

Illinois State Laws

Current through P.A. 101-1 of the 2019 Regular Session, except for portions of P.A. 100-1176 of the 2018 Regular Session of the 100th General Assembly.

Office of the Attorney General

100 West Randolph Street
Chicago, IL 60601

Voice: (312) 814-3000

<http://www.illinoisattorneygeneral.gov/>



Chicago Field Division

525 West Van Buren Street
Suite 600

Chicago, IL 60607

Voice: (312) 846-7200

<https://www.atf.gov/chicago-field-division>



Table of Contents

Chapter 430 Public Safety

Firearm Owners Identification Card Act

- § Sec. 430 ILCS 65/1.1 Firearm defined; Firearm ammunition defined
- § Sec. 430 ILCS 65/2 Firearm Owner's Identification Card required; exceptions
- § Sec. 430 ILCS 65/3 Transfer of firearms; records; exceptions
- § Sec. 430 ILCS 65/3a Reciprocal rights in Iowa, Missouri, Indiana, Wisconsin and Kentucky
- § Sec. 430 ILCS 65/3.1 Dial up system
- § Sec. 430 ILCS 65/3.2 List of prohibited projectiles; notice to dealers
- § Sec. 430 ILCS 65/4 Application for Firearm Owner's Identification Card
- § Sec. 430 ILCS 65/5 Approval or denial of application; fees
- § Sec. 430 ILCS 65/6 Contents of Firearm Owner's Identification Card
- § Sec. 430 ILCS 65/7 Validity of Firearm Owner's Identification Card
- § Sec. 430 ILCS 65/8 Grounds for denial and revocation
- § Sec. 430 ILCS 65/8.1 Notifications to the Department of State Police
- § Sec. 430 ILCS 65/8.2 Firearm Owner's Identification Card denial or revocation
- § Sec. 430 ILCS 65/8.3 Suspension of Firearm Owner's Identification Card
- § Sec. 430 ILCS 65/9 Grounds for denial or revocation
- § Sec. 430 ILCS 65/9.5 Revocation of Firearm Owner's Identification Card
- § Sec. 430 ILCS 65/10 Appeal to Director; Hearing; Relief from firearm prohibitions
- § Sec. 430 ILCS 65/11 Judicial review of final administrative decisions
- § Sec. 430 ILCS 65/12 Transfer of firearms upon death of owner or incident to legal proceedings
- § Sec. 430 ILCS 65/13 Acquisition or possession otherwise prohibited
- § Sec. 430 ILCS 65/13.1 Preemption
- § Sec. 430 ILCS 65/13.2 Notice of expiration

Firearm Concealed Carry Act

- § Sec. 430 ILCS 66/85 Background checks for sales

Firearms Restraining Order Act

- § Sec. 430 ILCS 67/5. Definitions
- § Sec. 430 ILCS 67/10. Commencement of action; procedure
- § Sec. 430 ILCS 67/15. Subject matter jurisdiction
- § Sec. 430 ILCS 67/20. Jurisdiction over persons
- § Sec. 430 ILCS 67/25. Process
- § Sec. 430 ILCS 67/30. Service of notice of hearings
- § Sec. 430 ILCS 67/35. Ex Parte orders and emergency hearings
- § Sec. 430 ILCS 67/40. Six month orders
- § Sec. 430 ILCS 67/45. Termination and renewal
- § Sec. 430 ILCS 67/50. Notice of orders
- § Sec. 430 ILCS 67/55. Data maintenance by law enforcement agencies
- § Sec. 430 ILCS 67/60. Filing of a firearms restraining order issued by another state
- § Sec. 430 ILCS 67/65. Enforcement; sanctions for violation of order
- § Sec. 430 ILCS 67/70. Non-Preclusion of remedies
- § Sec. 430 ILCS 67/75. Limited Law enforcement liability

Firearm Dealer Licensing Act

- § Sec. 430 ILCS 68/5–5 Definitions
- § Sec. 430 ILCS 68/5–10 Copy of federal firearms license filed with the department
- § Sec. 430 ILCS 68/5–15 Certification requirement
- § Sec. 430 ILCS 68/5–20 Additional licensee requirements
- § Sec. 430 ILCS 68/5–25 Exemptions
- § Sec. 430 ILCS 68/5–30 Training of certified licensees
- § Sec. 430 ILCS 68/5–35 Inspection of licensees' places of business
- § Sec. 430 ILCS 68/5–40 Qualifications for operation
- § Sec. 430 ILCS 68/5–45 Issuance of subpoenas
- § Sec. 430 ILCS 68/5–50 Security system
- § Sec. 430 ILCS 68/5–55 Safe storage by certified licensees
- § Sec. 430 ILCS 68/5–65 Electronic–based recordkeeping
- § Sec. 430 ILCS 68/5–75 Term of license
- § Sec. 430 ILCS 68/5–80 Retention of records
- § Sec. 430 ILCS 68/5–85 Disciplinary sanctions
- § Sec. 430 ILCS 68/5–90 Statute of limitations
- § Sec. 430 ILCS 68/5–95 Complaints; investigations; hearings
- § Sec. 430 ILCS 68/5–100 Hearing; rehearing
- § Sec. 430 ILCS 68/5–105 Restoration of certificate of license after disciplinary proceedings
- § Sec. 430 ILCS 68/5–120 Federal agencies and investigations

Chapter 720 Criminal Offenses

Criminal Code

Title I. General Provisions

Article 2. General Definitions

- § Sec. 720 ILCS 5/2-7.1 "Firearm" and "firearm ammunition"
- § Sec. 720 ILCS 5/2-7.5 "Firearm."

Title III. Specific Offenses

Part D. Offenses Affecting Public Health, Safety and Decency

Article 24. Deadly Weapons

- § Sec. 720 ILCS 5/24-1 Unlawful use of weapons
- § Sec. 720 ILCS 5/24-1.1 Unlawful use or possession of weapons by felons or persons in the custody of the department of corrections facilities
- § Sec. 720 ILCS 5/24-1.6 Aggravated unlawful use of a weapon
- § Sec. 720 ILCS 5/24-2 Exemptions
- § Sec. 720 ILCS 5/24-2.1 Unlawful use of firearm projectiles
- § Sec. 720 ILCS 5/24-2.2 Manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells
- § Sec. 720 ILCS 5/24-3 Unlawful sale or delivery of firearms
- § Sec. 720 ILCS 5/24-3A Gunrunning
- § Sec. 720 ILCS 5/24-3B Firearms trafficking.
- § Sec. 720 ILCS 5/24-3.1 Unlawful possession of firearms and firearm ammunition
- § Sec. 720 ILCS 5/24-3.3 Unlawful sale or delivery of firearms on the premises of any school, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency
- § Sec. 720 ILCS 5/24-3.4 Unlawful sale of firearms by liquor licensee
- § Sec. 720 ILCS 5/24-3.5 Unlawful purchase of a firearm
- § Sec. 720 ILCS 5/24-3.6 Unlawful use of a firearm in the shape of a wireless telephone
- § Sec. 720 ILCS 5/24-3.8 Possession of a stolen firearm
- § Sec. 720 ILCS 5/24-3.9 Aggravated possession of a stolen firearm
- § Sec. 720 ILCS 5/24-4 Register of sales by dealer
- § Sec. 720 ILCS 5/24-4.1 Report of lost or stolen firearms
- § Sec. 720 ILCS 5/24-5 Defacing identification marks of firearms
- § Sec. 720 ILCS 5/24-6 Confiscation and disposition of weapons
- § Sec. 720 ILCS 5/24-7 Weapons offenses; community service
- § Sec. 720 ILCS 5/24-9 Firearms; child protection
- § Sec. 720 ILCS 5/24-9.5 Handgun safety devices
- § Sec. 720 ILCS 5/24-10 Municipal ordinance regulating firearms; affirmative defense to a violation

Illinois Published Ordinances

Office of the Attorney General
100 West Randolph Street
Chicago, IL 60601
Voice: (312) 814-3000
<http://www.illinoisattorneygeneral.gov/>



Chicago Field Division
525 West Van Buren Street
Suite 600
Chicago, IL 60607
Voice: (312) 846-7200
<https://www.atf.gov/chicago-field-division>



Table of Contents

Alsip
Aurora
Braidwood
Brookfield
Buffalo
Burbank
Burnham
Carpentersville
Chicago
Chicago Heights
Chicago Ridge
Cicero
Collinsville
Cook County
Crete
East St. Louis
Elmhurst
Evanston
Ford Heights
Glenwood
Grayslake
Greenville
Gurnee
Hainesville
Havana
Hazel Crest
Highland
Highland Park
Joliet
Kewanee
Kingston
Lansing
Lockport
Lombard
Loves Park
Lyndon
Lynwood
Maryville
Maywood
McCook
Melrose Park
Monmouth
Montgomery
Morrison
Mount Carmel
Mundelein
New Lenox
Niles
Norridge

North Chicago
North Riverside
Northbrook
Oak Park
Oregon
Orland Hills
Park Ridge
Peoria
Peru
Phoenix
Pittsfield
Plainfield
Rockford
Rolling Meadows
Roscoe
Round Lake
Round Lake Beach
Round Lake Park
Sauk Village
Schaumburg
Silvis
Skokie
South Beloit
South Holland
Stickney
Tampico
Thornton
University Park
Vandalia
Vernon Hills
Waukegan Hills
West Chicago
Westchester
Wheaton
Wheeling
Wilmington
Winnetka
Zion

**Chapter 430. Public Safety
Firearm Owners Identification Card Act**

§ Sec. 430 ILCS 65/1.1 Firearm defined; Firearm ammunition defined.

For purposes of this Act:

"Addicted to narcotics" means a person who has been:

- (1) convicted of an offense involving the use or possession of cannabis, a controlled substance, or methamphetamine within the past year; or
- (2) determined by the Department of State Police to be addicted to narcotics based upon federal law or federal guidelines.

"Addicted to narcotics" does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

"Adjudicated as a mentally disabled person" means the person is the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

- (1) presents a clear and present danger to himself, herself, or to others;
- (2) lacks the mental capacity to manage his or her own affairs or is adjudicated a person with a disability as defined in Section 11a-2 of the Probate Act of 1975 [755 ILCS 5/11a-2];
- (3) is not guilty in a criminal case by reason of insanity, mental disease or defect;
- (3.5) is guilty but mentally ill, as provided in Section 5-2-6 of the Unified Code of Corrections [730 ILCS 5/5-2-6];
- (4) is incompetent to stand trial in a criminal case;
- (5) is not guilty by reason of lack of mental responsibility under Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b;
- (6) is a sexually violent person under subsection (f) of Section 5 of the Sexually Violent Persons Commitment Act [725 ILCS 207/5];
- (7) is a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 207/1 et seq.];
- (8) is unfit to stand trial under the Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.];
- (9) is not guilty by reason of insanity under the Juvenile Court Act of 1987;
- (10) is subject to involuntary admission as an inpatient as defined in Section 1-119 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-119];
- (11) is subject to involuntary admission as an outpatient as defined in Section 1-119.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-119.1];
- (12) is subject to judicial admission as set forth in Section 4-500 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/4-500]; or
- (13) is subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act [725 ILCS 205/0.01 et seq.].

"Clear and present danger" means a person who:

- (1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or
- (2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

"Clinical psychologist" has the meaning provided in § 1-103 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-103].

"Controlled substance" means a controlled substance or controlled substance analog as defined in the Illinois Controlled Substances Act.

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under § 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

- (1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;
- (1.1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;
- (2) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
- (4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

- (1) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
- (2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

- (1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or
- (2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section. Nothing in this definition shall be construed to exclude a gun show held in conjunction with competitive shooting events at the World Shooting Complex sanctioned by a national governing body in which the sale or transfer of firearms is authorized under subparagraph (5) of paragraph (g) of subsection (A) of § 24-3 of the Criminal Code of 2012 [720 ILCS 5/24-3].

Unless otherwise expressly stated, "gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Involuntarily admitted" has the meaning as prescribed in §§ 1-119 and 1-119.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-119 and 405 ILCS 5/1-119.1].

"Mental health facility" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by the State or a political subdivision thereof which provide treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

"National governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

"Patient" means:

- (1) a person who is admitted as an inpatient or resident of a public or private mental health facility for mental health treatment under Chapter III of the Mental Health and Developmental Disabilities Code as an informal admission, a voluntary admission, a minor admission, an emergency admission, or an involuntary admission, unless the treatment was solely for an alcohol abuse disorder; or

(2) person who voluntarily or involuntarily receives mental health treatment as an out-patient or is otherwise provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself, or to others.

"Person with a developmental disability" means a person with a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by persons with intellectual disabilities. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability. This disability results, in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:

- (i) self-care;
- (ii) receptive and expressive language;
- (iii) learning;
- (iv) mobility; or
- (v) self-direction.

"Person with an intellectual disability" means a person with a significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

"Physician" has the meaning as defined in § 1-120 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-120].

"Qualified examiner" has the meaning provided in § 1-122 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-122].

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"School administrator" means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

"Stun gun or taser" has the meaning ascribed to it in § 24-1 of the Criminal Code of 2012 [720 ILCS 5/24-1].

§ Sec. 430 ILCS 65/2 Firearm Owner's Identification Card required; exceptions

(a)

(1) 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 Department of State Police under the provisions of this Act.

(2) No person may acquire or possess firearm ammunition 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 Department of State Police under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms, firearm ammunition, stun guns, and tasers do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using the firearms for ceremonial purposes with blank ammunition;

(5) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(6) Those hunters exempt from obtaining a hunting license who are required to submit their Firearm Owner's Identification Card when hunting on Department of Natural Resources owned or managed sites;

(7) Nonresidents while on a firing or shooting range recognized by the Department of State Police; however, these persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents while at a firearm showing or display recognized by the Department of State Police; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents whose firearms are unloaded and enclosed in a case;

(10) Nonresidents who are currently licensed or registered to possess a firearm in their resident state;

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card;

(12) Color guards of bona fide veterans organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition;

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner's Identification Card and while in an area within a commercial club licensed under the Wildlife Code [520 ILCS 5/1.1 et seq.] where hunting is permitted and controlled, but in no instance upon sites owned or managed by the Department of Natural Resources;

(14) Resident hunters who are properly authorized to hunt and, while accompanied by a person who possesses a valid Firearm Owner's Identification Card, hunt in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled;

(15) A person who is otherwise eligible to obtain a Firearm Owner's Identification Card under this Act and is under the direct supervision of a holder of a Firearm Owner's Identification Card who is 21 years of age or older while the person is on a firing or shooting range or is a participant in a firearms safety and training course recognized by a law enforcement agency or a national, statewide shooting sports organization; and

(16) Competitive shooting athletes whose competition firearms are sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting in connection with such athletes' training for and participation in shooting competitions at the 2016 Olympic and Paralympic Games and sanctioned test events leading up to the 2016 Olympic and Paralympic Games.

(c) The provisions of this Section regarding the acquisition and possession of firearms, firearm ammunition, stun guns, and tasers do not apply to law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties.

(c-5) The provisions of paragraphs (1) and (2) of subsection (a) of this Section regarding the possession of firearms and firearm ammunition do not apply to the holder of a valid concealed carry license issued under the Firearm Concealed Carry Act [430 ILCS 66/1] who is in physical possession of the concealed carry license.

(d) Any person who becomes a resident of this State, who is not otherwise prohibited from obtaining, possessing, or using a firearm or firearm ammunition, shall not be required to have a Firearm Owner's Identification Card to possess firearms or firearms ammunition until 60 calendar days after he or she obtains an Illinois driver's license or Illinois Identification Card.

§ Sec. 430 ILCS 65/3 Transfer of Firearms; Records; Exceptions

(a) Except as provided in § 3a [430 ILCS 65/3a], no person may knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun gun, or taser to any person within this State unless the transferee with whom he deals displays either:

(1) a currently valid Firearm Owner's Identification Card which has previously been issued in his or her name by the Department of State Police under the provisions of this Act; or

(2) a currently valid license to carry a concealed firearm which has previously been issued in his or her name by the Department of State Police under the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.]. In addition, all firearm, stun gun, and taser transfers by federally licensed firearm dealers are subject to § 3.1 [430 ILCS 65/3.1].

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with § 3.1.

(a-10) Notwithstanding item (2) of subsection (a) of this Section, any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm or firearms to any person who is not a federally licensed firearm dealer shall, before selling or transferring the firearms, contact the Department of State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the validity of the transferee's or purchaser's Firearm Owner's Identification Card. This subsection shall not be effective until January 1, 2014. The Department of State Police may adopt rules concerning the implementation of this subsection. The Department of State Police shall provide the seller or

transferor an approval number if the purchaser's Firearm Owner's Identification Card is valid. Approvals issued by the Department for the purchase of a firearm pursuant to this subsection are valid for 30 days from the date of issue.

(a-15) The provisions of subsection (a-10) of this Section do not apply to:

(1) transfers that occur at the place of business of a federally licensed firearm dealer, if the federally licensed firearm dealer conducts a background check on the prospective recipient of the firearm in accordance with § 3.1 of this Act and follows all other applicable federal, State, and local laws as if he or she were the seller or transferor of the firearm, although the dealer is not required to accept the firearm into his or her inventory. The purchaser or transferee may be required by the federally licensed firearm dealer to pay a fee not to exceed \$10 per firearm, which the dealer may retain as compensation for performing the functions required under this paragraph, plus the applicable fees authorized by § 3.1;

(2) transfers as a bona fide gift to the transferor's husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, nephew, niece, uncle, aunt, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, or daughter-in-law;

(3) transfers by persons acting pursuant to operation of law or a court order;

(4) transfers on the grounds of a gun show under subsection (a-5) of this Section;

(5) the delivery of a firearm by its owner to a gunsmith for service or repair, the return of the firearm to its owner by the gunsmith, or the delivery of a firearm by a gunsmith to a federally licensed firearms dealer for service or repair and the return of the firearm to the gunsmith;

(6) temporary transfers that occur while in the home of the unlicensed transferee, if the unlicensed transferee is not otherwise prohibited from possessing firearms and the unlicensed transferee reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee;

(7) transfers to a law enforcement or corrections agency or a law enforcement or corrections officer acting within the course and scope of his or her official duties;

(8) transfers of firearms that have been rendered permanently inoperable to a nonprofit historical society, museum, or institutional collection; and

(9) transfers to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under § 2 of this Act [430 ILCS 65/2].

(a-20) The Department of State Police shall develop an Internet-based system for individuals to determine the validity of a Firearm Owner's Identification Card prior to the sale or transfer of a firearm. The Department shall have the Internet-based system completed and available for use by July 1, 2015. The Department shall adopt rules not inconsistent with this Section to implement this system.

(b) Any person within this State who transfers or causes to be transferred any firearm, stun gun, or taser shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm, stun gun, or taser if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number and any approval number or documentation provided by the Department of State Police pursuant to subsection (a-10) of this Section; if the transfer was not completed within this State, the record shall contain the name and address of the transferee. On or after January 1, 2006, the record shall contain the date of application for transfer of the firearm. On demand of a peace officer such transferor shall produce for inspection such record of transfer. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number or approval number is a petty offense. For transfers of a firearm, stun gun, or taser made on or after the effective date of this amendatory Act of the 100th General Assembly, failure by the private seller to maintain the transfer records in accordance with this Section is a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense. A transferee shall not be criminally liable under this Section provided that he or she provides the Department of State Police with the transfer records in accordance with procedures established by the Department. The Department shall establish, by rule, a standard form on its website.

