at the World Shooting and Recreational Complex at Sparta. As a result, the persons in the above examples would be required to complete an electronic endorsement affidavit. If a person does not own an assault weapon but rather rents or borrows one from a neighbor for hunting or a teammate for a shooting event and returns it upon the conclusion of the purpose, their possession does not extend beyond the permitted circumstances and that person would not be required to complete an electronic endorsement affidavit.
- 5) Nothing in this Section shall be construed to make lawful the acquisition, transportation, or possession of firearms or firearm ammunition which is otherwise prohibited by law, for example this Act and the Wildlife Code [520 ILCS 5].
- c) Electronic Endorsement Affidavit Contents. The endorsement affidavit shall include:
  - 1) The affiant's Firearm Owner's Identification Card number;
  - 2) An affirmation that the affiant:
    - A) possessed an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge before January 10, 2023; or

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- B) inherited such items from a person with an endorsement under Section 24-1.9 of the Criminal Code of 2012 [720 ILCS 5/24-1.9] or from a person authorized under Section 24-1.9(e)(1) through (5) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(e)(1)-(5)] to possess such items; or
- C) moved into Illinois after January 10, 2023 with such items; or
- D) is filing an endorsement affidavit voluntarily;
- 3) The make, model, caliber, and serial number of each assault weapon or .50 caliber rifle;
- 4) A warning printed in bold type that states: "Warning: Entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012. Entering false information on this form is a violation of the Firearm Owners Identification Card Act." [720 ILCS 5/24-1.9(d)]; and
- 5) An affirmation that the endorsement affidavit is signed under oath, swearing, affirming, and certifying, that the statements set forth in the endorsement affidavit are true and correct subject to the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].
- d) Electronic Endorsement Affidavit Filing Deadlines. The endorsement affidavit, shall be filed electronically through the online FOID/FCCL system, no later than:

  - 1) January 1, 2024, if the person is an Illinois resident who possessed an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, prior to January 10, 2023; or
  - 2) 60 days after moving to Illinois, if the person was an out-of-state resident who moved into Illinois after January 10, 2023, and possessed an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge prior to moving to Illinois.
- e) Electronic Endorsement Affidavit Voluntary Compliance. Any person in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or

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.50 caliber cartridge, who is exempt from the endorsement affidavit requirements of Section 24-1.9(e) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(e)] may electronically file an endorsement affidavit through the [online FOID/FCCL system voluntarily at any time.](#)

- f) Penalty. A person convicted of failure to possess a FOID Card as required by Section 2 of the Act or complete an electronic endorsement affidavit as required by Section 24-1.9 of the Criminal Code of 2012, commits a Class A misdemeanor or Class 3 or 4 felony depending upon the circumstances of the violation. (See [430 ILCS 65/14 and 720 ILCS 5/24-1\(a\)\(15\)](#)).

(Source: Section transferred to 20 Ill. Adm. 3500.10 at 47 Ill. Reg. 2474; emergency rule added at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

**Section 1230.50 Return of FOID Card – Applicant**  
**EMERGENCY**

- a) Suspension
- 1) The Department will suspend the FOID Card pursuant to Section 8.3 of the Act, whenever the Department finds that a person to whom a FOID Card was previously issued is disqualified pursuant to:
    - A) Section 8.2 of the Act as the result of a Protective Order and the duration of the disqualification is expected to be less than one year;
    - B) Section 8(n) of the Act as the result of Felony Indictment; or
    - C) Section 8(d) of the Act because the person is an Unlawful Drug Use if the person is prohibited under Illinois law from possessing firearms.
  - 2) Upon receiving notice of suspension, the FOID Card holder must comply with the Firearms Disposition Record (FDR) provisions of Section 9.5 of the Act ~~and~~ shall surrender the FOID Card to the law enforcement agency or person listed on the FDR regardless of whether the FOID Card holder owns or possesses firearms.
    - A) A person subject to Section 9.5 of the Act due to a suspension shall either surrender assault weapons, assault weapon attachments, .50

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caliber rifles, and .50 caliber cartridges to a law enforcement agency for the duration of the suspension or transfer such items to a person authorized to purchase and possess such items consistent with the provisions of Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 [720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10].