(b-5) Any resident may purchase ammunition from a person within or outside of Illinois if shipment is by United States mail or by a private express carrier authorized by federal law to ship ammunition. Any resident purchasing ammunition within or outside the State of Illinois must provide the seller with a copy of his or her valid Firearm Owner's Identification Card or valid concealed carry license and either his or her Illinois driver's license or Illinois State Identification Card prior to the shipment of the ammunition. The ammunition may be shipped only to an address on either of those 2 documents.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of § 2 of this Act.

§ Sec. 430 ILCS 65/3a Reciprocal rights in Iowa, Missouri, Indiana, Wisconsin and Kentucky

(a) Any resident of Illinois who has obtained a firearm owner's identification card pursuant to this Act and who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase or obtain a rifle or shotgun or ammunition for a rifle or shotgun in Iowa, Missouri, Indiana, Wisconsin or Kentucky.

(b) Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his domicile, or the United States from obtaining, possessing or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for a rifle or shotgun in Illinois.

(b-5) Any non-resident who is participating in a sanctioned competitive shooting event, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a shotgun or shotgun ammunition in Illinois for the purpose of participating in that event. A person may purchase or obtain a shotgun or shotgun ammunition under this subsection only at the site where the sanctioned competitive shooting event is being held.

(b-10) Any non-resident registered competitor or attendee of a competitive shooting event held at the World Shooting Complex sanctioned by a national governing body, who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm may purchase or obtain a rifle, shotgun, or other long gun or ammunition for a rifle, shotgun, or other long gun at the competitive shooting event. The sanctioning body shall provide a list of registered competitors and attendees as required under subparagraph (5) of paragraph (g) of subsection (A) of § 24-3 of the Criminal Code of 2012 [720 ILCS 5/24-3]. A competitor or attendee of a competitive shooting event who does not wish to purchase a firearm at the event is not required to register or have his or her name appear on a list of registered competitors and attendees provided to the Department of State Police by the sanctioning body.

(c) Any transaction under this Section is subject to the provisions of the Gun Control Act of 1968 (18 U.S.C. 922 (b)(3)).

§ Sec. 430 ILCS 65/3.1 Dial up system

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm, stun gun, or taser under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed \$2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by § 24-3 of the Criminal Code of 2012 [720 ILCS 5/24-3] regarding the delivery of firearms, stun guns, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate § 24-3 of the Criminal Code of 2012, federal law, or this Act the Department of State Police shall:

- (1) assign a unique identification number to the transfer; and
- (2) provide the licensee, gun show promoter, or gun show vendor with the number.

(d) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

§ Sec. 430 ILCS 65/3.2 List of prohibited projectiles; notice to dealers.

Prior to January 1, 2002, the Department of State Police shall list on the Department's World Wide Web site all firearm projectiles that are prohibited under §§ 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 2012 [720 ILCS 5/24-2.1, 720 ILCS 5/24-2.2, and 720 ILCS 5/24-3.2], together with a statement setting forth the sentence that may be imposed for violating those Sections. The Department of State Police shall, prior to January 1, 2002, send a list of all firearm projectiles that are prohibited under §§ 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 2012 to each federally licensed firearm dealer in Illinois registered with the Department.

§ Sec. 430 ILCS 65/3.3 Report to the local law enforcement agency.

The Department of State Police must report the name and address of a person to the local law enforcement agency where the person resides if the person attempting to purchase a firearm is disqualified from purchasing a firearm because of information obtained under subsection (a-10) of § 3 or § 3.1 [430 ILCS 65/3 or 430 ILCS 65/3.1] that would disqualify

the person from obtaining a Firearm Owner's Identification Card under any of subsections (c) through (n) of § 8 of this Act [430 ILCS 65/8].

§ Sec. 430 ILCS 65/4 Application for Firearm Owner's Identification Card

(a) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police that:

(i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental health facility within the past 5 years or, if he or she has been a patient in a mental health facility more than 5 years ago submit the certification required under subsection (u) of § 8 of this Act [430 ILCS 65/8];

(v) He or she is not a person with an intellectual disability;

(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(ix) He or she has not been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012. If the applicant knowingly and intelligently waives the right to have an offense described in this clause (ix) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under § 112A-11.1 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-11.1], an entry by the court of a judgment of conviction for that offense shall be grounds for denying the issuance of a Firearm Owner's Identification Card under this Section;

(x) (Blank);

(xi) He or she is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in § 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(xii) He or she is not a minor subject to a petition filed under § 5-520 of the Juvenile Court Act of 1987 [705 ILCS 405/5-520] alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

(xiii) He or she is not an adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony;

(xiv) He or she is a resident of the State of Illinois;

(xv) He or she has not been adjudicated as a person with a mental disability;

(xvi) He or she has not been involuntarily admitted into a mental health facility; and

(xvii) He or she is not a person with a developmental disability; and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her Illinois driver's license number or Illinois Identification Card number, except as provided in subsection (a-10).

(a-10) Each applicant for a Firearm Owner's Identification Card, who is employed as a law enforcement officer, an armed security officer in Illinois, or by the United States Military permanently assigned in Illinois and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or state identification card number from his or her state of residence. The Department of State Police may adopt rules to enforce the provisions of this subsection (a-10).

(a-15) If an applicant applying for a Firearm Owner's Identification Card moves from the residence address named in the application, he or she shall immediately notify in a form and manner prescribed by the Department of State Police of that change of address.

(a-20) Each applicant for a Firearm Owner's Identification Card shall furnish to the Department of State Police his or her photograph. An applicant who is 21 years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. In lieu of a photograph, an applicant regardless of age seeking a religious exemption to the photograph requirement shall submit fingerprints on a form and manner prescribed by the Department with his or her application.

(b) Each application form shall include the following statement printed in bold type:

"Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of § 14 of the Firearm Owners Identification Card Act [430 ILCS 65/14]."

(c) Upon such written consent, pursuant to § 4, paragraph (a)(2)(i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

§ Sec. 430 ILCS 65/5 Application and renewal.

(a) The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, except as provided in subsection (b) of this Section, and every applicant found qualified under Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a \$10 fee. Any applicant who is an active duty member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of the Reserve Forces of the United States is exempt from the application fee. \$6 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; \$1 of the fee shall be deposited in the State Police Services Fund and \$3 of the fee shall be deposited in the State Police Firearm Services Fund.

(b) Renewal applications shall be approved or denied within 60 business days, provided the applicant submitted his or her renewal application prior to the expiration of his or her Firearm Owner's Identification Card. If a renewal application has been submitted prior to the expiration date of the applicant's Firearm Owner's Identification Card, the Firearm Owner's Identification Card shall remain valid while the Department processes the application, unless the person is subject to or becomes subject to revocation under this Act. The cost for a renewal application shall be \$10 which shall be deposited into the State Police Firearm Services Fund.

§ Sec. 430 ILCS 65/6 Contents of Firearm Owner's Identification Card.

(a) A Firearm Owner's Identification Card, issued by the Department of State Police at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph, except as provided in subsection (c-5), and signature. Each Firearm Owner's Identification Card must have the expiration date boldly and conspicuously displayed on the face of the card. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION – This card does not permit bearer to UNLAWFULLY carry or use firearms." On and after December 1, 2002, the Department shall use a person's digital photograph and signature from his or her Illinois driver's license or Illinois Identification Card, if available. The Department shall decline to use a person's digital photograph or signature if the digital photograph or signature is the result of or associated with fraudulent or erroneous data, unless otherwise provided by law.

(b) A person applying for a Firearm Owner's Identification Card shall consent to the Department of State Police using the applicant's digital driver's license or Illinois Identification Card photograph, if available, and signature on the applicant's Firearm Owner's Identification Card. The Secretary of State shall allow the Department of State Police access to the photograph and signature for the purpose of identifying the applicant and issuing to the applicant a Firearm Owner's Identification Card.

(c-5) If a person qualifies for a photograph exemption, in lieu of a photograph, the Firearm Owner's Identification Card shall contain a copy of the card holder's fingerprints. Each Firearm Owner's Identification Card described in this subsection (c-5) must have printed on it the following: "This card is only valid for firearm purchases through a federally licensed firearms dealer when presented with photographic identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."

§ Sec. 430 ILCS 65/7 Validity of Firearm Owner's Identification Card.

(a) Except as provided in Section 8 of this Act [430 ILCS 65/8] or subsection (b) of this Section, a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 10 years from the date of issuance.

(b) If a renewal application is submitted to the Department before the expiration date of the applicant's current Firearm Owner's Identification Card, the Firearm Owner's Identification Card shall remain valid for a period of 60 business days, unless the person is subject to or becomes subject to revocation under this Act.

§ Sec. 430 ILCS 65/8 Grounds for denial and revocation.

The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental health facility within the past 5 years or a person who has been a patient in a mental health facility more than 5 years ago who has not received the certification required under subsection (u) of this Section. An active law enforcement officer employed by a unit of government who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under this subsection (e) may obtain relief as described in subsection (c-5) of § 10 of this Act [430 ILCS 65/10] if the officer did not act in a manner threatening to the officer, another person, or the public as determined by the treating clinical psychologist or physician, and the officer seeks mental health treatment;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

(g) A person who has an intellectual disability;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in § 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) Blank

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012. If the applicant or person who has been previously issued a Firearm Owner's Identification Card under this Act knowingly and intelligently waives the right to have an offense described in this paragraph (l) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under § 112A-11.1 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-11.1], an entry by the court of a judgment of conviction for that offense shall be grounds for denying an application for and for revoking and seizing a Firearm Owner's Identification Card previously issued to the person under this Act;

(m) Blank

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor subject to a petition filed under § 5-520 of the Juvenile Court Act of 1987 [705 ILCS 405/5-520] alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.] for the commission of an offense that if committed by an adult would be a felony;

(q) A person who is not a resident of the State of Illinois, except as provided in subsection (a-10) of § 4 [430 ILCS 65/4];

(r) A person who has been adjudicated as a person with a mental disability;

(s) A person who has been found to have a developmental disability;

(t) A person involuntarily admitted into a mental health facility; or

(u) A person who has had his or her Firearm Owner's Identification Card revoked or denied under subsection (e) of this Section or item (iv) of paragraph (2) of subsection (a) of § 4 of this Act because he or she was a patient in a mental health facility as provided in subsection (e) of this Section, shall not be permitted to obtain a Firearm Owner's Identification Card, after the 5-year period has lapsed, unless he or she has received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as those terms are defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-100 et seq.], and has received a certification that he or she is not a clear and present danger to himself, herself, or others. The physician, clinical psychologist, or qualified examiner making the certification and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the certification required under this subsection, except for willful or wanton misconduct. This subsection does not apply to a person whose firearm possession rights have been restored through administrative or judicial action under § 10 or 11 of this Act [430 ILCS 65/10 or 430 ILCS 65/11].

Upon revocation of a person's Firearm Owner's Identification Card, the Department of State Police shall provide notice to the person and the person shall comply with § 9.5 of this Act [430 ILCS 65/9.5].

§ Sec. 430 ILCS 65/8.1 Notifications to the Department of State Police.

(a) The Circuit Clerk shall, in the form and manner required by the Supreme Court, notify the Department of State Police of all final dispositions of cases for which the Department has received information reported to it under §§ 2.1 and 2.2 of the Criminal Identification Act [20 ILCS 2630/2.1 and 20 ILCS 2630/2.2].

(b) Upon adjudication of any individual as a person with a mental disability, as defined in § 1.1 of this Act [430 ILCS 65/1.1] or a finding that a person has been involuntarily admitted, the court shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

(b-1) Beginning July 1, 2016, and each July 1 and December 30 of every year thereafter, the circuit court clerk shall, in the form and manner prescribed by the Department of State Police, notify the Department of State Police, Firearm Owner's Identification (FOID) department if the court has not directed the circuit court clerk to notify the Department of State Police, Firearm Owner's Identification (FOID) department under subsection (b) of this Section, within the preceding 6 months, because no person has been adjudicated as a person with a mental disability by the court as defined in § 1.1 of this Act or if no person has been involuntarily admitted. The Supreme Court may adopt any orders or rules necessary to identify the persons who shall be reported to the Department of State Police under subsection (b), or any other orders or rules necessary to implement the requirements of this Act. (c) The Department of Human Services shall, in the form and manner prescribed by the Department of State Police, report all information collected under subsection (b) of § 12 of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110/12] for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

(c) The Department of Human Services shall, in the form and manner prescribed by the Department of State Police, report all information collected under subsection (b) of § 12 of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110/12] for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

(d) If a person is determined to pose a clear and present danger to himself, herself, or to others:

(1) by a physician, clinical psychologist, or qualified examiner, or is determined to have a developmental disability by a physician, clinical psychologist, or qualified examiner, whether employed by the State or privately, then the physician, clinical psychologist, or qualified examiner shall, within 24 hours of making the determination, notify the Department of Human Services that the person poses a clear and present danger or has a developmental disability; or

(2) by a law enforcement official or school administrator, then the law enforcement official or school administrator shall, within 24 hours of making the determination, notify the Department of State Police that the person poses a clear and present danger. The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Department of State Police in a form and manner prescribed by the Department of State Police. The Department of State Police shall determine whether to revoke the person's Firearm Owner's Identification Card under § 8 of this Act [430 ILCS 65/8]. Any information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of § 3.1 of this Act [430 ILCS 65/3.1], nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond what is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

(e) The Department of State Police shall adopt rules to implement this Section.

§ Sec. 430 ILCS 65/8.2 Firearm Owner's Identification Card denial or revocation.

The Department of State Police shall deny an application or shall revoke and seize a Firearm Owner's Identification Card previously issued under this Act if the Department finds that the applicant or person to whom such card was issued is or was at the time of issuance subject to an existing order of protection or firearms restraining order.

§ Sec. 430 ILCS 65/8.3 Suspension of Firearm Owner's Identification Card

The Department of State Police may, by rule in a manner consistent with the Department's rules concerning revocation, provide for the suspension of the Firearm Owner's Identification Card of a person whose Firearm Owner's Identification Card is subject to revocation and seizure under this Act for the duration of the disqualification if the disqualification is not a permanent grounds for revocation of a Firearm Owner's Identification Card under this Act.

§ Sec. 430 ILCS 65/9 Grounds for denial or revocation

Every person whose application for a Firearm Owner's Identification Card is denied, and every holder of such a Card whose Card is revoked or seized, shall receive a written notice from the Department of State Police stating specifically the grounds upon which his application has been denied or upon which his Identification Card has been revoked. The written notice shall include the requirements of § 9.5 of this Act [430 ILCS 65/9.5] and the person's right to administrative or judicial review under § 10 and 11 of this Act [430 ILCS 65/10 and 430 ILCS 65/11]. A copy of the written notice shall be provided to the sheriff and law enforcement agency where the person resides.

§ Sec. 430 ILCS 65/9.5 Revocation of Firearm Owner's Identification Card

(a) A person who receives a revocation notice under § 9 of this Act shall, within 48 hours of receiving notice of the revocation:

(1) surrender his or her Firearm Owner's Identification Card to the local law enforcement agency where the person resides. The local law enforcement agency shall provide the person a receipt and transmit the Firearm Owner's Identification Card to the Department of State Police; and

(2) complete a Firearm Disposition Record on a form prescribed by the Department of State Police and place his or her firearms in the location or with the person reported in the Firearm Disposition Record. The form shall require the person to disclose:

(A) the make, model, and serial number of each firearm owned by or under the custody and control of the revoked person;

(B) the location where each firearm will be maintained during the prohibited term; and

(C) if any firearm will be transferred to the custody of another person, the name, address and Firearm Owner's Identification Card number of the transferee.

(b) The local law enforcement agency shall provide a copy of the Firearm Disposition Record to the person whose Firearm Owner's Identification Card has been revoked and to the Department of State Police.

(c) If the person whose Firearm Owner's Identification Card has been revoked fails to comply with the requirements of this Section, the sheriff or law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the Firearm Owner's Identification Card and firearms in the possession or under the custody or control of the person whose Firearm Owner's Identification Card has been revoked.

(d) A violation of subsection (a) of this Section is a Class A misdemeanor.

(e) The observation of a Firearm Owner's Identification Card in the possession of a person whose Firearm Owner's Identification Card has been revoked constitutes a sufficient basis for the arrest of that person for violation of this Section.

(f) Within 30 days after the effective date of this amendatory Act of the 98th General Assembly [P.A. 98-63], the Department of State Police shall provide written notice of the requirements of this Section to persons whose Firearm Owner's Identification Cards have been revoked, suspended, or expired and who have failed to surrender their cards to the Department.

(g) A person whose Firearm Owner's Identification Card has been revoked and who received notice under subsection (f) shall comply with the requirements of this Section within 48 hours of receiving notice.

§ Sec. 430 ILCS 65/10 Appeal to director; hearing; relief from firearm prohibitions

(a) Whenever an application for a Firearm Owner's Identification Card is denied, whenever the Department fails to act on an application within 30 days of its receipt, or whenever such a Card is revoked or seized as provided for in § 8 of this Act, the aggrieved party may appeal to the Director of State Police for a hearing upon such denial, revocation or seizure, unless the denial, revocation, or seizure was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial, revocation, or seizure.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Department of State Police to issue a Card. However, the court shall not issue the order if the petitioner is otherwise prohibited from obtaining, possessing, or using a firearm under federal law.

(c) Any person prohibited from possessing a firearm under §§ 24-1.1 or 24-3.1 of the Criminal Code of 2012 or acquiring a Firearm Owner's Identification Card under § 8 of this Act may apply to the Director of State Police or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Director or court may grant such relief if it is established by the applicant to the court's or Director's satisfaction that:

(0.05) when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

- (1) the applicant has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;
- (2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety;
- (3) granting relief would not be contrary to the public interest; and
- (4) granting relief would not be contrary to federal law.

(c-5)

(1) An active law enforcement officer employed by a unit of government, who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of § 8 of this Act may apply to the Director of State Police requesting relief if the officer did not act in a manner threatening to the officer, another person, or the public as determined by the treating clinical psychologist or physician, and as a result of his or her work is referred by the employer for or voluntarily seeks mental health evaluation or treatment by a licensed clinical psychologist, psychiatrist, or qualified examiner, and:

(A) the officer has not received treatment involuntarily at a mental health facility, regardless of the length of admission; or has not been voluntarily admitted to a mental health facility for more than 30 days and not for more than one incident within the past 5 years; and

(B) the officer has not left the mental institution against medical advice.

(2) The Director of State Police shall grant expedited relief to active law enforcement officers described in paragraph (1) of this subsection (c-5) upon a determination by the Director that the officer's possession of a firearm does not present a threat to themselves, others, or public safety. The Director shall act on the request for relief within 30 business days of receipt of:

(A) a notarized statement from the officer in the form prescribed by the Director detailing the circumstances that led to the hospitalization;

(B) all documentation regarding the admission, evaluation, treatment and discharge from the treating licensed clinical psychologist or psychiatrist of the officer;

(C) a psychological fitness for duty evaluation of the person completed after the time of discharge; and

(D) written confirmation in the form prescribed by the Director from the treating licensed clinical psychologist or psychiatrist that the provisions set forth in paragraph (1) of this subsection (c-5) have been met, the person successfully completed treatment, and their professional opinion regarding the person's ability to possess firearms.

(3) Officers eligible for the expedited relief in paragraph (2) of this subsection (c-5) have the burden of proof on eligibility and must provide all information required. The Director may not consider granting expedited relief until the proof and information is received.

(4) "**Clinical psychologist**", "**psychiatrist**", and "**qualified examiner**" shall have the same meaning as provided in Chapter I of the Mental Health and Developmental Disabilities Code.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Department of State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Department of State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is subject to the disabilities of 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 because of an adjudication or commitment that occurred under the laws of this State or who was determined to be subject to the provisions of subsections (e), (f), or (g) of § 8 of this Act may apply to the Department of State Police requesting relief from that prohibition. The Director shall grant the relief if it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest. In making this determination, the Director shall receive evidence concerning (i) the circumstances regarding the firearms disabilities from which relief is sought; (ii) the petitioner's mental health and criminal history records, if any; (iii) the petitioner's reputation, developed at a minimum through character witness statements, testimony, or other character evidence; and (iv) changes in the petitioner's condition or circumstances since the

disqualifying events relevant to the relief sought. If relief is granted under this subsection or by order of a court under this Section, the Director shall as soon as practicable but in no case later than 15 business days, update, correct, modify, or remove the person's record in any database that the Department of State Police makes available to the National Instant Criminal Background Check System and notify the United States Attorney General that the basis for the record being made available no longer applies. The Department of State Police shall adopt rules for the administration of this Section.

§ Sec. 430 ILCS 65/11 Judicial review of final administrative decisions

(a) All final administrative decisions of the Department under this Act, except final administrative decisions of the Director of State Police to deny a person's application for relief under subsection (f) of § 10 of this Act [430 ILCS 65/10], shall be subject to judicial review under the provisions of the Administrative Review Law [735 ILCS 5/3-101 et seq.], and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in § 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

(b) Any final administrative decision by the Director of State Police to deny a person's application for relief under subsection (f) of § 10 of this Act is subject to de novo judicial review by the circuit court, and any party may offer evidence that is otherwise proper and admissible without regard to whether that evidence is part of the administrative record. § Sec. 430 ILCS 65/12 Transfer of firearms upon death of owner or incident to legal proceedings

The provisions of this Act shall not apply to the passing or transfer of any firearm or firearm ammunition upon the death of the owner thereof to his heir or legatee or to the passing or transfer of any firearm or firearm ammunition incident to any legal proceeding or action until 60 days after such passing or transfer.

§ Sec. 430 ILCS 65/13 Acquisition or possession otherwise prohibited

Nothing in this Act shall make lawful the acquisition or possession of firearms or firearm ammunition which is otherwise prohibited by law.

§ Sec. 430 ILCS 65/13.1 Preemption

(a) Except as otherwise provided in the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.] and subsections (b) and (c) of this Section, the provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act.

(b) Notwithstanding subsection (a) of this Section, the regulation, licensing, possession, and registration of handguns and ammunition for a handgun, and the transportation of any firearm and ammunition by a holder of a valid Firearm Owner's Identification Card issued by the Department of State Police under this Act are exclusive powers and functions of this State. Any ordinance or regulation, or portion of that ordinance or regulation, enacted on or before the effective date of this amendatory Act of the 98th General Assembly [P.A. 98-63] that purports to impose regulations or restrictions on a holder of a valid Firearm Owner's Identification Card issued by the Department of State Police under this Act in a manner that is inconsistent with this Act, on the effective date of this amendatory Act of the 98th General Assembly, shall be invalid in its application to a holder of a valid Firearm Owner's Identification Card issued by the Department of State Police under this Act.

(c) Notwithstanding subsection (a) of this Section, the regulation of the possession or ownership of assault weapons are exclusive powers and functions of this State. Any ordinance or regulation, or portion of that ordinance or regulation, that purports to regulate the possession or ownership of assault weapons in a manner that is inconsistent with this Act, shall be invalid unless the ordinance or regulation is enacted on, before, or within 10 days after the effective date of this amendatory Act of the 98th General Assembly. Any ordinance or regulation described in this subsection (c) enacted more than 10 days after the effective date of this amendatory Act of the 98th General Assembly is invalid. An ordinance enacted on, before, or within 10 days after the effective date of this amendatory Act of the 98th General Assembly may be amended. The enactment or amendment of ordinances under this subsection (c) are subject to the submission requirements of § 13.3 [430 ILCS 65/13.3]. For the purposes of this subsection, "assault weapons" means firearms designated by either make or model or by a test or list of cosmetic features that cumulatively would place the firearm into a definition of "assault weapon" under the ordinance.

(d) For the purposes of this Section, "handgun" has the meaning ascribed to it in § 5 of the Firearm Concealed Carry Act [430 ILCS 66/5].

(e) This Section is a denial and limitation of home rule powers and functions under subsection (h) of § 6 of Article VII of the Illinois Constitution [Ill. Const. Art. VII, § 6].

§ Sec. 430 ILCS 65/13.2 Renewal; name or address change; replacement card.

The Department of State Police shall, 60 days prior to the expiration of a Firearm Owner's Identification Card, forward by first class mail to each person whose card is to expire a notification of the expiration of the card and instructions for renewal. It is the obligation of the holder of a Firearm Owner's Identification Card to notify the Department of State Police of any address change since the issuance of the Firearm Owner's Identification Card. Whenever any person moves from

the residence address named on his or her card, the person shall within 21 calendar days thereafter notify in a form and manner prescribed by the Department of his or her old and new residence addresses and the card number held by him or her. Any person whose legal name has changed from the name on the card that he or she has been previously issued must apply for a corrected card within 30 calendar days after the change. The cost for a corrected card shall be \$5. The cost for the replacement of a card which has been lost, destroyed, or stolen shall be \$5 if the loss, destruction, or theft of the card is reported to the Department of State Police. The fees collected under this Section shall be deposited into the State Police Firearm Services Fund.

§ Sec. 430 ILCS 65/14 Sentence

(a) Except as provided in subsection (a-5), a violation of paragraph (1) of subsection (a) of Section 2 [430 ILCS 65/2], when the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified from renewing the card, is a Class A misdemeanor.

(a-5) A violation of paragraph (1) of subsection (a) of Section 2, when the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified from owning, purchasing, or possessing firearms, is a petty offense if the card was expired for 6 months or less from the date of expiration.

(b) Except as provided in subsection (a) with respect to an expired card, a violation of paragraph (1) of subsection (a) of Section 2 is a Class A misdemeanor when the person does not possess a currently valid Firearm Owner's Identification Card, but is otherwise eligible under this Act. A second or subsequent violation is a Class 4 felony.

(c) A violation of paragraph (1) of subsection (a) of Section 2 is a Class 3 felony when:

(1) the person's Firearm Owner's Identification Card is revoked or subject to revocation under Section 8 [430 ILCS 65/8]; or

(2) the person's Firearm Owner's Identification Card is expired and not otherwise eligible for renewal under this Act; or

(3) the person does not possess a currently valid Firearm Owner's Identification Card, and the person is not otherwise eligible under this Act.

(d) A violation of subsection (a) of Section 3 [430 ILCS 65/3] is a Class 4 felony. A third or subsequent conviction is a Class 1 felony.

(d-5) Any person who knowingly enters false information on an application for a Firearm Owner's Identification Card, who knowingly gives a false answer to any question on the application, or who knowingly submits false evidence in connection with an application is guilty of a Class 2 felony.

(e) Except as provided by Section 6.1 of this Act [430 ILCS 65/6.1], any other violation of this Act is a Class A misdemeanor.

Firearm Concealed Carry Act

§ Sec. 430 ILCS 66/85 Background Checks for Sales.

A license to carry a concealed firearm issued by this State shall not exempt the licensee from the requirements of a background check, including a check of the National Instant Criminal Background Check System, upon purchase or transfer of a firearm.

Firearms Restraining Order Act

§ Sec. 430 ILCS 67/5 Definitions.

As used in this Act:

"Family member of the respondent" means a spouse, parent, child, or step-child of the respondent, any other person related by blood or present marriage to the respondent, or a person who shares a common dwelling with the respondent.

"Firearms restraining order" means an order issued by the court, prohibiting and enjoining a named person from having in his or her custody or control, purchasing, possessing, or receiving any firearms.

"Intimate partner" means a spouse, former spouse, a person with whom the respondent has or allegedly has a child in common, or a person with whom the respondent has or has had a dating or engagement relationship.

"Petitioner" means:

(1) a family member of the respondent as defined in this Act; or

(2) a law enforcement officer, who files a petition alleging that the respondent poses a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

“Respondent” means the person alleged in the petition to pose a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

§ Sec. 430 ILCS 67/10 Commencement of action; procedure.

(a) Actions for a firearms restraining order are commenced by filing a verified petition for a firearms restraining order in any circuit court.

(b) A petition for a firearms restraining order may be filed in any county where the respondent resides.

(c) No fee shall be charged by the clerk for filing, amending, vacating, certifying, or photocopying petitions or orders; or for issuing alias summons; or for any related filing service. No fee shall be charged by the sheriff or other law enforcement for service by the sheriff or other law enforcement of a petition, rule, motion, or order in an action commenced under this Section.

(d) The court shall provide, through the office of the clerk of the court, simplified forms and clerical assistance to help with the writing and filing of a petition under this Section by any person not represented by counsel. In addition, that assistance may be provided by the State's Attorney.

§ Sec. 430 ILCS 67/15 Subject matter jurisdiction.

Each of the circuit courts shall have the power to issue firearms restraining orders.

§ Sec. 430 ILCS 67/20 Jurisdiction over persons.

The circuit courts of this State have jurisdiction to bind (1) State residents and (2) non-residents having minimum contacts with this State, to the extent permitted by Section 2-209 of the Code of Civil Procedure.

§ Sec. 430 ILCS 67/25 Process.

The summons shall be in the form prescribed by Supreme Court Rule 101(d), except that it shall require respondent to answer or appear within 7 days. Attachments to the summons or notice shall include the petition for the firearms restraining order and supporting affidavits, if any, and any emergency firearms restraining order that has been issued. The enforcement of an order under Section 35 shall not be affected by the lack of service, delivery, or notice, provided the requirements of subsection (f) of that Section are otherwise met.

§ Sec. 430 ILCS 67/30 Service of notice of hearings.

Service of notice of hearings. Except as provided in Section 25, notice of hearings on petitions or motions shall be served in accordance with Supreme Court Rules 11 and 12, unless notice is excused by Section 35 of this Act, or by the Code of Civil Procedure, Supreme Court Rules, or local rules.

§ Sec. 430 ILCS 67/35 Ex parte orders and emergency hearings

(a) A petitioner may request an emergency firearms restraining order by filing an affidavit or verified pleading alleging that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The petition shall also describe the type and location of any firearm or firearms presently believed by the petitioner to be possessed or controlled by the respondent.

(b) If the respondent is alleged to pose an immediate and present danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent. The notice must include that the petitioner intends to petition the court for an emergency firearms restraining order, and, if petitioner is a law enforcement officer, referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate. Petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If after making a good faith effort petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

(c) Every person who files a petition for an emergency firearms restraining order, knowing the information provided to the court at any hearing or in the affidavit or verified pleading to be false, is guilty of perjury under Section 32-2 of the Criminal Code of 2012.

(d) An emergency firearms restraining order shall be issued on an ex parte basis, that is, without notice to the respondent.

(e) An emergency hearing held on an ex parte basis shall be held the same day that the petition is filed or the next day that the court is in session.

(f) If a circuit or associate judge finds probable cause to believe that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm the circuit or associate judge shall issue an emergency order.

(f-5) If the court issues an emergency firearms restraining order, it shall, upon a finding of probable cause that the respondent possesses firearms, issue a search warrant directing a law enforcement agency to seize the respondent's firearms. The court may, as part of that warrant, direct the law enforcement agency to search the respondent's residence and other places where the court finds there is probable cause to believe he or she is likely to possess the firearms.

(g) An emergency firearms restraining order shall require:

(1) the respondent to refrain from having in his or her custody or control, purchasing, possessing, or receiving additional firearms for the duration of the order; and

(2) the respondent to turn over to the local law enforcement agency any Firearm Owner's Identification Card and concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping. The firearm or firearms and Firearm Owner's Identification Card and concealed carry license, if unexpired, shall be returned to the respondent after the firearms restraining order is terminated or expired.

(h) Except as otherwise provided in subsection (h-5) of this Section, upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card and concealed carry license cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency.

(h-5) A respondent whose Firearm Owner's Identification Card has been revoked or suspended may petition the court, if the petitioner is present in court or has notice of the respondent's petition, to transfer the respondent's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the respondent. Notice of the petition shall be served upon the person protected by the emergency firearms restraining order. While the order is in effect, the transferee who receives respondent's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the respondent or to anyone residing in the same residence as the respondent.

(h-6) If a person other than the respondent claims title to any firearms surrendered under this Section, he or she may petition the court, if the petitioner is present in court or has notice of the petition, to have the firearm returned to him or her. If the court determines that person to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

(1) the firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and

(2) the firearm is not otherwise unlawfully possessed by the owner.

The person petitioning for the return of his or her firearm must swear or affirm by affidavit that he or she: (i) is the lawful owner of the firearm; (ii) shall not transfer the firearm to the respondent; and (iii) will store the firearm in a manner that the respondent does not have access to or control of the firearm.

(i) In accordance with subsection (e) of this Section, the court shall schedule a full hearing as soon as possible, but no longer than 14 days from the issuance of an ex parte firearms restraining order, to determine if a 6-month firearms restraining order shall be issued. The court may extend an ex parte order as needed, but not to exceed 14 days, to effectuate service of the order or if necessary to continue protection. The court may extend the order for a greater length of time by mutual agreement of the parties.

§ Sec. 430 ILCS 67/40 Six month orders

(a) A petitioner may request a 6-month firearms restraining order by filing an affidavit or verified pleading alleging that the respondent poses a significant danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The petition shall also describe the number, types, and locations of any firearms presently believed by the petitioner to be possessed or controlled by the respondent.

(b) If the respondent is alleged to pose a significant danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent. The notice must include that the petitioner intends to petition the court for a 6-month firearms restraining order, and, if petitioner is a law enforcement officer, referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate. Petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If after making a good faith effort petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

- (c)** Every person who files a petition for a 6-month firearms restraining order, knowing the information provided to the court at any hearing or in the affidavit or verified pleading to be false, is guilty of perjury under Section 32-2 of the Criminal Code of 2012.
- (d)** Upon receipt of a petition for a 6-month firearms restraining order, the court shall order a hearing within 30 days.
- (e)** In determining whether to issue a firearms restraining order under this Section, the court shall consider evidence including, but not limited to, the following:
- (1)** The unlawful and reckless use, display, or brandishing of a firearm by the respondent.
 - (2)** The history of use, attempted use, or threatened use of physical force by the respondent against another person.
 - (3)** Any prior arrest of the respondent for a felony offense.
 - (4)** Evidence of the abuse of controlled substances or alcohol by the respondent.
 - (5)** A recent threat of violence or act of violence by the respondent directed toward himself, herself, or another.
 - (6)** A violation of an emergency order of protection issued under Section 217 of the Illinois Domestic Violence Act of 1986 or Section 112A-17 of the Code of Criminal Procedure of 1963 or of an order of protection issued under Section 214 of the Illinois Domestic Violence Act of 1986 or Section 112A-14 of the Code of Criminal Procedure of 1963.
 - (7)** A pattern of violent acts or violent threats, including, but not limited to, threats of violence or acts of violence by the respondent directed toward himself, herself, or another.
- (f)** At the hearing, the petitioner shall have the burden of proving, by clear and convincing evidence, that the respondent poses a significant danger of personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.
- (g)** If the court finds that there is clear and convincing evidence to issue a firearms restraining order, the court shall issue a firearms restraining order that shall be in effect for 6 months subject to renewal under Section 45 of this Act or termination under that Section.
- (g-5)** If the court issues a 6-month firearms restraining order, it shall, upon a finding of probable cause that the respondent possesses firearms, issue a search warrant directing a law enforcement agency to seize the respondent's firearms. The court may, as part of that warrant, direct the law enforcement agency to search the respondent's residence and other places where the court finds there is probable cause to believe he or she is likely to possess the firearms.
- (h)** A 6-month firearms restraining order shall require:
- (1)** the respondent to refrain from having in his or her custody or control, purchasing, possessing or receiving additional firearms for the duration of the order; and
 - (2)** the respondent to turn over to the local law enforcement agency any firearm or Firearm Owner's Identification Card and concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping. The firearm or firearms and Firearm Owner's Identification Card and concealed carry license, if unexpired shall be returned to the respondent after the firearms restraining order is terminated or expired.
- (i)** Except as otherwise provided in subsection (i-5) of this Section, upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency.
- (i-5)** A respondent whose Firearm Owner's Identification Card has been revoked or suspended may petition the court, if the petitioner is present in court or has notice of the respondent's petition, to transfer the respondent's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the respondent. Notice of the petition shall be served upon the person protected by the emergency firearms restraining order. While the order is in effect, the transferee who receives respondent's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the respondent or to any one residing in the same residence as the respondent.
- (i-6)** If a person other than the respondent claims title to any firearms surrendered under this Section, he or she may petition the court, if the petitioner is present in court or has notice of the petition, to have the firearm returned to him or her. If the court determines that person to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:
- (1)** the firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and
 - (2)** the firearm is not otherwise unlawfully possessed by the owner.

The person petitioning for the return of his or her firearm must swear or affirm by affidavit that he or she: (i) is the lawful owner of the firearm; (ii) shall not transfer the firearm to the respondent; and (iii) will store the firearm in a manner that the respondent does not have access to or control of the firearm.

(j) If the court does not issue a firearms restraining order at the hearing, the court shall dissolve any emergency firearms restraining order then in effect.

(k) When the court issues a firearms restraining order under this Section, the court shall inform the respondent that he or she is entitled to one hearing during the period of the order to request a termination of the order, under Section 45 of this Act, and shall provide the respondent with a form to request a hearing.

§ Sec. 430 ILCS 67/45 Termination and renewal

(a) A person subject to a firearms restraining order issued under this Act may submit one written request at any time during the effective period of the order for a hearing to terminate the order.

(1) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

(2) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(b) A petitioner may request a renewal of a firearms restraining order at any time within the 3 months before the expiration of a firearms restraining order.

(1) A court shall, after notice and a hearing, renew a firearms restraining order issued under this part if the petitioner proves, by clear and convincing evidence, that the respondent continues to pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

(2) In determining whether to renew a firearms restraining order issued under this Act, the court shall consider evidence of the facts identified in subsection (e) of Section 40 of this Act and any other evidence of an increased risk for violence.

(3) At the hearing, the petitioner shall have the burden of proving, by clear and convincing evidence that the respondent continues to pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

(4) The renewal of a firearms restraining order issued under this Section shall be in effect for 6 months, subject to termination by further order of the court at a hearing held under this Section and further renewal by further order of the court under this Section.

§ Sec. 430 ILCS 67/50 Notice of orders

(a) Entry and issuance. Upon issuance of any firearms restraining order, the clerk shall immediately, or on the next court day if an emergency firearms restraining order is issued in accordance with Section 35 of this Act (emergency firearms restraining order), (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.

(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that a firearms restraining order is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with Section 35 of this Act (emergency firearms restraining order), the clerk shall on the next court day, file a certified copy of the order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records.

(c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff or other law enforcement official shall promptly serve that order upon respondent and file proof of the service, in the manner provided for service of process in civil proceedings. Instead of serving the order upon the respondent, however, the sheriff, other law enforcement official, or other persons defined in Section 112A-22.10 of the Criminal Code of 1963 may serve the respondent with a short form notification as provided in that Section. If process has not yet been served upon the respondent, it shall be served with the order or short form notification if the service is made by the sheriff, or other law enforcement official.