B) Assault weapons, assault weapon attachments, .50 caliber rifles, .50 caliber cartridges, and large capacity ammunition feeding devices transferred to another person as the result of a suspension may not be returned upon reinstatement of the FOID Card.

C) Assault weapons, assault weapon attachments, .50 caliber rifles, .50 caliber cartridges, and large capacity ammunition feeding devices may only be returned by a law enforcement agency to whom such items were surrendered.

- 3) The suspended FOID Card shall be invalid for the duration of the disqualification and suspension, including but not limited to, prohibiting the possession, purchase, sale, transfer or exchange of firearms and firearms ammunition.
- 4) The FOID Card holder shall provide written notification to the Department upon conclusion of the disqualification.
- 5) After verifying the conclusion of the disqualification, the Department will provide written notice and reinstate the FOID Card.
- 6) The FOID Card holder may appeal the suspension consistent with the provisions of Section 10 of the Act and Section 1230.70 of this Part.

b) Revocation

- 1) Whenever the Department finds that a person to whom a FOID Card was previously issued is disqualified pursuant to Section 8 or 8.2 of the Act other than as the result of a disqualification as provided in subsection (a)(1), the Department may revoke and seize the FOID Card.
- 2) Upon receiving notice of revocation, the FOID Card holder must comply with the provisions of Section 9.5 of the Act in its entirety.



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- A) A copy of the required Firearm Disposition Record can be found on the Department's website.
- B) Individuals whose FOID Cards were confiscated by law enforcement or the courts must submit documentation of the confiscation with the Firearm Disposition Record.
- C) A person subject to Section 9.5 of the Act due to a revocation shall either surrender assault weapons, assault weapon attachments, .50 caliber rifles, and .50 caliber cartridges to a law enforcement agency for the duration of the revocation or transfer such items to a person authorized to purchase and possess such items consistent with the provisions of Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 [720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10].
  - i) Assault weapons, assault weapon attachments, .50 caliber rifles, .50 caliber cartridges and large capacity ammunition feeding devices transferred to another person as the result of a revocation may not be returned upon reinstatement of the FOID Card.
  - ii) Assault weapons, assault weapon attachments, .50 caliber rifles, .50 caliber cartridges, and large capacity ammunition feeding devices may only be returned by a law enforcement agency to whom such items were surrendered upon reinstatement of the FOID Card.
- 3) The FOID Card holder may appeal the revocation consistent with the provisions of Section 10 of the Act and Section 1230.70 of this Part.
- c) Canceled. Pursuant to Section 8.4 of the Act, individuals who are not prohibited by State or federal law from acquiring or possessing a firearm or firearm ammunition may cancel their FOID Cards for administrative purposes.
  - 1) The Department will, at the FOID Card holder's request, cancel a FOID Card whenever an individual reports to the Department that:
    - A) they have surrendered their Illinois driver's license or Illinois Identification Card to another jurisdiction;

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- B) their FOID Card has been lost, stolen, or destroyed; or
  - C) they no longer wish to possess a FOID Card.
- 2) If an applicant's payment is rejected due to insufficient funds and the applicant fails to pay all required fees, then the Department will cancel the applicant's FOID Card.
  - 3) FOID Cards that are canceled are not subject to the requirements of Section 9.5 of the Act but must be destroyed or surrendered to law enforcement.
- d) Notwithstanding the provisions of this Section, the Department will comply with any court order to the contrary that is not void as a matter of law.