(d) Any order renewing or terminating any firearms restraining order shall be promptly recorded, issued, and served as provided in this Section.

§ Sec. 430 ILCS 67/55 Data maintenance by law enforcement agencies

(a) All sheriffs shall furnish to the Department of State Police, daily, in the form and detail the Department requires, copies of any recorded firearms restraining order issued by the court, and any foreign orders of protection filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court under Section 50. Each firearms restraining order shall be entered in the Law Enforcement Agencies Data System (LEADS) on the same day it is issued by the court. If an emergency firearms restraining order was issued in accordance with Section 35 of this Act, the order shall be entered in the Law Enforcement Agencies Data System (LEADS) as soon as possible after receipt from the clerk.

(b) The Department of State Police shall maintain a complete and systematic record and index of all valid and recorded firearms restraining orders issued or filed under this Act. The data shall be used to inform all dispatchers and law enforcement officers at the scene of a violation of firearms restraining order of the effective dates and terms of any recorded order of protection.

(c) The data, records and transmittals required under this Section shall pertain to any valid emergency or 6-month firearms restraining order, whether issued in a civil or criminal proceeding or authorized under the laws of another state, tribe, or United States territory.

§ Sec. 430 ILCS 67/60 Filing of a firearms restraining order issued by another state

(a) A person who has sought a firearms restraining order or similar order issued by the court of another state, tribe, or United States territory may file a certified copy of the firearms restraining order with the clerk of the court in a judicial circuit in which the person believes that enforcement may be necessary.

(b) The clerk shall:

(1) treat the foreign firearms restraining order in the same manner as a judgment of the circuit court for any county of this State in accordance with the provisions of the Uniform Enforcement of Foreign Judgments Act, except that the clerk shall not mail notice of the filing of the foreign order to the respondent named in the order; and

(2) on the same day that a foreign firearms restraining order is filed, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records as set forth in Section 55 of this Act.

(c) Neither residence in this State nor filing of a foreign firearms restraining order shall be required for enforcement of the order by this State. Failure to file the foreign order shall not be an impediment to its treatment in all respects as an Illinois firearms restraining order.

(d) The clerk shall not charge a fee to file a foreign order of protection under this Section.

§ Sec. 430 ILCS 67/65 Enforcement; sanctions for violation of order.

A respondent who knowingly violates a firearms restraining order is guilty of a Class A misdemeanor. Prosecution for a violation of a firearms restraining order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the firearms restraining order.

§ Sec. 430 ILCS 67/70 Non-preclusion of remedies.

Nothing in this Act shall preclude a petitioner or law-enforcement officer from removing weapons under other authority, or filing criminal charges when probable cause exists.

Combating Illegal Gun Trafficking Act Article 5. Firearm Dealer License Certification Act

§ Sec. 430 ILCS 68/5-5 Definitions.

In this Act:

“**Certified licensee**” means a licensee that has previously certified its license with the Department under this Act.

“**Department**” means the Department of State Police.

“**Director**” means the Director of State Police.

“**Entity**” means any person, firm, corporation, group of individuals, or other legal entity.

“**Inventory**” means firearms in the possession of an individual or entity for the purpose of sale or transfer.

“**License**” means a Federal Firearms License authorizing a person or entity to engage in the business of dealing firearms.

“**Licensee**” means a person, firm, corporation, or other entity who has been given, and is currently in possession of, a valid Federal Firearms License.

“Retail location” means a store open to the public from which a certified licensee engages in the business of selling, transferring, or facilitating a sale or transfer of a firearm. For purposes of this Act, a gun show or similar event at which a certified licensee engages in business from time to time is not a retail location.

§ Sec. 430 ILCS 68/5-10 Copy of federal firearms license filed with the department.

Each licensee shall file with the Department a copy of its license, together with a sworn affidavit indicating that the license presented is in fact its license and that the license is valid. The Department may by rule create a process for checking the validity of the license, in lieu of requiring an affidavit. Upon receipt and review by the Department, the Department shall issue a certificate of license to the licensee, allowing the licensee to conduct business within this State. The Department shall issue an initial certificate of license within 30 days of receipt of the copy of license and sworn affidavit. If the Department does not issue the certificate within 30 days, the licensee shall operate as if a certificate has been granted unless and until a denial is issued by the Department.

§ Sec. 430 ILCS 68/5-15 Certification requirement

(a) Beginning 180 days after the effective date of this Act, it is unlawful for a person or entity to engage in the business of selling, leasing, or otherwise transferring firearms without a valid certificate of license issued under this Act. In the event that a person or entity maintains multiple licenses to engage in different lines of business requiring different licenses at one location, then the licenses shall be deemed one license for purposes of certification. In the event that a person or entity maintains multiple licenses to engage in business at multiple locations, under the same business name on the license or a different business name on the license, then each license and location must receive its own certification.

(b) It is unlawful for a person or entity without first being a certified licensee under this Act to act as if he or she is certified under this Act, to advertise, to assume to act as a certified licensee or to use a title implying that the person or entity is engaged in business as a certified licensee without a license certified under this Act.

(c) It is unlawful to obtain or attempt to obtain any certificate of license under this Act by material misstatement or fraudulent misrepresentation. Notwithstanding the provisions of Section 5-85 [430 ILCS 68/5-15], in addition to any penalty imposed under this Section, any certificate of license obtained under this Act due to material misstatement or fraudulent misrepresentation shall automatically be revoked.

(d) A person who violates any provision of this Section is guilty of a Class A misdemeanor for a first violation, and a Class 4 felony for a second or subsequent violation.

(e) In addition to any other penalty provided by law, any person or entity who violates any provision of this Section shall pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with Sections 5-95 and 5-100 [430 ILCS 68/5-95 and 430 ILCS 68/5-100].

(f) The Department has the authority and power to investigate any and all unlicensed activity requiring a license certified under this Act.

(g) The civil penalty shall be paid within 90 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(h) In the event the certification of a certified licensee is revoked, it shall be a violation of this Act for the revoked licensee to seek certification of a license held under a different business name, or to re-open as a certified licensee under another business name using the same license or as the same person or entity doing business under a different business name.

(i) (i) The Department shall require all of the following information from each applicant for certification under this Act:

(1) The name, full business address, and telephone number of the entity. The business address for the entity shall be the complete street address where firearms in the inventory of the entity are regularly stored, shall be located within the State, and may not be a Post Office Box.

(2) All trade, business, or assumed names used by the certified licensee by and under which the certified licensee sells, transfers, or facilitates transfers of firearms.

(3) The type of ownership or operation, such as a partnership, corporation, or sole proprietorship.

(4) The name of the owner or operator of the dealership, including:

(A) if a person, then the name and address of record of the person;

(B) if a partnership, then the name and address of record of each partner and the name of the partnership;

(C) if a corporation, then the name, address of record, and title of each corporate officer and each owner of more than 5% of the corporation, the corporate names by and which the certified licensee sells, transfers, or facilitates transfers of firearms, and the name of the state of incorporation; and

(D) if a sole proprietorship, then the full name and address of record of the sole proprietor and the name of the business entity.

§ Sec. 430 ILCS 68/5-20 Additional licensee requirements

(a) A certified licensee shall make a photo copy of a buyer's or transferee's valid photo identification card whenever a firearm sale transaction takes place. The photo copy shall be attached to the documentation detailing the record of sale.

(b) A certified licensee shall post in a conspicuous position on the premises where the licensee conducts business a sign that contains the following warning in block letters not less than one inch in height:

"With few exceptions enumerated in the Firearm Owners Identification Card Act, it is unlawful for you to:

(A) store or leave an unsecured firearm in a place where a child can obtain access to it;

(B) sell or transfer your firearm to someone else without receiving approval for the transfer from the Department of State Police, or

(C) fail to report the loss or theft of your firearm to local law enforcement within 72 hours."

This sign shall be created by the Department and made available for printing or downloading from the Department's website.

(c) No retail location established after the effective date of this Act shall be located within 500 feet of any school, pre-school, or day care facility in existence at its location before the retail location is established as measured from the nearest corner of the building holding the retail location to the corner of the school, pre-school, or day care facility building nearest the retail location at the time the retail location seeks licensure.

§ Sec. 430 ILCS 68/5-25 Exemptions.

The provisions of this Act related to the certification of a license do not apply to a person or entity that engages in the following activities:

(1) temporary transfers of firearms solely for use at the location or on the premises where the transfer takes place, such as transfers at a shooting range for use at that location;

(2) temporary transfers of firearms solely for use while in the presence of the transferor or transfers for the purposes of firearm safety training by a firearms safety training instructor;

(3) transfers of firearms among immediate family or household members, as "immediate family or household member" is defined in Section 3-2.7-10 of the Unified Code of Corrections, provided that both the transferor and transferee have a currently valid Firearm Owner's Identification Card; however, this paragraph (3) does not limit the familial gift exemption under paragraph (2) of subsection (a-15) of Section 3 of the Firearm Owners Identification Card Act [430 ILCS 65/3];

(4) transfers by persons or entities acting under operation of law or a court order;

(5) transfers by persons or entities liquidating all or part of a collection. For purposes of this paragraph (5), "collection" means 2 or more firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons;

(6) transfers of firearms that have been rendered permanently inoperable to a nonprofit historical society, museum, or institutional collection;

(7) transfers by a law enforcement or corrections agency or a law enforcement or corrections officer acting within the course and scope of his or her official duties;

(8) transfers to a State or local law enforcement agency by a person who has his or her Firearm Owner's Identification Card revoked;

(9) transfers of curios and relics, as defined under federal law, between collectors licensed under subsection (b) of Section 923 of the federal Gun Control Act of 1968;

(10) transfers by a person or entity licensed as an auctioneer under the Auction License Act; or

(11) transfers between a pawnshop and a customer which amount to a bailment.

For purposes of this paragraph (11), "**bailment**" means the act of placing property in the custody and control of another, by agreement in which the holder is responsible for the safekeeping and return of the property.

§ Sec. 430 ILCS 68/5-30 Training of certified licensees.

Any certified licensee and any employee of a certified licensee who sells or transfers firearms shall receive at least 2 hours of training annually regarding legal requirements and responsible business practices as applicable to the sale or

transfer or firearms. The Department may adopt rules regarding continuing education for certified licensees related to legal requirements and responsible business practices regarding the sale or transfer of firearms.

§ Sec. 430 ILCS 68/5-35 Inspection of licensees' places of business.

Licensees shall have their places of business open for inspection by the Department and law enforcement during all hours of operation involving the selling, leasing, or otherwise transferring of firearms, provided that the Department or law enforcement may conduct no more than one unannounced inspection per business per year without good cause. During an inspection, licensees shall make all records, documents, and firearms accessible for inspection upon the request of the Department or law enforcement agency.

§ Sec. 430 ILCS 68/5-40 Qualifications for operation

(a) Each certified licensee shall submit with each application for certification or renewal an affidavit to the Department stating that each owner, employee, or other agent of the certified licensee who sells or conducts transfers of firearms for the certified licensee is at least 21 years of age, has a currently valid Firearm Owner's Identification Card and, for a renewal, has completed the training required under Section 5-30 [430 ILCS 68/5-30]. The affidavit must also contain the name and Firearm Owner's Identification Card number of each owner, employee, or other agent who sells or conducts transfers of firearms for the certified licensee. If an owner, employee, or other agent of the certified licensee is not otherwise a resident of this State, the certified licensee shall submit an affidavit stating that the owner, employee, or other agent has undergone a background check and is not prohibited from owning or possessing firearms.

(b) In addition to the affidavit required under subsection (a), within 30 days of a new owner, employee, or other agent beginning selling or conducting transfers of firearms for the certified licensee, the certified licensee shall submit an affidavit to the Department stating the date that the new owner, employee, or other agent began selling or conducting transfers of firearms for the certified licensee, and providing the information required in subsection (a) for that new owner, employee, or other agent.

(c) If a certified licensee has a license, certificate, or permit to sell, lease, transfer, purchase, or possess firearms issued by the federal government or the government of any state revoked or suspended for good cause within the preceding 4 years, the Department may consider revoking or suspending the certified licenses in this State. In making a determination of whether or not to revoke or suspend a certified license in this State, the Department shall consider the number of retail locations the certified licensee or any related person or entity operates in this State or in other states under the same or different business names, and the severity of the infraction in the state in which a license was revoked or suspended.

(d) Applications and affidavits required under this Section are not subject to disclosure by the Department under the Freedom of Information Act [5 ILCS 140/1 et seq.].

§ Sec. 430 ILCS 68/5-45 Issuance of subpoenas.

The Department may subpoena and bring before it any person or entity to take oral or written testimony or may compel the production of any books, papers, records, or any other documents that the Department deems directly relevant or material to an investigation or hearing conducted by the Department in the enforcement of this Act, with the same fees and in the same manner prescribed in civil cases in the courts of this State. The licensee may file an emergency motion with the Director or a hearing officer authorized by the Department to quash a subpoena issued by the Department. If the Director or hearing officer determines that the subpoena was issued without good cause, the Director or hearing officer may quash the subpoena.

§ Sec. 430 ILCS 68/5-50 Security system.

(a) On or before January 2, 2021, each certified licensee operating a retail location in this State must maintain a video security system and shall maintain video surveillance of critical areas of the business premises, including, but not limited to, all places where firearms in inventory are stored, handled, sold, or transferred, and each entrance and exit. A video surveillance system of the certified licensee's retail location may not be installed in a bathroom and may not monitor inside the bathrooms located in the retail location. If a video security system is deemed inadequate by the Department, the licensee shall have 30 days to correct the inadequacy. The Department shall submit to the licensee a written statement describing the specific inadequacies.

(b) Each certified licensee operating a retail establishment in this State must post a sign in a conspicuous place at each entrance to the retail location that states in block letters not less than one inch in height: "THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED.". This sign shall be created by the Department and available for printing or downloading from the Department's website.

(c) On or before January 2, 2020, each certified licensee maintaining an inventory of firearms for sale or transfer must be connected to an alarm monitoring system or service that will notify its local law enforcement agency of an unauthorized intrusion into the premises of the licensee where the firearm inventory is maintained.

§ Sec. 430 ILCS 68/5-55 Safe storage by certified licensees.

In addition to adequate locks, exterior lighting, surveillance cameras, alarm systems, and other anti-theft measures and practices, a certified licensee maintaining a retail location shall develop a plan that addresses the safe storage of firearms and ammunition during retail hours and after closing. The certified licensee shall submit its safe storage plan to the Department and the plan shall be deemed approved unless it is rejected by the Department. The Department may reject the plan if it is inadequate, along with a written statement describing the specific inadequacies. The certified licensee shall submit a corrected plan to the Department within 60 days of notice of an inadequate plan. In the event there are still problems with the corrected plan, the Department shall note the specific inadequacies in writing and the certified licensee shall have 60 days from each notice of an inadequate plan to submit a corrected plan. The Department may reject the corrected plan if it is inadequate. A certified licensee may operate at all times that a plan is on file with the Department, and during times permitted by this Section to prepare and submit corrected plans. That any certified licensee has operated without an approved safe storage plan for more than 60 days shall be grounds for revocation of a certificate of license. The Department shall adopt rules regarding the adequacy of a safe storage plan. The rules shall take into account the various types and sizes of the entities involved, and shall comply with all relevant State and federal laws. Safe storage plans required under this Section are not subject to disclosure by the Department under the Freedom of Information Act [5 ILCS 140/1 et seq.].

§ Sec. 430 ILCS 68/5-65 Electronic-based recordkeeping.

On or before January 2, 2020, each certified licensee operating a retail location shall implement an electronic-based record system to keep track of its changing inventory by updating the make, model, caliber or gauge, and serial number of each firearm that is received or sold by the certified licensee. Retail sales and purchases shall be recorded within 24 hours of the transaction. Shipments of firearms from manufacturers or wholesalers shall be recorded upon the earlier of five business days or with 24 hours of the shipment being unpacked and the firearm placed in inventory. Each certified licensee shall maintain these records for a period of no less than the time period under 27 CFR 478.129 or any subsequent law that regulates the retention of records.

§ Sec. 430 ILCS 68/5-75 Term of license.

Each certification shall be valid for the term of the license being certified. A licensee shall certify each new or renewed license. However, the Department is not required to renew a certification if a prior certification has been revoked or suspended.

§ Sec. 430 ILCS 68/5-80 Retention of records.

Each certified licensee shall keep, either in electronic form or hard copy, all acquisition and disposition records for a period of time no less than the time required under 27 CFR 478.129 or any subsequent law that regulates the retention of records. All video surveillance records, along with any sound recordings obtained from them, shall be kept for a period of not less than 90 days.

§ Sec. 430 ILCS 68/5-85 Disciplinary sanctions

(a) For violations of this Act not penalized under Section 5-15, the Department may refuse to renew or restore, or may reprimand, place on probation, suspend, revoke, or take other disciplinary or non-disciplinary action against any licensee, and may impose a fine commensurate with the severity of the violation not to exceed \$10,000 for each violation for any of the following, consistent with the Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901 through 7903:

- (1) Violations of this Act, or any law applicable to the sale or transfer of firearms.
- (2) A pattern of practice or other behavior which demonstrates incapacity or incompetency to practice under this Act.
- (3) Aiding or assisting another person in violating any provision of this Act or rules adopted under this Act.
- (4) Failing, within 60 days, to provide information in response to a written request made by the Department.
- (5) Conviction of, plea of guilty to, or plea of nolo contendere to any crime that disqualifies the person from obtaining a valid Firearm Owner's Identification Card.
- (6) Continued practice, although the person has become unfit to practice due to any of the following:
 - (A) Any circumstance that disqualifies the person from obtaining a valid Firearm Owner's Identification Card or concealed carry license.
 - (B) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substance that results in the inability to practice with reasonable judgment, skill, or safety.
- (7) Receiving, directly or indirectly, compensation for any firearms sold or transferred illegally.
- (8) Discipline by another United States jurisdiction, foreign nation, or governmental agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(9) Violation of any disciplinary order imposed on a licensee by the Department.

(10) A finding by the Department that the licensee, after having his or her certified license placed on probationary status, has violated the terms of probation.

(11) A fraudulent or material misstatement in the completion of an affirmative obligation or inquiry by law enforcement.

(b) All fines imposed under this Section shall be paid within 90 days after the effective date of the final order imposing the fine.

§ Sec. 430 ILCS 68/5-90 Statute of limitations.

No action may be taken under this Act against a person or entity certified under this Act unless the action is commenced within 5 years after the occurrence of the alleged violations. A continuing violation shall be deemed to have occurred on the date when the circumstances last existed that give rise to the alleged violation.

§ Sec. 430 ILCS 68/5-95 Complaints; investigations; hearings

(a) The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license or registration under this Act.

(b) The Department shall, before disciplining a licensee under Section 5-85 [430 ILCS 68/5-85] or refusing to issue a certificate of license, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges under oath within 20 days after service, and (iii) inform the licensee that failure to answer will result in a default being entered against the licensee.

(c) At the time and place fixed in the notice, the Director or the hearing officer appointed by the Director shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Director or hearing officer may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his, her, or its license may, in the discretion of the Director, having first received the recommendation of the Director, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Director considers proper, including limiting the scope, nature, or extent of the person's business, or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

(d) The written notice and any notice in the subsequent proceeding may be served by certified mail to the licensee's address of record.

(e) The Director has the authority to appoint any attorney licensed to practice law in this State to serve as the hearing officer in any action for refusal to issue, restore, or renew a license, or to discipline a licensee. The hearing officer has full authority to conduct the hearing.

§ Sec. 430 ILCS 68/5-100 Hearing; rehearing

(a) The Director or the hearing officer authorized by the Department shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Director shall prepare a written report of his or her findings of fact, conclusions of law, and recommendations. The report shall contain a finding of whether the accused person violated this Act or failed to comply with the conditions required in this Act.

(b) At the conclusion of the hearing, a copy of the Director's or hearing officer's report shall be served upon the licensee by the Department, either personally or as provided in this Act, for the service of a notice of hearing. Within 20 calendar days after service, the licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Director may enter an order in accordance with his or her recommendations or the recommendations of the hearing officer. If the licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the licensee.

(c) All proceedings under this Section are matters of public record and shall be preserved.

(d) The licensee may continue to operate during the course of an investigation or hearing, unless the Director finds that the public interest, safety, or welfare requires an emergency action.

(e) Upon the suspension or revocation of a certificate of license, the licensee shall surrender the certificate to the Department and, upon failure to do so, the Department shall seize the same. However, when the certification of a certified licensee is suspended, the certified licensee shall not operate as a certified licensee during the period in which the certificate is suspended and, if operating during that period, shall be operating in violation of subsection (a) of Section 5-

15 of this Act [430 ILCS 68/5-15]. A person who violates this Section is guilty of a Class A misdemeanor for a first violation, and a Class 4 felony for a second or subsequent violation. In addition to any other penalty provided by law, any person or entity who violates this Section shall pay a civil penalty to the Department in an amount not to exceed \$2,500 for the first violation, and a fine not to exceed \$5,000 for a second or subsequent violation.

§ Sec. 430 ILCS 68/5-105 Restoration of certificate of license after disciplinary proceedings.

At any time after the successful completion of a term of probation, suspension, or revocation of a certificate of license, the Department may restore it to the licensee, unless, after an investigation and a hearing, the Director determines that restoration is not in the public interest. No person or entity whose certificate of license, card, or authority has been revoked as authorized in this Act may apply for restoration of that certificate of license, card, or authority until such time as provided for in the Civil Administrative Code of Illinois.

§ Sec. 430 ILCS 68/5-120 Federal agencies and investigations.

Nothing in this Act shall be construed to interfere with any federal agency or any federal agency investigation. All Department rules adopted under this Act shall comply with federal law. The Department may as necessary coordinate efforts with relevant State and federal law enforcement agencies to enforce this Act.

Chapter 720. Criminal Offenses
Criminal Code
Title I. General Provisions
Article 2. General Definitions

§ Sec. 720 ILCS 5/2-7.1 "Firearm" and "firearm ammunition"

"Firearm" and "firearm ammunition" have the meanings ascribed to them in § 1.1 of the Firearm Owners Identification Card Act [430 ILCS 65/1.1].

§ Sec. 720 ILCS 5/2-7.5 "Firearm."

Except as otherwise provided in a specific Section, "firearm" has the meaning ascribed to it in § 1.1 of the Firearm Owners Identification Card Act [430 ILCS 65/1.1].

Title III. Specific Offenses
Part D. Offenses Affecting Public Health, Safety and Decency
Article 24. Deadly Weapons

§ Sec. 720 ILCS 5/24-1 Unlawful use of weapons

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries:

(i) a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than 1 shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;

(ii) any rifle having 1 or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or

(iii) any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6) or 24-

1(a)(7)(ii) or (iii) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in § 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146], or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted of a second or subsequent violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The possession of each weapon in violation of this Section constitutes a single and separate violation.

(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances: (i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

§ Sec. 720 ILCS 5/24-1.1 Unlawful use or possession of weapons by felons or persons in the custody of the department of corrections facilities

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under § 24-1 of this Act [720 ILCS 5/24-1] or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of State Police under § 10 of the Firearm Owners Identification Card Act [430 ILCS 65/10].

(b) It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under § 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it.

(c) It shall be an affirmative defense to a violation of subsection (b), that such possession was specifically authorized by rule, regulation, or directive of the Illinois Department of Corrections or order issued pursuant thereto.

(d) The defense of necessity is not available to a person who is charged with a violation of subsection (b) of this Section.

(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person shall be sentenced to no less than 2 years and no more than 10 years. A second or subsequent violation of this Section shall be a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 14 years, except as provided for in Section 5-4.5-110 of the Unified Code of Corrections. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act [430 ILCS 65/0.01 et seq.], stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act, the Cannabis Control Act [720 ILCS 570/100 et seq., 720 ILCS 550/1 et seq., and 720 ILCS 646/1 et seq.], or the Methamphetamine Control and Community Protection Act is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years, except as provided for in Section 5-4.5-110 of the Unified code of Corrections. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years, except as provided for in Section 5-4.5-110 of the

Unified code of Corrections. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under § 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in § 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

§ Sec. 720 ILCS 5/24-1.6 Aggravated unlawful use of a weapon

(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:

(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm; and

(3) One of the following factors is present:

(D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.] for an act that if committed by an adult would be a felony; or

(E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act [720 ILCS 550/1 et seq.], in a misdemeanor violation of the Illinois Controlled Substances Act [720 ILCS 570/100 et seq.], or in a misdemeanor violation of the Methamphetamine Control and Community Protection Act [720 ILCS 646/1 et seq.]; or

(G) the person possessing the weapon had an order of protection issued against him or her within the previous 2 years; or

(H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or

(I) the person possessing the weapon was under 21 years of age and in possession of a handgun, unless the person under 21 is engaged in lawful activities under the Wildlife Code [520 ILCS 5/1.1 et seq.] or described in subsection 24-2(b)(1), (b)(3), or 24-2(f) [720 ILCS 5/24-2].

(a-5) "Handgun" as used in this Section has the meaning given to it in § 5 of the Firearm Concealed Carry Act [430 ILCS 66/5].

(d) Sentence.

(1) Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(2) Except as otherwise provided in paragraphs (3) and (4) of this subsection (d), a first offense of aggravated unlawful use of a weapon committed with a firearm by a person 18 years of age or older where the factors listed in both items (A) and (C) or both items (A-5) and (C) of paragraph (3) of subsection (a) are present is a Class 4 felony, for which the person shall be sentenced to a term of imprisonment of not less than one year and not more than 3 years.

(3) Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(4) Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony. (e) The possession of each firearm in violation of this Section constitutes a single and separate violation.

§ Sec. 720 ILCS 5/24-2 Exemptions

(a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and 24-1(a)(13) and § 24-1.6 [720 ILCS 5/24-1 and 720 ILCS 5/24-1.6] do not apply to or affect any of the following:

(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by a private security contractor, private detective, or private alarm contractor agency licensed by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447/5-3 et seq.], while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a private security contractor, private detective, or private alarm contractor, or employee of a licensed private security contractor, private detective, or private alarm contractor agency and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the private security contractor, private detective, or private alarm contractor, or employee of the licensed private security contractor, private detective, or private alarm contractor agency at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force registered with the Department of Financial and Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4), while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution as a security guard for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, and who, as a security guard, is a member of a security force registered with the Department; provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for renewal of firearm control cards issued under the provisions of this Section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act [20 ILCS 2910/0.01 et seq.].

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to § 7.06 of the State's Attorneys Appellate Prosecutor's Act [725 ILCS 210/7.06].

(12) Special investigators appointed by a State's Attorney under § 3-9005 of the Counties Code [55 ILCS 5/3-9005].

(12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed, if they have received weapons training according to requirements of the Peace Officer and Probation Officer Firearm Training Act [50 ILCS 710/0.01 et seq.].

(13) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.

(b) Subsections 24-1(a)(4) and 24-1(a)(10) and § 24-1.6 do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.

(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

(5) Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers while in performance of their official duties.

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

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph.

During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

(7) A person possessing a rifle with a barrel or barrels less than 16 inches in length if: (A) the person has been issued a Curios and Relics license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B) the person is an active member of a bona fide, nationally recognized military re-enacting group and the modification is required and necessary to accurately portray the weapon for historical re-enactment purposes; the re-enactor is in possession of a valid and current re-enacting group membership credential; and the overall length of the weapon as modified is not less than 26 inches.

(f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and § 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordnance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordnance.

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(g-5) Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition. This exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this subsection (g-5). During transportation, these devices shall be detached from any weapon or not immediately accessible.

(g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and § 24-1.6 do not apply to or affect any parole agent or parole supervisor who meets the qualifications and conditions prescribed in § 3-14-1.5 of the Unified Code of Corrections [730 ILCS 5/3-14-1.5].

(g-7) Subsection 24-1(a)(6) does not apply to a peace officer while serving as a member of a tactical response team or special operations team. A peace officer may not personally own or apply for ownership of a device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. These devices shall be owned and maintained by lawfully recognized units of government whose duties include the investigation of criminal acts.

(g-10) Subsections 24-1(a)(4), 24-1(a)(8), and 24-1(a)(10), and §§ 24-1.6 and 24-3.1 do not apply to an athlete's possession, transport on official Olympic and Paralympic transit systems established for athletes, or use of competition firearms sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting in connection with such athlete's training for and participation in shooting competitions at the 2016 Olympic and Paralympic Games and sanctioned test events leading up to the 2016 Olympic and Paralympic Games.

(h) An information or indictment based upon a violation of any subsection of this Article need not negate any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-

1(a)(7) or subsection 24-2(c) of this Article [720 ILCS 5/24-2], which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.

§ Sec. 720 ILCS 5/24-2.1 Unlawful use of firearm projectiles

(a) A person commits the offense of unlawful use of firearm projectiles when he or she knowingly manufactures, sells, purchases, possesses, or carries any armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell.

For the purposes of this Section:

"Armor piercing bullet" means any handgun bullet or handgun ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25% of the total weight of the projectile, and excluding those handgun projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that the U.S. Secretary of the Treasury finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute "armor piercing ammunition" as that term is defined by federal law.

The definition contained herein shall not be construed to include shotgun shells.

"Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flame-thrower.

"Bolo shell" means any shell that can be fired in a firearm and expels as projectiles 2 or more metal balls connected by solid metal wire.

"Flechette shell" means any shell that can be fired in a firearm and expels 2 or more pieces of fin-stabilized solid metal wire or 2 or more solid dart-type projectiles.

(b) Exemptions. This Section does not apply to or affect any of the following:

(1) Peace officers.

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

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard while in the performance of their official duties.

(4) Federal officials required to carry firearms, while engaged in the performance of their official duties.

(5) United States Marshals, while engaged in the performance of their official duties.

(6) Persons licensed under federal law to manufacture, import, or sell firearms and firearm ammunition, and actually engaged in any such business, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such bullets or ammunition.

(7) This exemption does not authorize the general private possession of any armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell, but only such possession and activities which are within the lawful scope of a licensed business described in this paragraph.

(8) Laboratories having a department of forensic ballistics or specializing in the development of ammunition or explosive ordnance [sic].

(9) Manufacture, transportation, or sale of armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells to persons specifically authorized under paragraphs (1) through (7) of this subsection to possess such bullets or shells.

(c) An information or indictment based upon a violation of this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption.

(d) Sentence. A person convicted of unlawful use of armor piercing bullets shall be guilty of a Class 3 felony.

§ Sec. 720 ILCS 5/24-2.2 Manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells

(a) Except as provided in subsection (b) of this Section, it is unlawful for any person to knowingly manufacture, sell, offer to sell, or transfer any bullet or shell which is represented to be an armor piercing bullet, a dragon's breath shotgun shell, a bolo shell, or a flechette shell as defined in § 24-2.1 of this Code [720 ILCS 5/24-2.1].

(b) Exemptions. This Section does not apply to or affect any person authorized under § 24-2.1 to manufacture, sell, purchase, possess, or carry any armor piercing bullet or any dragon's breath shotgun shell, bolo shell, or flechette shell with respect to activities which are within the lawful scope of the exemption therein granted.

(c) An information or indictment based upon a violation of this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption and that the activities forming the basis of any criminal charge brought pursuant to this Section were within the lawful scope of such exemption.

(d) Sentence. A violation of this Section is a Class 4 felony.

§ Sec. 720 ILCS 5/24-3 Unlawful sale or delivery of firearms

(A) A person commits the offense of unlawful sale or delivery of firearms when he or she knowingly does any of the following:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.

(c) Sells or gives any firearm to any narcotic addict.

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.

(e) Sells or gives any firearm to any person who has been a patient in a mental institution within the past 5 years. In this subsection (e):

"Mental institution" means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness.

"Patient in a mental institution" means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness.

(f) Sells or gives any firearms to any person who is a person with an intellectual disability.

(g) Delivers any firearm, incidental to a sale, without withholding delivery of the firearm for at least 72 hours after application for its purchase has been made, or delivers a stun gun or taser, incidental to a sale, without withholding delivery of stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm from a federally licensed firearms dealer to a nonresident of Illinois under which the firearm is mailed to a federally licensed firearms dealer outside the boundaries of Illinois; (3) (blank); (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under § 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or sale of any rifle, shotgun, or other long gun to a resident registered competitor or attendee or non-resident registered competitor or attendee by any dealer licensed as a federal firearms dealer under § 923 of the federal Gun Control Act of 1968 at competitive shooting events held at the World Shooting Complex sanctioned by a national governing body. For purposes of transfers or sales under subparagraph (5) of this paragraph (g), the Department of Natural Resources shall give notice to the Department of State Police at least 30 calendar days prior to any competitive shooting events at the World Shooting Complex sanctioned by a national governing body. The notification shall be made on a form prescribed by the Department of State Police. The sanctioning body shall provide a list of all registered competitors and attendees at least 24 hours before the events to the Department of State Police. Any changes to the list of registered competitors and attendees shall be forwarded to the Department of State Police as soon as practicable. The Department of State Police must destroy the list of registered competitors and attendees no later than 30 days after the date of the event. Nothing in this paragraph (g) relieves a federally licensed firearm dealer from the requirements of conducting a NICS background check through the Illinois Point of Contact under 18 U.S.C. 922(t). For purposes of this paragraph (g), "application" means when the buyer and seller reach an agreement to purchase a firearm. For purposes of this paragraph (g), "national governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968 [18 U.S.C. § 921 et seq.], manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act [430 ILCS 65/0.01 et seq.]; and (2) "handgun" is defined as a firearm

designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under § 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). In this paragraph (j):

A person "**engaged in the business**" means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"With the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

(k) Sells or transfers ownership of a firearm to a person who does not display to the seller or transferor of the firearm either: (1) a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act; or (2) a currently valid license to carry a concealed firearm that has previously been issued in the transferee's name by the Department of State Police under the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.]. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under § 2 of the Firearm Owners Identification Card Act [430 ILCS 65/2]. For the purposes of this Section, a currently valid Firearm Owner's Identification Card means (i) a Firearm Owner's Identification Card that has not expired or (ii) an approval number issued in accordance with subsection (a-10) of subsection 3 or § 3.1 of the Firearm Owners Identification Card Act [430 ILCS 65/3 or 430 ILCS 65/3.1] shall be proof that the Firearm Owner's Identification Card was valid.

(1) In addition to the other requirements of this paragraph (k), all persons who are not federally licensed firearms dealers must also have complied with subsection (a-10) of § 3 of the Firearm Owners Identification Card Act by determining the validity of a purchaser's Firearm Owner's Identification Card.

(2) All sellers or transferors who have complied with the requirements of subparagraph (1) of this paragraph (k) shall not be liable for damages in any civil action arising from the use or misuse by the transferee of the firearm transferred, except for willful or wanton misconduct on the part of the seller or transferor.

(l) Not being entitled to the possession of a firearm, delivers the firearm, knowing it to have been stolen or converted. It may be inferred that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

(B) Paragraph (h) of subsection (A) does not include firearms sold within 6 months after enactment of Public Act 78-355 (approved August 21, 1973, effective October 1, 1973), nor is any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of Public Act 78-355 subject to confiscation or seizure under the provisions of that Public Act. Nothing in Public Act 78-355 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of that Public Act.

(C) Sentence.

(1) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (c), (e), (f), (g), or (h) of subsection (A) commits a Class 4 felony.

(2) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (b) or (i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) of subsection (A) commits a Class 2 felony.

(4) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or

school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(6) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (j) of subsection (A) commits a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(7) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony, except that a violation of subparagraph (1) of paragraph (k) of subsection (A) shall not be punishable as a crime or petty offense. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(8) A person 18 years of age or older convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A), when the firearm that was sold or given to another person under 18 years of age was used in the commission of or attempt to commit a forcible felony, shall be fined or imprisoned, or both, not to exceed the maximum provided for the most serious forcible felony so committed or attempted by the person under 18 years of age who was sold or given the firearm.

(9) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (d) of subsection (A) commits a Class 3 felony.

(10) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class 2 felony if the delivery is of one firearm. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class 1 felony if the delivery is of not less than 2 and not more than 5 firearms at the same time or within a one year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years if the delivery is of not less than 6 and not more than 10 firearms at the same time or within a 2 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years if the delivery is of not less than 11 and not more than 20 firearms at the same time or within a 3 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years if the delivery is of not less than 21 and not more than 30 firearms at the same time or within a 4 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years if the delivery is of 31 or more firearms at the same time or within a 5 year period.

(D) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

§ Sec. 720 ILCS 5/24-3A Gunrunning

(a) A person commits gunrunning when he or she transfers 3 or more firearms in violation of any of the paragraphs of § 24-3 of this Code [720 ILCS 5/24-3].

(b) Sentence. A person who commits gunrunning:

(1) is guilty of a Class 1 felony;

(2) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 8 years and not more than 40 years if the transfer is of not less than 11 firearms and not more than 20 firearms;

(3) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 10 years and not more than 50 years if the transfer is of more than 20 firearms.

A person who commits gunrunning by transferring firearms to a person who, at the time of the commission of the offense, is under 18 years of age is guilty of a Class X felony.

§ Sec. 720 ILCS 5/24-3B Firearms trafficking

(a) A person commits firearms trafficking when he or she has not been issued a currently valid Firearm Owner's Identification Card and knowingly:

(1) brings, or causes to be brought, into this State, a firearm or firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm or firearm ammunition to any other person; or

(2) brings, or causes to be brought, into this State, a firearm and firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm and firearm ammunition to any other person.

(a-5) This Section does not apply to:

(1) a person exempt under § 2 of the Firearm Owners Identification Card Act from the requirement of having possession of a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police in order to acquire or possess a firearm or firearm ammunition;

(2) a common carrier under subsection (i) of § 24-2 of this Code; or

(3) a non-resident who may lawfully possess a firearm in his or her resident state.

(b) Sentence.

(1) Firearms trafficking is a Class 1 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 20 years.

(2) Firearms trafficking by a person who has been previously convicted of firearms trafficking, gunrunning, or a felony offense for the unlawful sale, delivery, or transfer of a firearm or firearm ammunition in this State or another jurisdiction is a Class X felony.

§ Sec. 720 ILCS 5/24-3.1 Unlawful possession of firearms and firearm ammunition

(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(4) He has been a patient in a mental institution within the past 5 years and has any firearms or firearm ammunition in his possession. For purposes of this paragraph (4):

"Mental institution" means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness.

"Patient in a mental institution" means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

(5) He is a person with an intellectual disability and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet.

For purposes of this paragraph **"explosive bullet"** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal.

"Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) Sentence. Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code [520 ILCS 5/1.1 et seq. or 515 ILCS 5/1-1 et seq.].

§ Sec. 720 ILCS 5/24-3.3 Unlawful sale or delivery of firearms on the premises of any school, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency.