(Source: Emergency amendment at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

**Section 1230.65 Transfer of Items Regulated by Sections 24-1.9 or 24-1.10 of the Criminal Code of 2012**  
**EMERGENCY**

- a) All transfers of an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device, shall be made in accordance with Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 [720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10].
- b) If a person is in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, and the person fails to comply with any applicable electronic endorsement affidavit filing requirements, the person shall either surrender the possession of the items to a law enforcement agency or transfer possession of the items to a person authorized to purchase and possess such items consistent with the provisions of Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 [720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10].
- c) If a person's FOID Card is revoked, suspended or canceled while in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device, the person shall either surrender possession to a law enforcement agency or transfer possession of the items to a person authorized to purchase and possess such items consistent with

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the provisions of Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 [720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10].

- d) If transfer of an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device is required, transfer shall be made to:
- 1) Peace officers;
  - 2) Qualified law enforcement and retirees;
  - 3) Federal, State, or local law enforcement agencies;
  - 4) Wardens, superintendents, and keepers of correctional institutions;
  - 5) Armed security personnel in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission;
  - 6) Private security personnel licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447];
  - 7) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard;
  - 8) Any Department or Agency of the United States government;
  - 9) An individual residing in and maintaining possession in another state; or
  - 10) An FFL for export to another state.
- e) Whenever an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device is transferred to a person authorized to purchase and possess such items consistent with the provisions of Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 [720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10], the person or FFL making the transfer shall confirm the identify and eligibility of the person receiving the items.

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- 1) The person or FFL making the transfer must obtain a copy of a current or retired employment identification card, a letter from the employing agency on official letterhead, or any similar official instrument used to confirm employment and identity.
- 2) A copy of the proof of eligibility must be maintained as a part of the transfer record required by Section 3(b) of the Act.
- 3) If the transfer is completed by an FFL, a copy of the proof of eligibility shall be attached to the ATF Form 4473.

(Source: Emergency rule added at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

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**Section 1230.APPENDIX A List of Assault Weapons Subject to an Endorsement Affidavit EMERGENCY**

- a) This list is consistent with the definition of “assault weapon” as set forth in Section 24-1.9 of the Criminal Code of 2012, and includes but is not limited to, the copies, duplicates, variants, and altered facsimiles of the assault weapons identified in paragraphs (J), (K), and (L) of subdivision (1) of subsection (a). [720 ILCS 5/24-1.9]
- b) This list is not intended to permit the possession of a firearm that meets the definition of assault weapon as defined by Subsection 24-1.9(a)(1) unless the person in possession has complied with the endorsement affidavit requirements of the Act.
  - 1) A semiautomatic rifle that has the capacity to accept a detachable magazine or that may be readily modified to accept a detachable magazine, if the firearm has one or more of the following:
    - A) a pistol grip or thumbhole stock;
    - B) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
    - C) a folding, telescoping, thumbhole, or detachable stock, or a stock that is otherwise foldable or adjustable in a manner that operates to reduce the length, size, or any other dimension, or otherwise enhances the concealability of, the weapon;
    - D) a flash suppressor;
    - E) a grenade launcher;
    - F) 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.
  - 2) A semiautomatic rifle that has a fixed magazine with the capacity to accept more than 10 rounds, except for an attached tubular device

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designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

- 3) A semiautomatic pistol that has the capacity to accept a detachable magazine or that may be readily modified to accept a detachable magazine, if the firearm has one or more of the following:
  - A) a threaded barrel;
  - B) a second pistol grip or another feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
  - 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 flash suppressor;
  - E) the capacity to accept a detachable magazine at some location outside of the pistol grip; or
  - F) a buffer tube, arm brace, or other part that protrudes horizontally behind the pistol grip and is designed or redesigned to allow or facilitate a firearm to be fired from the shoulder.
- 4) A semiautomatic pistol that has a fixed magazine with the capacity to accept more than 15 rounds.
- 5) Any shotgun with a revolving cylinder.
- 6) A semiautomatic shotgun that has one or more of the following:
  - A) a pistol grip or thumbhole stock;
  - B) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
  - C) a folding or thumbhole stock;