Any person 18 years of age or older who sells, gives or delivers any firearm to any person under 18 years of age in any school, regardless of the time of day or the time of year or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any school, regardless of the time of day or the time of year or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college or university. This does not apply to peace officers or to students carrying or possessing firearms for use in school training courses, parades, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded and enclosed in a suitable case, box or transportation package.

§ Sec. 720 ILCS 5/24-3.4 Unlawful sale of firearms by liquor licensee

(a) It shall be unlawful for any person who holds a license to sell at retail any alcoholic liquor issued by the Illinois Liquor Control Commission or local liquor control commissioner under the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.] or an agent or employee of the licensee to sell or deliver to any other person a firearm in or on the real property of the establishment where the licensee is licensed to sell alcoholic liquors unless the sale or delivery of the firearm is otherwise lawful under this Article and under the Firearm Owners Identification Card Act [430 ILCS 65/0.01 et seq.].

(b) Sentence. A violation of subsection (a) of this Section is a Class 4 felony.

§ Sec. 720 ILCS 5/24-3.5 Unlawful purchase of a firearm

(a) For purposes of this Section, "firearms transaction record form" means a form:

- (1)** executed by a transferee of a firearm stating: (i) the transferee's name and address (including county or similar political subdivision); (ii) whether the transferee is a citizen of the United States; (iii) the transferee's State of residence; and (iv) the date and place of birth, height, weight, and race of the transferee; and
- (2)** on which the transferee certifies that he or she is not prohibited by federal law from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm that has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

(b) A person commits the offense of unlawful purchase of a firearm who knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm.

(c) A person commits the offense of unlawful purchase of a firearm when he or she, in purchasing or attempting to purchase a firearm, intentionally provides false or misleading information on a United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms firearms transaction record form.

(d) Exemption. It is not a violation of subsection (b) of this Section for a person to make a gift or loan of a firearm to a person who is not prohibited by federal or State law from possessing a firearm if the transfer of the firearm is made in accordance with § 3 of the Firearm Owners Identification Card Act [430 ILCS 65/3].

(e) Sentence.

(1) A person who commits the offense of unlawful purchase of a firearm:

(A) is guilty of a Class 2 felony for purchasing or attempting to purchase one firearm;

(B) is guilty of a Class 1 felony for purchasing or attempting to purchase not less than 2 firearms and not more than 5 firearms at the same time or within a one year period;

(C) is guilty of a Class X felony for which the offender shall be sentenced to a term of imprisonment of not less than 9 years and not more than 40 years for purchasing or attempting to purchase not less than 6 firearms at the same time or within a 2 year period.

(2) In addition to any other penalty that may be imposed for a violation of this Section, the court may sentence a person convicted of a violation of subsection (c) of this Section to a fine not to exceed \$250,000 for each violation.

(f) A prosecution for unlawful purchase of a firearm may be commenced within 6 years after the commission of the offense.

§ Sec. 720 ILCS 5/24-3.6 Unlawful use of a firearm in the shape of a wireless telephone

(a) For the purposes of this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.

(b) A person commits the offense of unlawful use of a firearm in the shape of a wireless telephone when he or she manufactures, sells, transfers, purchases, possesses, or carries a firearm shaped or designed to appear as a wireless telephone.

(c) This Section does not apply to or affect the sale to or possession of a firearm in the shape of a wireless telephone by a peace officer.

(d) Sentence. Unlawful use of a firearm in the shape of a wireless telephone is a Class 4 felony.

§ Sec. 720 ILCS 5/24-3.8 Possession of a stolen firearm

(a) A person commits possession of a stolen firearm when he or she, not being entitled to the possession of a firearm, possesses the firearm, knowing it to have been stolen or converted. The trier of fact may infer that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

(b) Possession of a stolen firearm is a Class 2 felony.

§ Sec. 720 ILCS 5/24-3.9 Aggravated possession of a stolen firearm

(a) A person commits aggravated possession of a stolen firearm when he or she:

(1) Not being entitled to the possession of not less than 2 and not more than 5 firearms, possesses those firearms at the same time or within a 1-year period, knowing the firearms to have been stolen or converted.

(2) Not being entitled to the possession of not less than 6 and not more than 10 firearms, possesses those firearms at the same time or within a 2-year period, knowing the firearms to have been stolen or converted.

(3) Not being entitled to the possession of not less than 11 and not more than 20 firearms, possesses those firearms at the same time or within a 3-year period, knowing the firearms to have been stolen or converted.

(4) Not being entitled to the possession of not less than 21 and not more than 30 firearms, possesses those firearms at the same time or within a 4-year period, knowing the firearms to have been stolen or converted.

(5) Not being entitled to the possession of more than 30 firearms, possesses those firearms at the same time or within a 5-year period, knowing the firearms to have been stolen or converted.

(b) The trier of fact may infer that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

(c) Sentence.

(1) A person who violates paragraph (1) of subsection (a) of this Section commits a Class 1 felony.

(2) A person who violates paragraph (2) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years.

(3) A person who violates paragraph (3) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years.

(4) A person who violates paragraph (4) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years.

(5) A person who violates paragraph (5) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years.

§ Sec. 720 ILCS 5/24-4 Register of sales by dealer

(a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

(b) Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, description and number of the weapon, and the purpose for which it is purchased and obtained.

(c) Such seller on demand of a peace officer shall produce for inspection the register and allow such peace officer to inspect such register and all stock on hand.

(d) Sentence. Violation of this Section is a Class B misdemeanor.

§ Sec. 720 ILCS 5/24-4.1 Report of lost or stolen firearms

(a) If a person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a firearm thereafter loses the firearm, or if the firearm is stolen from the person, the person must report the loss or theft to the local law enforcement agency within 72 hours after obtaining knowledge of the loss or theft.

(b) A law enforcement agency having jurisdiction shall take a written report and shall, as soon as practical, enter the firearm's serial number as stolen into the Law Enforcement Agencies Data System (LEADS).

(c) A person shall not be in violation of this Section if:

(1) the failure to report is due to an act of God, act of war, or inability of a law enforcement agency to receive the report;

(2) the person is hospitalized, in a coma, or is otherwise seriously physically or mentally impaired as to prevent the person from reporting; or

(3) the person's designee makes a report if the person is unable to make the report.

(d) Sentence. A person who violates this Section is guilty of a petty offense for a first violation. A second or subsequent violation of this Section is a Class A misdemeanor.

§ Sec. 720 ILCS 5/24-5 Defacing identification marks of firearms

(a) Any person who shall knowingly or intentionally change, alter, remove or obliterate the name of the importer's or manufacturer's serial number of any firearm commits a Class 2 felony.

(b) A person who possesses any firearm upon which any such importer's or manufacturer's serial number has been changed, altered, removed or obliterated commits a Class 3 felony.

(c) Nothing in this Section shall prevent a person from making repairs, replacement of parts, or other changes to a firearm if those repairs, replacement of parts, or changes cause the removal of the name of the maker, model, or other marks of identification other than the serial number on the firearm's frame or receiver.

(d) A prosecution for a violation of this Section may be commenced within 6 years after the commission of the offense.

§ Sec. 720 ILCS 5/24-6 Confiscation and disposition of weapons

(a) Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized shall be confiscated by the trial court.

(b) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. After the disposition of a criminal case or in any criminal case where a final judgment in the case was not entered due to the death of the defendant, and when a confiscated weapon is no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for the weapon, the court may transfer the weapon to the sheriff of the county who may proceed to destroy it, or may in its discretion order the weapon preserved as property of the governmental body whose police agency seized the weapon, or may in its discretion order the weapon to be transferred to the Department of State Police for use by the crime laboratory system, for training purposes, or for any other application as deemed appropriate by the Department. If, after the disposition of a criminal case, a need still exists for the use of the confiscated weapon for evidentiary purposes, the court may transfer the weapon to the custody of the State Department of Corrections for preservation. The court may not order the transfer of the weapon to any private individual or private organization other than to return a stolen weapon to its rightful owner.

The provisions of this Section shall not apply to violations of the Fish and Aquatic Life Code or the Wildlife Code [515 ILCS 5/1-1 et seq. or 520 ILCS 5/1.1 et seq.]. Confiscation of weapons for Fish and Aquatic Life Code and Wildlife Code [515 ILCS 5/1-1 et seq. and 520 ILCS 5/1.1 et seq.] violations shall be only as provided in those Codes.

(c) Any mental hospital that admits a person as an inpatient pursuant to any of the provisions of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-100 et seq.] shall confiscate any firearms in the possession of that person at the time of admission, or at any time the firearms are discovered in the person's possession during the course of hospitalization. The hospital shall, as soon as possible following confiscation, transfer custody of the firearms to the appropriate law enforcement agency. The hospital shall give written notice to the person from whom the firearm was confiscated of the identity and address of the law enforcement agency to which it has given the firearm.

The law enforcement agency shall maintain possession of any firearm it obtains pursuant to this subsection for a minimum of 90 days. Thereafter, the firearm may be disposed of pursuant to the provisions of subsection (b) of this Section.

§ Sec. 720 ILCS 5/24-7 Weapons offenses; community service

In addition to any other sentence that may be imposed, a court shall order any person convicted of a violation of this Article to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Article, the supervision shall be conditioned upon the performance of the community service.

This Section does not apply when the court imposes a sentence of incarceration.

§ Sec. 720 ILCS 5/24-9 Firearms; child protection

(a) Except as provided in subsection (c), it is unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a minor under the age of 14 years who does not have a Firearm Owners Identification Card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, and the minor causes death or great bodily harm with the firearm, unless the firearm is:

(1) secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable; or

(2) placed in a securely locked box or container; or

(3) placed in some other location that a reasonable person would believe to be secure from a minor under the age of 14 years.

(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than \$1,000. A second or subsequent violation of this Section is a Class A misdemeanor.

(c) Subsection (a) does not apply:

(1) if the minor under 14 years of age gains access to a firearm and uses it in a lawful act of self-defense or defense of another; or

(2) to any firearm obtained by a minor under the age of 14 because of an unlawful entry of the premises by the minor or another person.

(d) For the purposes of this Section, "firearm" has the meaning ascribed to it in § 1.1 of the Firearm Owners Identification Card Act [430 ILCS 65/1.1].

§ Sec. 720 ILCS 5/24-9.5 Handgun safety devices

(a) It is unlawful for a person licensed as a federal firearms dealer under § 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923) to offer for sale, sell, or transfer a handgun to a person not licensed under that Act, unless he or she sells or includes with the handgun a device or mechanism, other than the firearm safety, designed to render the handgun temporarily inoperable or inaccessible. This includes but is not limited to:

(1) An external device that is:

(i) attached to the handgun with a key or combination lock; and

(ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(2) An integrated mechanical safety, disabling, or locking device that is:

(i) built into the handgun; and

(ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than \$1,000. A second or subsequent violation of this Section is a Class A misdemeanor.

(c) For the purposes of this Section, "handgun" has the meaning ascribed to it in clause (h)(2) of subsection (A) of § 24-3 of this Code [720 ILCS 5/24-3].

(d) This Section does not apply to:

(1) the purchase, sale, or transportation of a handgun to or by a federally licensed firearms dealer or manufacturer that provides or services a handgun for:

(i) personnel of any unit of the federal government;

(ii) members of the armed forces of the United States or the National Guard;

(iii) law enforcement personnel of the State or any local law enforcement agency in the State while acting within the scope of their official duties; and

(iv) an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition;

(2) a firearm modified to be permanently inoperative;

(3) the sale or transfer of a handgun by a federally licensed firearms dealer or manufacturer described in item (1) of this subsection (d);

(4) the sale or transfer of a handgun by a federally licensed firearms dealer or manufacturer to a lawful customer outside the State; or

(5) an antique firearm.

§ Sec. 720 ILCS 5/24-10 Municipal ordinance regulating firearms; affirmative defense to a violation.

It is an affirmative defense to a violation of a municipal ordinance that prohibits, regulates, or restricts the private ownership of firearms if the individual who is charged with the violation used the firearm in an act of self-defense or defense of another as defined in §§ 7-1 and 7-2 of this Code [720 ILCS 5/7-1 and 720 ILCS 5/7-2] when on his or her land or in his or her abode or fixed place of business.

Alsip Code of Ordinances

Current through Ordinance No. 2018-07-1, enacted July 2, 2018.

Chapter 12. Licenses, Permits and Business Regulations

Article XXVIII. Firearms Dealers

§ Sec. 12-1201 License requirement.

(a) In addition to the general licensing requirements set forth in chapter 12, Licenses, Permits and Business Regulations, article I of this Code, any person, firm or corporation on whose premises located in the village where the purchase, sale or exchange of firearms or firearms ammunition is conducted shall be required to apply for and obtain an annual firearms dealer's license. Any person, firm or corporation shall be subject to such requirement if by himself, herself or itself, or through an agent, employer, or partner holds forth as being engaged in the business or occupation, or solicits patronage therefor, actively or passively; or attempts to perform any part of such business or occupation in the village. Possession of a valid federal firearms dealer's license from an address or for a location in the village shall be deemed proof of being engaged in the business of dealing in firearms in the village and requires a village firearms dealer's license. Any person holding a valid federal collector license is excluded from the requirements of this chapter.

(b) Any person, firm or corporation licensed under federal law at more than one location in the village shall obtain a separate firearm dealer's license for each location. A license issued pursuant to this chapter is not transferable to any other person, firm or corporation, nor to any other location.

(c) It shall be unlawful for any person, firm or corporation to engage in the business of dealing in firearms or firearms ammunition or maintaining a gun shop at any address within the village without having first applied for and obtained a firearm dealer's license pursuant to this chapter.

(d) Violation of any provision of this article shall be a Class A violation pursuant to section 1-8 of this Code. Each day of any violation of such provision of this chapter or ordinance shall constitute a separate offense.

§ Sec. 12-1202 Application, suspension or revocation.

(a) All firearms dealers in the village shall make application and the village shall process the application in accordance with the application provisions of article I of this chapter.

(b) No firearms dealer's license shall be issued to any person who fails to provide proof of a valid federal firearms dealer's license and a valid firearm owner's identification card issued by the State of Illinois. No license shall be issued to any location that is not properly zoned for a firearms dealer or gun shop, and does not meet all of the requirements of this article. The police department shall investigate and verify compliance with this requirement.

(c) The fee for the annual firearm dealer's license shall be \$1,000.00, which shall be paid at the time of application. Said fee is nonrefundable.

(d) Every firearm dealer's license shall expire on the thirtieth day of April following the date of issuance.

(e) A firearm dealer's license may be suspended or revoked pursuant to the due process provisions of article 1 of this chapter. The licensee shall have the appeal rights provided for in article 1 of this chapter.

§ Sec. 12-1203 Location requirements.

(a) No firearm dealer's license shall be issued to any premises within the village other than within an area zoned for industrial use, or in a commercially zoned area with a special use permit.

(b) No firearm dealer's license shall be issued for a premises within one-quarter mile of the boundary of any property used for school or public park purposes, as measured from the closest property lines of the respective properties. "School" shall mean any public or private elementary, middle or secondary school. "Public park" shall mean any property used for public recreation and owned by a public park district.

(c) Notwithstanding the location requirements herein, any person legally engaging in the business of firearms dealer at the time of adoption of this article who also holds a valid general business license with the village shall be allowed to continue their existing operations at that location, but may not expand their operations at that location.

§ Sec. 12-1204 License to be posted; destruction, removal of license.

(a) It shall be the duty of any person conducting a licensed firearm dealer's business in the village to keep his license displayed at all times in a prominent place on the premises.

(b) No person shall destroy, obliterate, take, remove or carry away without the consent of the owner any license which has been issued by the village pursuant to this article, except when such license has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the village president or his duly authorized representative from removing any license from the possession of a former licensee or from his premises when said license has been revoked under the provisions of this Code.

§ Sec. 12-1205 Conditions of operation.

(a) The firearms dealer business must be locked at all times, with entry provided by the owner or an employee by means of a buzzer or comparable entry system upon visual or video viewing of the entrant. Said entry system shall also be in compliance with all building and fire codes.

(b) In addition to any records of sales required by the State of Illinois or the United States, all gun sales must be video recorded with said recording being stored in a commercially reasonable and secure manner for at least one year and made available to law enforcement upon reasonable notice.

Aurora Code of Ordinances

Current through Ordinance No. O18-032, enacted March 27, 2018. (Supp. No 7)

Chapter 29. Offenses, Miscellaneous

Article III. Offenses Against or Endangering the Person

§ Sec. 29-43 Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries a machine gun, which shall be defined for the purposes of this subsection as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than 1 shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon; or sells, manufactures, purchases, possesses or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person, or any rifle having 1 or more barrels less than 16 inches in length or a shotgun having 1 or more barrels less than 18 inches in length, or a rifle or shotgun which does not have a fixed stock capable of being fired from the shoulder, or any weapon made from a rifle or shotgun, whether by alteration, modification or otherwise, if such a weapon as modified has an overall length of less than 26 inches, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over 1/4 ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this subsection "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(12) Carries or possesses on or about his person any □ tear gas gun projector bomb or any object containing noxious liquid gas, pistol or revolver or other firearm, bomb, grenade, bottle or other container containing an explosive substance of over one-quarter ounce, or cartridge while in the building or on the grounds of any elementary or secondary school, community college, college or university or while on the grounds of any public parks, playground forest preserve or residential property owned, operated or managed by a public housing agency or while on any public way within 1,000 feet of the real property comprising any school or public park or residential property owned, operated, or managed by a public housing agency. This subsection shall not apply to law enforcement officers or security officers of such school, college, university, park, forest preserve or public housing agency, nor to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded and enclosed in a suitable case, box or transportation package.

(b) A person violating subsection (a) of this section shall be guilty of a Misdemeanor III.

(c) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in paragraph (a)(7) is a prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

(1) If such weapon, instrument or substance is found upon the person of 1 of the occupants therein; or

(2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

(d) Upon conviction of a violation of this section, any weapon seized shall be confiscated by the trial court. Any weapon so confiscated shall be transferred to the police department for disposition.

§ Sec. 29-44 Exemptions.

(c) Section 29-43, paragraph (a)(7) does not apply to or affect any of the following:

- (1)** Peace officers while in the performance of their official duties.
- (2)** Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.
- (3)** Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
- (4)** Manufacture, transportation or sale of machine guns to persons authorized under paragraphs (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a nonfunctioning state or not immediately accessible.
- (5)** Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device but only such possession and activities which are within the lawful scope of a licensed manufacturing business described in this paragraph. During transportation, such weapons shall be broken down in a nonfunctioning state or not immediately accessible.
- (6)** The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract. The exemption granted under this subsection shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract. During transportation, any such weapon shall be broken down in a nonfunctioning state, or not immediately accessible.

(g) Section 29-43, paragraph (a)(11) does not apply to:

- (1)** Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
- (2)** Bona fide collectors of antique or surplus military ordinance.
- (3)** Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.
- (4)** Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by paragraph (g)(1) of this section, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(h) A charge based upon a violation of any subsection need not negate any exemptions contained in this section. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this section shall prohibit, apply to or affect the transportation, carrying or possession of any pistol or revolver, stun gun, taser or other firearm consigned to a common carrier operating under license of the state or the federal government, where such transportation, carrying or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this section shall prohibit, apply to or affect the transportation, carrying or possession of any pistol, revolver, stun gun, taser or other firearm, not the subject of and regulated by subsection 29-43, paragraph (a)(7), which is unloaded and enclosed in a case, firearm carrying box, shipping box or other container, by the possessor of a valid firearm owners identification card.

§ Sec. 29-46 Possession of ammunition and firearms by underage persons.

(a) No underage person shall acquire, possess or transport any firearm or firearm ammunition within the city, except for the purpose of firearm instruction and any other lawful purpose while in the custody and immediate control of their parent, legal guardian or other person in loco parentis to the underage person so long as said parent, legal guardian or other person in loco parentis to the underage person has a currently valid State of Illinois Firearm Owner's Identification Card.

(b) This section shall not apply to:

(1) Any underage person who was honorably discharged from the United States military and can otherwise own a firearm under state and federal law; or

(2) The acquisition, possession or transportation of a shotgun or rifle by a person eighteen (18) years old or older who has a valid State of Illinois Firearm Owner's Identification Card and has successfully completed a hunter safety education course certified by the State of Illinois.

(c) No person shall sell, loan or furnish to any underage person any firearm or firearm ammunition within the city, except as provided for in subsection (a) above.

(d) A person violating subsection (a) or (c) of this section shall be guilty of a Misdemeanor III.

(e) Upon conviction of a violation of this section, any weapons seized shall be confiscated by the trial court. Any weapon so confiscated shall be transferred to the police department for disposition.

(f) For the purpose of this section:

(1) Firearm, rifle and shotgun have the meanings ascribed to them in § 29-49 of this Code.

(2) Firearm ammunition means any bullet, self-contained cartridge, shotgun shell, or projectile, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however, any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(3) Underage person means a person under the age of 21.

§ Sec. 29-49 Transfer or possession of assault ammunition or assault weapons.

(a) No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity ammunition feeding device.

(b) This section shall not apply to:

(1) Any law enforcement officer of this or any other municipality or state of the United States, members of the armed forces of the United States, or the organized militia of this or any other state to the extent that any such person is otherwise authorized to possess an assault weapon or large capacity ammunition feeding device and is acting within the scope of his or her duties;

(2) Persons licensed as private security contractors, private detectives, private alarm contractors or employed by an agency certified by the department of professional regulation if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (225 ILCS 447/1) et seq.). while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one (1) hour from departure from home or place of employment, as the case may be. Persons exempted under this paragraph shall be required to have completed a course of study in firearms handling and training approved and supervised by the department of professional regulation as prescribed by § 35-40 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (225 ILCS 447/35-40) prior to becoming eligible for this exemption. The department of professional regulation provides suitable documentation demonstrating the successful completion of the prescribed firearms training in the form of a firearm authorization card. Such firearm authorization card shall be carried at all times when such persons are in possession of a weapon, and further, persons exempted under this paragraph shall be in possession of only the weapon(s) specifically authorized and specified on the firearm authorization card.

(3) The transportation of assault weapons or large capacity ammunition feeding devices to persons exempt from this section, as set forth above, by federally licensed manufacturers and dealers, if the weapons or devices are broken down in a nonfunctioning state and not immediately accessible during transportation; or

(4) The government of the United States or the government of any municipality, county, or state.

(5) Any person who, while in their home and in an act of self-defense, uses either an assault weapon owned by a person mentioned in paragraph (1) above or such a weapon for which a certificate of ownership has been issued but for which they are not the certificate holder.

(6) Any assault weapon or large capacity ammunition feeding device possessed, sold or transferred in violation of subsection (a) above is hereby declared to be contraband and shall be seized and appropriately disposed of by the police department.

(7) Any person found in violation of this section shall be guilty of a Misdemeanor IV.

(8) Any person who, prior to the effective date of this section, was legally in possession of an assault weapon or large capacity ammunition feeding device prohibited by this section, shall have 90 days from the effective date of this section to do any of the following without being subject to prosecution hereunder:

- a.** Remove the assault weapon or large capacity ammunition feeding device from within the limits of the city;
- b.** Modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon;
- c.** Surrender the assault weapon or large capacity ammunition feeding device to the police chief or his designee for appropriate disposal; or
- d.** Obtain a certificate of ownership from the Aurora Police Department in accordance with subsection (g) below.

(f) This section shall not apply to:

- (1)** An antique firearm as defined below;
- (2)** Any semiautomatic rifle with a fixed stock that cannot accept a detachable magazine or clip that holds more than 8 rounds of ammunition;
- (3)** Any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine;
- (4)** Any firearm that can only be operated manually by bolt, pump, lever or slide action.
- (5)** Any magazine, belt, drum, feed strip or similar device originally manufactured to accept more than 15 rounds of ammunition but which has been fitted with a permanent block so as to hold no more than 15 rounds of ammunition.

(g)

(1) Persons who, prior to the effective date of this section, lawfully possess assault weapons as defined herein may, within 90 days of the effective date of this section, apply to the Aurora Police Department for a certificate of ownership for said assault weapons.

- a.** No certificate of ownership shall, however, be granted for the following weapons: Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell and Poly Tech) Beretta AR-70 Franchi SPAS-12 and LAW-12 MAC-11 carbine type Street Sweeper and Striker 12 revolving cylinder shotguns USAS-12 Uzi carbine and mini-carbine Any assault weapon with a folding or telescoping stock which is not designed to be fired from the shoulder Any pistol which meets the definition of an assault weapon except as set forth in paragraph b. below
- b.** A certificate of ownership may be granted for any pistol originally manufactured to accept, in the pistol grip, a magazine designed to contain 16-17 rounds of ammunition but which does not extend below the pistol grip and does not otherwise meet the definition of an assault weapon.

(2) The Aurora Police Department shall issue a certificate of ownership for each applicable weapon owned by the applicant if the applicant has a currently valid State of Illinois Firearm Owners Identification card. Said certificate shall not be transferable, except upon the death of the certificate holder and then only to his heir or legatee.

(3) The Aurora Police Department shall not issue a certificate of ownership, and shall revoke any existing certificate of ownership, if the applicant or certificate holder is prohibited, under state or federal law, from possessing the assault weapon for which the certificate of ownership has been applied or issued.

(4) All assault weapons for which a certificate of ownership has been issued shall be kept unloaded and stored in a locked environment when being transported or kept within the City of Aurora.

(5) The City of Aurora shall not enact any ordinance imposing greater regulations upon assault weapons for which a certificate of ownership has been issued.

(h) For the purpose of this section:

(1) Antique firearm means:

- a.** Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898; and
- b.** Any replica of any firearm described in subparagraph (a) if the replica:
 - 1.** Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
 - 2.** Uses rimfire or conventional centerfire fixed ammunition which is not readily available in the ordinary channels of commercial trade.

(2) Assault weapon means:

a. Any of the firearms (or types, replicas, or duplicates in any caliber of the firearms regardless of manufacturer) known as: A.A. Arms AP-9 Algimec Agmi Armalite AR-180 Australian Automatic Arms SAP Pistol Australian Automatic Arms SAR Auto-Ordnance Thompson type Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell, and Poly Tech) Barrett Light-Fifty model 82A1 Beretta AR-70 (SC-70) Beretta BM-59 Bushmaster Auto Rifle and Auto Pistol Calico models M-900, M-950 and 100-P Chartered Industries of Singapore SR-88 Claridge High Tech Colt AR-15 and Sporter Daewoo K-1, K-2, Max-1 and Max-2 Encom MK-IV, MP-9 and MP-45 Fabrique Nationale FN/FAL, FN/LAR or FN/FNC FAMAS MAS 223 Feather AT-9 and Mini-AT Federal XC-900 and XC-450 Franchi SPAS-12 and LAW-12 Galil AR and ARM Heckler & Koch HK-91, HK-93, HK-94, PSG-1, SP-89 Holmes Mp-83 Intratec TEC-9, TEC-DC-9, TEC-22 and Scorpion Iver Johnson Enforce Model 3000 Iver Johnson PM30 Paratrooper M14S type MAC 10, M-10, MAC-11 and MAC-11 Carbine type Ruger Mini-14/5F (folding stock only) and Mini-14/5RF Scarab Skorpion SIG 57 AMT, SIG 550SP, SIG 551SP, SIG PE-57 types and 500 series Spectre Auto Carbine and Auto Pistol Springfield Armory BM59, SAR-48 and G-3 Sterling MK-6 and MK-7 and SAR types Steyr AUG Street Sweeper and Striker 12 revolving cylinder shotguns SWD M-10, M-11, M-11/9, M-12 Valmet M63, M71S, M76 or M78 USAS-12 UZI Carbine, Mini-Carbine and Pistol Weaver Arms Nighthawk Wilkinson "Linda" Pistol

b. Any semiautomatic rifle that has a fixed magazine that can hold more than 8 rounds or an ability to accept a detachable magazine and has at least 2 of the following:

1. A folding or telescoping stock;
2. A pistol grip that protrudes beneath the action of the weapon and which is separate and apart from the stock;
3. A bayonet mount;
4. A flash suppressor;
5. A barrel with a threaded muzzle;
6. A grenade launcher.

c. Any semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of the following:

1. An ammunition magazine that attaches to the pistol outside of the pistol grip;
2. A barrel having a threaded muzzle;
3. A shroud that is attached to, or partially or completely encircles, the barrel and which permits the shooter to hold the firearm with the nontrigger hand without being burned;
4. A manufactured weight of 50 ounces or more when the pistol is unloaded;
5. A semiautomatic version of an automatic firearm

d. Any semiautomatic shotgun that has either a fixed magazine with a capacity in excess of 5 rounds or an ability to accept a detachable magazine and, in addition, has at least 1 of the following:

1. A folding or telescoping stock;
2. A pistol grip that protrudes beneath the action of the firearm and which is separate and apart from the stock;

(3) Firearm means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

a. Any pneumatic gun, spring gun, paint ball gun or BB gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

b. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

c. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(4) Large capacity ammunition feeding device means:

a. Any magazine, belt, drum, feed strip or similar device that has a capacity of, or can be readily restored or converted to accept, more than 15 rounds of ammunition; or

b. Any combination of parts from which a device described in the above clause can be assembled;

The term does not include an attached tubular device designed to accept and capable of operating with only .22 caliber rimfire ammunition.

(5) Pistol means any firearm designed to be fired by the use of a single hand, as well as any combination of parts from which a pistol can be assembled.

(6) Rifle means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(7) Semiautomatic means a firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(8) Shotgun means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth or rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.

§ Sec. 29-50 Unlawful storage of ammunition and firearms.

(a) No person shall keep firearm ammunition or a loaded firearm within any premises or vehicle under his or her custody or control which he or she knows, or reasonably should know, a minor is likely to be able to gain access to without permission of the minor's parent or legal guardian, unless the firearm ammunition is in a locked container, the loaded firearm is equipped with a locking device, or said firearm is in a locked container.

(b) For the purposes of this section:

(1) Minor means a person under the age of 18 years;

(2) Firearm has the meaning ascribed to it in § 29-49 of this Code;

(3) Loaded firearm means a firearm in which there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder or a bullet or shot, in or attached in any manner to the firearm, including, but not limited to, in the firing chamber, magazine or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed loaded when it is capped or pinned and has a powder charge and ball or shot in the barrel or cylinder;

(4) Locking device means a device attached to a firearm other than the safety that temporarily prevents the firearm from functioning.

(c) A person violating this section shall be guilty of a misdemeanor II.

Braidwood Code of Ordinances

Current through Ordinance No. 18-01, enacted January 0, 2018. (Supp. No 16)

Chapter 58. Offenses

Article VIII. Weapons

§ Sec. 58-222 Unlawful use.

(a) Prohibited acts. A person commits the offense of unlawful use of weapons when he knowingly:

(8) Sells, manufactures or purchases any explosive bullet. For purposes of this subsection (a), the term "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. The term "cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(c) Violations. A person convicted of a violation of this section commits an offense, except where violations of subsection (a)(1), (a)(3), (a)(4) or (a)(7) of this section constitute felonies under 720 ILCS 5/24-1(c)(2).

§ Sec. 58-223 Selling deadly weapons to minors.

It shall be unlawful for any person to sell, give, loan, hire, barter, furnish or offer to sell, give, loan, hire, barter or furnish to any minor within the city any gun, pistol, revolver, fowling-piece, or other firearm in which any explosive substance can be used, or any Bowie knife, dirk, dagger, or other deadly weapon of a like character.

Brookfield Code of Ordinances

Current through Ordinance No. 2018-55, enacted June 25, 2018. (Supp. No 14)

Chapter 14. Business Licensing and Regulation
Article III. Premises and Operational Requirements
Division 9. Firearms Dealers

Subdivision I. In General

§ Sec. 14-415 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:

Chief means the village police chief.

Department means the village police department.

Engaged in the business has the same meaning as in 18 USC 921(a)(21).

Firearm means any device, by whatever name known, which is designed to expel projectiles by the action of an explosion, expansion of gas, or escape of gas; excluding, however:

- (1) Any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding 0.18 inch in diameter or breakable paintballs containing washable marking colors.
- (2) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the interstate commerce commission.
- (3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.
- (4) Any antique firearm (other than an assault weapon) which, although designed as a weapon, the department of state police finds by reason of the date of its manufacture, value, design, or other characteristic is primarily a collector's item and is not likely to be used as a weapon.

Firearm ammunition means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to be used in a firearm; excluding, however:

- (1) Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- (2) Any ammunition designed exclusively for use with a stud or river driver or other similar industrial ammunition.

Firearms dealer means any federally licensed firearms dealer, as defined in 18 USC 921(a)(11), excluding any persons licensed solely as a collector pursuant to 18 USC 923(b) and possessing only a Type 03 federal license.

Gun shop means the premises of any federally licensed firearms dealer where the business or commercial enterprise conducted on the premises is the purchase or sale of firearms or firearms ammunition.

President means the president of the village board.

§ Sec. 14-416 Administration.

(a) The police chief shall administer the enforcement of this division, including the recommendation for approval or denial of any application for a firearms dealer license and any petition for suspension or revocation of any existing firearms dealer license pursuant to the provisions of this division.

(b) The police chief shall promulgate reasonable rules, definitions and regulations necessary to carry out the duties imposed by this division, including, but not limited to, developing reasonable procedures consistent with existing practices for licensing persons engaged in the business of dealing in firearms, including seeking the assistance of the village police department or other law enforcement agencies as necessary, to conduct investigations or inspections in connection with licensing.

(c) Any rules or regulations promulgated under this section shall be filed in the police department's principal office and in the office of the village clerk, and shall be made available for public inspection. Copies shall be made available upon request and payment of a reasonable fee approved by the village board.

§ Sec. 14-417 Penalties.

(a) Failure to comply with the provisions of this division shall result in a fine of not less than \$100.00 nor more than \$500.00. Each day of operation in violation of this division constitutes a separate and distinct violation.

(b) Notwithstanding anything to the contrary, the sale or other distribution of firearms without a license as required by this division shall be punishable by a fine of \$500.00 for each firearm sold or distributed.

(c) The penalties provided in this section shall be in addition to any other sanctions as provided in this Code.

Subdivision II. Licensing

§ Sec. 14-448 License required; application; prerequisites.

(a) It shall be unlawful for any person to engage in the business of dealing in firearms anywhere within the corporate limits of the village without having first obtained a village firearms dealer license pursuant to this subdivision.

(b) A village firearms dealer license shall be required in addition to any other license, including any general business license that may be required by law.

(c) All applicants for a village firearms dealer license must possess a valid federal firearms dealer license. Possession of a valid federal firearms dealer license shall be deemed proof of being engaged in the business of dealing in firearms in the village and thus requiring a village firearms dealer license.

(d) An applicant for a village firearms dealer license shall meet all other applicable village ordinances and regulations. A person engaged in the repair or servicing of firearms is engaged in the business of dealing in firearms and must acquire a license.

§ Sec. 14-449 Class I license.

A Class I firearms dealer license authorizes the holder to engage in the retail sale of firearms and ammunition and the service and repair of firearms at the licensed premises. The total number of Class I firearms dealer licenses issued by the village shall not exceed one.

§ Sec. 14-450 Class II license.

(a) A Class II firearms dealer license authorizes the holder to engage in, and shall be limited to, the sale of firearms and ammunition other than over-the-counter retail sales to members of the general public.

(b) It shall be unlawful for the holder of a Class II firearms dealer license to maintain any window or other type of firearm or ammunition display or to maintain any inventory or to store or warehouse firearms or ammunition at the licensed premises, other than firearms or ammunition which have been previously ordered or purchased through a catalog and which are held or stored at the licensed premises for delivery to that purchaser.

(c) The total number of Class II firearms dealer licenses shall not exceed one.

§ Sec. 14-451 License not transferrable.

No license issued pursuant to this subdivision shall be transferable or assignable to any other person or entity and shall be valid solely for that location indicated on the license application.

§ Sec. 14-452 Fees.

The annual fee for a Class I or Class II village firearms dealer license shall be the amount provided in the village fee schedule.

§ Sec. 14-453 Quarterly list of sales required.

All licensees shall, on a quarterly basis, provide to the police chief a list of all sales of firearms and firearm ammunition.

§ Sec. 14-454 Application and issuance.

(a) All applications for a license under this section shall be made in writing to the police chief on a form provided by the police chief for that purpose. In addition to any other information required by the police chief or other applicable law, each application for a license shall contain:

(1) The applicant's full name, residence, and the address and telephone number of where the person is engaged in the business of dealing in firearms;

(2) If the applicant is a corporation, the corporate name, business, and principal place of business of the applicant, the date and state of incorporation, and the name and residence addresses of the corporate officers and the registered agent; and

(3) If the applicant is a partnership, the name and business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners; and the name, address and telephone number of the person authorized to receive notices issued pursuant to this subdivision.

(b) A village firearms dealer license shall not be issued to any applicant who fails to provide proof of a valid federal firearms dealer license, a valid firearm owners identification card issued by this state and such other identification and authorization as may be appropriate.

§ Sec. 14-455 Suspension and revocation; notice.

(a) The police chief may petition the village president to revoke or suspend the license of any licensee that violates any provision of this subdivision or other rules or regulations adopted pursuant to this subdivision.

(b) Except in an emergency, no revocation or suspension shall be effective, unless the licensee is notified by certified mail or personal delivery of the specific basis for the suspension or revocation and the date for a hearing on that matter. The hearing shall occur not fewer than seven days and not more than 14 days after the mailing of the notice.

§ Sec. 14-456 Hearing procedure.

(a) In the event of a petition to suspend or revoke a village dealer license, the village president is hereby appointed as hearing officer and he shall conduct the hearing. The hearing officer is authorized to conduct hearings concerning any matter covered by this subdivision and he may determine factual and legal matters raised by the parties to the hearing.

(b) The hearing officer may:

(1) Examine any books, papers, records or memoranda bearing upon the business or activities of the licensee;

(2) Issue subpoenas, upon request, requiring the attendance of any person having personal knowledge of any contested issue;

(3) Issue subpoenas duces tecum for production of books, records, papers or memoranda;

(4) Administer oaths;

(5) Take testimony;

(6) Make rulings as to the admissibility of evidence; and

(7) Take any other action as may be required for the expeditious conduct of the hearing.

(c) The hearing officer is not bound by the technical rules of evidence. No informality in any proceedings or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer. A record of any such hearing shall be maintained.

(d) The department's books, papers, records and memoranda or parts thereof may be provided in any hearing or legal proceeding by producing the original documents or copies thereof under a certificate of verification issued by the chief of police. Documents produced under certificate in the manner provided in this section shall, without further proof, be admissible into evidence at any hearing.

(e) If the hearing officer issues a subpoena duces tecum, the following rules shall apply:

(1) Service shall be made as provided by the Illinois Civil Practice Law, 735 ILCS 5/2-201 et seq.

(2) Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of the county.

(3) When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer may require that party to bear the cost of the services and witness fees.