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- D) a grenade launcher;
- E) a fixed magazine with the capacity of more than 5 rounds; or
- F) the capacity to accept a detachable magazine.
- 7) Any semiautomatic firearm that has the capacity to accept a belt ammunition feeding device.
- 8) Any firearm that has been modified to be operable as an assault weapon as defined in this Section.
- 9) Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.
- 10) All of the following rifles, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon:

  - A) All AK types, including the following:

    - i) AK, AK47, AK47S, A-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms AK-47, VEPR, WASR-10, and WUM.
    - ii) IZHMASH Saiga AK.
    - iii) MAADI AK47 and ARM.
    - iv) Norinco 56S, 56S2, 84S, and 86S.
    - v) Poly Technologies AK47 and AKS.
    - vi) SKS with a detachable magazine.
  - B) All AR types, including the following:

    - i) AR-10

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- ii) [AR-15](#)
- iii) [Alexander Arms Overmatch Plus 16.](#)
- iv) [Armalite M15 22LR Carbine.](#)
- v) [Armalite M15-T.](#)
- vi) [Barrett REC7.](#)
- vii) [Beretta AR-70.](#)
- viii) [Black Rain Ordnance Recon Scout.](#)
- ix) [Bushmaster ACR.](#)
- x) [Bushmaster Carbon 15.](#)
- xi) [Bushmaster MOE series.](#)
- xii) [Bushmaster XM15.](#)
- xiii) [Chiappa Firearms MFour rifles.](#)
- xiv) [Colt Match Target rifles.](#)
- xv) [CORE Rifle Systems CORE15 rifles.](#)
- xvi) [Daniel Defense M4A1 rifles.](#)
- xvii) [Devil Dog Arms 15 Series rifles.](#)
- xviii) [Diamondback DB15 rifles.](#)
- xix) [DoubleStar AR rifles.](#)
- xx) [DPMS Tactical rifles.](#)
- xxi) [DSA Inc. ZM-4 Carbine.](#)



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- [xxii\) Heckler & Koch MR556.](#)
- [xxiii\) High Standard HSA-15 rifles.](#)
- [xxiv\) Jesse James Nomad AR-15 rifle.](#)
- [xxv\) Knight's Armament SR-15](#)
- [xxvi\) Lancer L15 rifles.](#)
- [xxvii\) MGI Hydra Series rifles.](#)
- [xxviii\) Mossberg MMR Tactical rifles.](#)
- [xxix\) Noreen Firearms BN 36 rifle.](#)
- [xxx\) Olympic Arms.](#)
- [xxxi\) POF USA P415.](#)
- [xxxii\) Precision Firearms AR rifles.](#)
- [xxxiii\) Remington R-15 rifles.](#)
- [xxxiv\) Rhino Arms AR rifles.](#)
- [xxxv\) Rock River Arms LAR-15 or Rock River Arms LAR-47.](#)
- [xxxvi\) Sig Sauer SIG516 rifles and MCX rifles.](#)
- [xxxvii\) Smith & Wesson M&P15 rifles.](#)
- [xxxviii\) Stag Arms AR rifles.](#)
- [xxxix\) Sturm, Ruger & Co. SR556 and AR-556 rifles.](#)
- [xl\) Uselton Arms Air-Lite M-4 rifles.](#)
- [xli\) Windham Weaponry AR rifles.](#)

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xlii) WMD Guns Big Beast.

xliii) Yankee Hill Machine Company, Inc. YHM-15 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) IWI TAVOR, Galil ACE rifle.

O) Kel-Tec Sub-2000, SU-16, and RFB.

P) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig Sauer SG 551, and SIG MCX.

Q) Springfield Armory SAR-48.

R) Steyr AUG.

S) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF.

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- T) 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.
  - ix) Thompson T1D.
  - x) Thompson T1SB.
  - xi) Thompson T5.
  - xii) Thompson T5100D.
  - xiii) Thompson TM1.
  - xiv) Thompson TM1C.
- U) UMAREX UZI rifle.
- V) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine.
- W) Valmet M62S, M71S, and M78.
- X) Vector Arms UZI Type.

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Y) [Weaver Arms Nighthawk.](#)

Z) [Wilkinson Arms Linda Carbine.](#)

11) [All of the following pistols, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:](#)

A) [All AK types, including the following:](#)

i) [Centurion 39 AK pistol.](#)

ii) [CZ Scorpion pistol.](#)

iii) [Draco AK-47 pistol.](#)

iv) [HCR AK-47 pistol.](#)

v) [IO Inc. Hellpup AK-47 pistol.](#)

vi) [Krinkov pistol.](#)

vii) [Mini Draco AK-47 pistol.](#)

viii) [PAP M92 pistol.](#)

ix) [Yugo Krebs Krink pistol.](#)

B) [All AR types, including the following:](#)

i) [American Spirit AR-15 pistol.](#)

ii) [Bushmaster Carbon 15 pistol.](#)

iii) [Chiappa Firearms M4 Pistol GEN II.](#)

iv) [CORE Rifle Systems CORE15 Roscoe pistol.](#)

v) [Daniel Defense MK18 pistol.](#)

vi) [DoubleStar Corporation AR pistol.](#)

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vii) DPMS AR-15pistol.

viii) Jesse James Nomad AR-15 pistol.

ix) Olympic Arms AR-15pistol.

x) Osprey Armament MK-18 pistol.

xi) POF USA AR pistols.

xii) Rock River Arms LAR 15 pistol.

xiii) Uselton Arms Air-Lite M-4 pistol.

C) Calico pistols.

D) DSA SA58 PKP FAL pistol.

E) Encom MP-9 and MP-45.

F) Heckler & Koch model SP-89 pistol.

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

H) IWI Galil Ace pistol, UZI PRO pistol.

I) Kel-Tec PLR 16 pistol.

J) All MAC types, including the following:

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.

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- v) Velocity Arms VMAC.
- K) Sig Sauer P556 pistol.
- L) Sites Spectre.
- M) All Thompson types, including the following:
  - i) Thompson TA510D.
  - ii) Thompson TA5.
- N) All UZI types, including Micro-UZI.
- 12) All of the following shotguns, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:
  - A) DERYA Anakon MC-1980, Anakon SD12.
  - B) Doruk Lethal shotguns.
  - C) Franchi LAW-12 and SPAS 12.
  - D) All IZHMASH Saiga 12 types, including the following:
    - i) IZHMASH Saiga 12.
    - ii) IZHMASH Saiga 12S.
    - iii) IZHMASH Saiga 12S EXP-01.
    - iv) IZHMASH Saiga 12K.
    - v) IZHMASH Saiga 12K-030.
    - vi) IZHMASH Saiga 12K-040 Taktika.
  - E) Streetsweeper.
  - F) Striker 12.

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- b) This list shall be available on the Illinois State Police website and shall be updated on the website no later than October 1, 2024, and every October 1<sup>st</sup> thereafter.

(Source: Emergency rule added at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

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**Section 1230.APPENDIX B List of Assault Weapons Approved for Hunting Use Expressly Permitted Under the Wildlife Code**  
**EMERGENCY**

- a) As used in this Appendix B:
- 1) "Centerfire" means a gun that will only fire a round that contains the primer in the center of the cartridge and not in the rim of the cartridge. [520 ILCS 5/1.2aa]
  - 2) "Migratory game birds" means all wild species of ducks, geese, swans, doves, pigeons, cranes, rails, coots, gallinules, woodcocks, and snipes consistent with 50 CFR 20.11.
  - 3) "Near" means adjacent, nearby, or in close proximity.
  - 4) "Single shot" means a gun that is either manufactured or modified to only be capable of holding a total of one round in the magazine and chamber combined. Firearms shall be considered single shot if there is no magazine in possession of or near a hunter in the field, and the firearm can only hold a total of one round. Assault rifles may be modified to be a single shot firearm, for example by removing the internal magazine springs and follower, using a plug to block the magazine tube, using a "0 round" magazine, or otherwise modifying the receiver or internal magazine of the rifle. "Single shot" does not include:
    - A) A rifle in the possession of a person who is also in possession of or in close proximity to a magazine that would allow the rifle to be capable of holding more than one round; or
    - B) A revolver. A gun shall be considered single shot if there is no magazine in the possession of or in close proximity to a hunter in the field and the gun can only hold a total of one round. [520 ILCS 5/1.2bb]
- b) This Appendix sets forth those weapons that are approved for hunting use expressly permitted under the Wildlife Code [520 ILCS 5] and was compiled in consultation with the Department of Natural Resources. [720 ILCS 5/24-1.9] This list is not exhaustive and is not intended to prohibit hunting with a firearm that



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otherwise meets the definition of assault weapon as defined by Section 24-1.9(a)(1) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(a)(1)] if such firearm is in compliance with the hunting requirements within the Wildlife Code.

- 1) Shotguns as set forth in subsection (a)(3) are permitted for hunting cock pheasant, Hungarian partridge, bobwhite quail, wild turkey, crow, and migratory game birds if the shotgun meets the gauge or caliber, ammunition, and number of rounds limitations pursuant to the Wildlife Code and as set forth by the Illinois Department of Natural Resources in Title 17 of the Illinois Administrative Code.
  - 2) All assault weapons set forth in Section 1230.Appendix A are permitted for hunting raccoon, opossum, striped skunk, red fox, gray fox, bobcat, squirrels, and woodchuck (groundhog), coyote, cottontail and swamp rabbit, and wild swine if the weapon meets the gauge or caliber, ammunition, and number of rounds limitations pursuant to the Wildlife Code and as set forth by the Illinois Department of Natural Resources in Title 17 of the Illinois Administrative Code.
  - 3) All assault weapons set forth in Section 1230.Appendix A are permitted for hunting white tailed deer if the weapon meets the gauge or caliber, ammunition and centerfire single shot limitations pursuant to Section 2.25 of the Wildlife Code and as set forth by the Illinois Department of Natural Resources in Title 17 of the Illinois Administrative Code. Hunters may not be in possession of or near a magazine that can alter the rifle to no longer meet the definition of single shot.
  - 4) No assault weapon set forth in Section 1230.Appendix A is permitted for hunting beaver, badger, river otter, weasel, mink and muskrat. For additional information regarding trapping of such wildlife please refer to the Wildlife Code and the administrative rules adopted by the Illinois Department of Natural Resources in Title 17 of the Illinois Administrative Code.
- c) Notwithstanding subsection (b), all assault weapons approved for hunting are subject to existing laws under the Wildlife Code [520 ILCS 5] and rules under Title 17 of the Illinois Administrative Code, including, but not limited to, the number of rounds permitted in, a magazine and chamber combined; the Illinois Department of Natural Resources site specific rules; caliber of weapon, type of ammunition, and circumstances under which the weapon can be used to hunt a

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specific species; and the season when wildlife may be taken. (See also 17 Ill. Adm. Code 510, 530, 550, 570, 590, 650, 660, 675, 680, 690, 710, 715, 730, and 740).

- d) Notwithstanding subsections (b) and (c), possession of assault weapons must be compliant with the Protecting Illinois Communities Act (P.A. 102-1116) and the administrative rules required by such Act, including but not limited to the electronic endorsement affidavit requirement as set forth in Section 1230.15(b)(3).
- e) This list shall be updated annually in rule and will be available and updated regularly on the Illinois State Police website.

(Source: Emergency rule added at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)