(f) Any party to a hearing may apply to any judge of the circuit court of this state for enforcement of any subpoena or subpoena duces tecum issued by the hearing officer holding a hearing authorized by this subdivision.

(g) At any hearing held under this subdivision, the decision to suspend or revoke a license shall be presumed prima facie correct; and the person contesting the decision shall have the burden of proving with books, records and other documentary or testimonial evidence that it is incorrect.

(h) At the conclusion of the hearing, the hearing officer shall issue a final decision within seven days of the date of the hearing. The village president shall give written notification to the licensee of the decision and the reasons for such decision. The village president's decision shall be a final decision reviewable under state law and rule.

(i) A person seeking judicial review of the village president's decision shall bear the cost of certification.

(j) Items constituting the record may include notice and demands; the initial decision; the written protest and petition for hearing; all relevant pleadings, briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing, and the final decision of the village president.

(k) Any hearing conducted pursuant to this division shall be prosecuted by the office of the village attorney.

Chapter 36. Offenses and Nuisances
Article VIII. Weapons

§ Sec. 36-433 Definitions.

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

Firearm means any device, by whatever name known, which is designed to expel projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

- (1) Any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding 0.18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;
- (2) Any device used exclusively for signaling¹ or safety and required or recommended by the United States Coast Guard or the interstate commerce commission;
- (3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
- (4) An antique firearm (other than a machine-gun) which, although designed as a weapon, the department of state police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

§ Sec. 36-438 Defacing identification marks on firearms.

No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

§ Sec. 36-440 Certain firearm sales prohibited.

- (a) Sale of firearms within 0.25 miles of the grounds of a school or public park is prohibited and each violation shall constitute a separate and distinct offense. For purposes of this article, a school shall be defined as any public or private elementary or secondary school, public or private college or university.
- (b) The prohibition in this section shall not apply to otherwise lawful sales of firearms, in compliance with applicable village, state and federal law, by a firearms dealer licensed pursuant to village ordinance at the licensed place of business or a private citizen on his private property.

Buffalo Grove Code of Ordinances

Current through Ordinance No. 2018-047, passed September 17, 2018. (Supp. No 59)

Title 9. Public Peace and Welfare
Chapter 9.90. Weapons Control

§ Sec. 9.90.010 Definitions.

As used in this Chapter, the following words and phrases shall have the meaning ascribed to them:

"Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"Commercially sell" means in the business of selling for compensation.

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

1. Any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than seven hundred feet per second or breakable paint balls containing washable marking colors;
2. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
3. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
4. An antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

§ Sec. 9.90.020 Sale of firearms prohibited.

No person shall commercially sell for compensation any firearm.

§ Sec. 9.90.030 Ammunition.

A. No person shall commercially sell for compensation any ammunition.

B. No person shall engage in the business of manufacturing, assembling, or reloading ammunition to commercially sell for compensation.

§ Sec. 9.90.040 Confiscation.

A. Any firearm or ammunition obtained in violation of Section 9.90.020 or 9.90.030 is declared contraband and shall be confiscated.

B. Any firearm or ammunition so confiscated, if not required for evidence, shall be retained for Police Department use or destroyed at the direction of the Village Chief of Police.

§ Sec. 9.90.050 Violation, Penalty.

Any person who violates any provision of this Chapter shall be subject to a fine pursuant to Chapter 1.089.

Chapter 9.92 Assault Weapon Ban

§ Sec. 9.92.010 Definitions.

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

A. "Assault weapon" means a machinegun which is defined as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

B. "Assault weapon" does not include any firearm that has been made permanently inoperable.

§ Sec. 9.92.020 Assault weapons; sale prohibited; exceptions.

A. No person shall manufacture, sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon. This subsection shall not apply to:

1. The sale or transfer to, or possession by any officer, agent, or employee of the Village 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 does so while acting within the scope of his or her duties;
2. Transportation of assault weapons if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.

B. Any assault weapon possessed, sold or transferred in violation of Subsection A is hereby declared to be contraband and shall be seized and disposed of in accordance with the provisions of Section 9.92.030.

C. Any person found in violation of this Section shall be fined not less than \$500.00 and not more than \$1,000.00 for each violation.

D. Any person who, prior to the effective date of the Ordinance from which this Section is derived, was legally in possession of an assault weapon prohibited by this Section shall have 90 days from the effective date of the Ordinance from which this Section is derived to do any of the following without being subject to prosecution hereunder:

1. To remove the assault weapon from within the limits of the Village; or
2. To modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon; or
3. To surrender the assault weapon to the Village Chief of Police or his designee for disposal as provided below.

Burbank Code of Ordinances

Current through Ordinance No. 31-12-17, enacted December 20, 2017. (Supp. No 61)

Chapter 9. Offenses and Miscellaneous Provisions

Article I. In General

§ Sec. 9-64 Firearms, definitions.

The following words, terms and phrases shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Ammunition means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

- (1) Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
- (2) Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Antique firearm means any firearm which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

Assault weapon means:

- (1) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one (1) 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 semiautomatic rifle that has a fixed magazine, that has the capacity to accept more than ten (10) rounds of ammunition;
- (3) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one (1) 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 (1) 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 (5) rounds; or
 - (E) An ability to accept a detachable magazine.
- (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 weapon models identified as follows:
 - (A) The following rifles or copies or duplicates thereof:
 - (i) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
 - (ii) AR-10;
 - (iii) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
 - (iv) AR70;
 - (v) Calico Liberty;

- (vi) Dragunov SVD Sniper Rifle or Dragunov SVU;
- (vii) Fabrique National FN/FAL, FN/LAR, or FNC;
- (viii) Hi-Point Carbine;
- (ix) HK-91, HK-93, HK-94, or HK-PSG-1;
- (x) Kel-Tec Sub Rifle;
- (xi) Saiga;
- (xii) SAR-8, SAR-4800;
- (xiii) SKS with detachable magazine;
- (xiv) SLG 95;
- (xv) SLR 95 or 96;
- (xvi) Steyr AUG;
- (xvii) Sturm, Ruger Mini-14;
- (xviii) Tavor;
- (xix) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
- (xx) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

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

- (i) Callico 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.

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

- (i) Armscor 30 BG;
- (ii) SPAS 12 or LAW 12;
- (iii) Striker 12; or
- (iv) Streetsweeper.

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

Concealed firearm means a loaded or unloaded firearm carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle.

Detachable magazine means any ammunition feeding device, the function of which is to deliver one (1) 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.

Firearm means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

- (1) Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than seven hundred (700) feet per second;
- (2) Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;
- (3) Any device used exclusively for signaling or safety and required or recommended by United States Coast Guard or the Interstate Commerce Commission;
- (4) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
- (5) An antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

Handgun means any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand. Handgun does not include:

- (1) A stun gun or taser;
- (2) A machine gun as defined in item (i) of paragraph (7) of subsection (a) of Section 24-1 of the Criminal Code of 2012;
- (3) A short-barreled rifle or shotgun as defined in item (ii) of paragraph (7) of subsection (a) of Section 24-1 of the Criminal Code of 2012; or

(4) Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter, or which has a maximum muzzle velocity of less than seven hundred (700) feet per second, or which expels breakable paint balls containing washable marking colors.

Large capacity magazine means any ammunition feeding device with the capacity to accept more than ten (10) 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 (10) rounds;
- (2) A 22 caliber tube ammunition feeding device; or
- (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.

§ Sec. 9-64.1 Firearms, possession; registration.

No person shall carry, possess or keep any firearm or ammunition within the city except as provided herein:

(a) No person shall carry, possess or keep any firearm or ammunition within the city without a current firearm owner's identification card issued in his name or in violation of State of Illinois law.

(b) No person shall carry, possess or keep a concealed weapon in violation of State of Illinois law.

(c) No person shall carry possess or keep a handgun in his residence within the city unless the handgun is registered with the Burbank Police Department. Each handgun shall be registered with the Burbank Police Department no later than seventy-two (72) hours after the owner comes into possession of the same. Registration shall be renewed annually thereafter by January 7 of each calendar year. There is no fee to register a handgun. Each registrant shall be required to provide his name, residential address, make and model of the handgun, serial number of the handgun, a copy of his firearm owner's identification card, and any other license or registration required by the State of Illinois to lawfully possess the same.

(d) No person shall manufacture, sell, offer or display for sale, give, lend, transfer ownership of, acquire, carry, possess or keep any assault weapon or large capacity magazine.

§ Sec. 9-64.2 Exceptions.

(a) Nothing in section 9-64.1 shall prohibit the carrying or possession of a concealed weapon or assault weapon by any officer, agent, or employee of the United States, State of Illinois or other state, or a unit of local government, members of the armed forces of the United States, or the organized militia of the State of Illinois or other state, as may be authorized by law and within the scope of his employment.

(b) Nothing in section 9-64.1 shall require the registration of a handgun, be it for personal or official use, by any officer, agent, or employee of the United States, State of Illinois or other state, or a unit of local government.

(c) Nothing in section 9-64.1 shall prohibit the transportation of an assault weapon or large capacity magazine if such weapons are broken down in a nonfunctioning state and are not immediately accessible to any person.

Burnham Code of Ordinances

Current through Ordinance No. 2017-O-001, enacted January 10, 2017. (Supp. No 3)

Chapter 62. Offenses, Miscellaneous Provisions

Article VII. Weapons

§ Sec. 62-322 Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries a machine gun. For purposes of this subsection, the term "machine gun" means any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person, or any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon

as modified has an overall length of less than 26 inches or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles;

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this section, the term "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. The term "cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) A violation of subsection (a)(1), (a)(11) of this section is a class A offense.

(c) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) of this section is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument, substance is found, except under the following circumstances:

(1) If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

(2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

Carpentersville Code of Ordinances

Current through Ordinance No. 18-28, adopted August 7, 2018. (Supp. No 31)

Title 9. Public Peace and Welfare

Chapter 9-18. Offenses Involving Weapons

§ Sec. 9-18-050 Register of sales of firearms.

A. Any seller of firearms of a size which may be concealed upon the person, other manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

B. Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, description and number of the weapon, and the purpose for which it is purchased and obtained.

C. Such seller on demand of a peace officer shall produce for inspection the register and allow such peace officer to inspect such register and all stock on hand.

§ Sec. 9.18.060 Confiscation and disposition of weapons.

A. Upon conviction of a violation of this chapter, any weapon seized shall be confiscated and disposed of as ordered by the trial court.

B. Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons when no longer needed for evidentiary purposes, shall in the discretion of the trial court, be destroyed, preserved as village property, delivered to the Armed Forces of the United States or the Illinois National Guard or sold and the proceeds of such sale shall be paid to the Village Treasurer.

Chicago Code of Ordinances

Current through February 2018 (Coun. J. 11-21-2017, p62508.)(Supp. No. 96)

Title 4. Businesses, Occupations and Consumer Protection

Chapter 4-144. Weapons

Article I. Weapons Dealers

§ Sec. 4-144-005 Weapons dealer license.

(a) A weapons dealer license shall be required for the following business activities:

(4) A firearms dealer;

(5) A professional theatrical armorer; or

(6) A professional firearms curator.

(b) A separate license shall be required for each separate business location.

Article VI. Professional Theatrical Armorer

§ Sec. 4-144-300 Definitions.

For purposes of this article, the following definitions apply:

(a) **"FOID"** has the same meaning ascribed to that term in Section 8-20-010.

(b) **"Professional theatrical armorer"** means a person who:

- (1) Is a licensed manufacturer, licensed importer, or licensed dealer under Chapter 44 of Title 18, United States Code;
- (2) Has been issued a federal firearms license for a location within the city;
- (3) Is registered under Section 5802 of the National Firearms Act of 1934; and
- (4) Derives not less than 80 percent of the business revenue from the use of firearms for a professional theatrical purpose, or has been 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 for not less than three years prior to the date of application.

(c) **"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, television production, or a production made solely for digital media.

(d) **"Superintendent"** means the superintendent of police.

(e) **"Theatrical prop"** means: (1) 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.

§ Sec. 4-144-310 License required.

It shall be unlawful for any person to engage in the business of a professional theatrical armorer without securing a weapons dealer license to do so.

Notwithstanding any provision of the code to the contrary, a professional theatrical armorer may import, manufacture, possess, transfer, loan or rent theatrical props solely for a theatrical purpose.

The license granted under this article does not authorize the licensee to engage in the business of selling or otherwise transferring firearms or ammunition, except as authorized in this article.

§ Sec. 4-144-320 Application, Additional information required.

In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a deadly weapons license to engage in the business of a professional armorer shall be accompanied by the following information:

- (a) The length of time the applicant has been in a business;
- (b) The location and description of the proposed licensed premises;
- (c) The name and address of the owner of the premises, and if the premises is leased, the name, address and telephone number of the lessee of the premises;
- (d) A copy of the applicant's federal firearm license;
- (e) A copy of the applicant's FOID card, if required to have one; and
- (f) Any other information that the commissioner or the superintendent may require to implement this article.

§ Sec. 4-144-330 License issuance and renewal.

A license or a renewal of a license issued under this article shall be denied or revoked for any of the following reasons:

- (a) The applicant's license under this article, or any other license for the manufacture, use or possession of firearms, has been revoked for cause.
- (b) A license issued under this article for the location described in the application has been revoked for any cause within one year of the date of the application.
- (c) The applicant makes any false, misleading or fraudulent statement or misrepresents any fact in the license application, or uses any scheme or subterfuge for the purpose of evading any provision of this chapter.
- (d) The applicant or licensee at the time of application or renewal of any license issued pursuant to this chapter would not be eligible for such license upon a first application.

(e) The applicant or licensee at the time of application or renewal of any license under this article does not have a safety plan that has been approved by the superintendent.

§ Sec. 4-144-350 Legal duties.

(a) Every licensee shall obtain and keep current at all times throughout the duration of the license period, liability insurance for the operation of the premises described in such application or license in the aggregate amount of \$1,000,000.00, issued by an insurer authorized to insure in Illinois. The insurance policy required by this section shall be for a term of at least 12 months, and shall be co-extensive with the first 12 months of the applicable license period. Thereafter, the licensee shall continue to maintain such insurance policy in full force and effect for the duration of the two-year license period. The licensee shall keep proof of the required insurance at the licensed premises at all times and, upon demand, shall produce such proof for inspection by an authorized city official. Each policy of insurance required under this section shall include a provision requiring 30 days' advance notice to the commissioner prior to termination or lapse of the policy. Failure to comply with this section shall be grounds for the suspension or revocation of the license for a single offense in accordance with Section 4-4-280 of this code.

(b) At the same time an applicant submits an application for a license, the applicant shall submit a safety plan to the superintendent in a form and manner prescribed by the superintendent. After review of the proposed safety plan, the superintendent, in consultation with the executive director of emergency management and communications, the fire commissioner, and any other appropriate department, shall either approve or deny the safety plan within 30 days of its submission. During the 30-day review period, the superintendent may consult with the applicant to recommend amendments to the proposed plan. If the superintendent denies a safety plan, he shall state, in writing, the basis for such denial. The superintendent shall notify the commissioner of such approval or denial.

(5) Every safety plan shall include a floor plan of the proposed site and provisions that address: (i) the installation and maintenance of adequate exterior lighting; (ii) the installation and maintenance of interior and exterior surveillance cameras installed at the licensed location; (iii) the installation of an alarm system; (iv) protocols for the safe display and storage of ammunition and firearms; and (v) the employment of adequately trained personnel, all in accordance with rules prescribed by the superintendent. Recordings from the surveillance cameras required by this subsection shall be maintained for not less than 30 days and shall be made available upon request to members of the police department.

The licensee shall obtain all necessary permits, including a public way use permit if applicable; provided that notwithstanding any other provision of the code to the contrary, no fee for a public way use permit will be imposed when the permit is for any surveillance camera installed pursuant to this subsection solely because the camera or its wiring is in any portion of the public way.

(6) Any proposed change to the approved safety plan shall be submitted to the superintendent, in a form and manner prescribed by the superintendent, prior to the implementation of such change. The superintendent shall approve or deny the proposed change within 30 days and notify the commissioner of such approval or denial.

(7) The licensee shall keep a copy of the approved safety plan at the licensed premises and make it available upon request for inspection by members of the department or the police department.

(8) No license may be issued or renewed unless the superintendent approves the applicant's or licensee's safety plan.

(9) Every licensee shall comply with the safety plan, as approved by the superintendent.

(10) The failure to adequately implement, maintain or adhere to the provisions of the approved safety plan under this section shall be grounds for suspension or revocation of the license and shall be grounds for the city to recover its costs resulting from such failure under Chapter 1-20.

(c) The licensed premises shall be open at all reasonable times for inspection by the departments of buildings, police, business affairs and consumer protection, and fire.

§ Sec. 4-144-360 Operating without a license.

Any person who engages in the business of a professional armorer without first having obtained the required license shall be subject to a fine of not less than \$3,000.00 nor more than \$5,000.00, or incarceration for a period not to exceed six months, or both. Each day that a violation continues shall constitute a separate and distinct offense.

§ Sec. 4-144-380 Penalty.

Unless another fine or penalty is specifically provided, any person who violates any provision of this article, or any rule or regulation promulgated thereunder, shall be subject to a fine of not less than \$1,500.00 nor more than \$3,000.00 for each offense, or incarceration for a period not to exceed six months, or both. Each day that such violation exists shall constitute a separate and distinct offense.

Article VI. Professional Firearm Curators (4-144-400 et seq.)

§ Sec. 4-144-400 Definitions.

For purposes of this article, the following definitions apply:

(a) “**Collector**” and “**Curio or relic firearm**” have the meanings ascribed to those terms in 27 CFR 478.11 or as listed on the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Firearms Curios or Relics List, AFT Publication 5300.11, as amended.

(b) “**FOID**” has the same meaning ascribed to that term in § 8-20-010.

(c) “**Professional firearm curator**” means a person who:

(1)

(i) is a public museum that is eligible to receive funds for capital development under subsection 1-25(7) of the Department of Natural Resources Act, 20 ILCS 801/1-25; or

(ii) is a bona fide Illinois nonprofit corporation that is a museum operating for the purpose of acquiring, conserving, preserving, studying, interpreting, or enhancing historical material for educational or scientific purposes and has continuously for a period of not less than 5 years prior to the date of application exhibited specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial or scientific import to the public for its instruction and enjoyment; and

(2) has been issued a federal firearms collector's license; and

(3) has a location in the city at which curio or relic firearms are exhibited to the public for its instruction and enjoyment.

(d) “**Superintendent**” means the Superintendent of police.

§ Sec. 4-144-410 License required.

It shall be unlawful for any person to engage in the business of a professional firearm curator without securing a weapons dealer license to do so.

Notwithstanding any provision of the code to the contrary, a professional firearm curator may possess curio or relic firearms when such curio or relic firearms are part of the professional firearm curator's collection which is exhibited to the public for its instruction and enjoyment.

The license required under this article shall be in addition to any other license required by law.

The license granted under this article does not authorize the licensee to engage in the business of selling or otherwise transferring firearms.

§ Sec. 4-144-420 Application – Additional information required.

In addition to the requirements set forth in § 4-4-050, an application for, or renewal of, a weapons dealer license to engage in the business of a professional firearm curator shall be accompanied by the following information:

(a) the length of time the applicant has been in business;

(b) the location and description of the proposed licensed premises;

(c) the name and address of the owner of the premises. If the premises are leased, the name, address and telephone number of the owner of the premises;

(d) a copy of the applicant's federal firearm collector's license;

(e) a list of all employees and managers authorized to control, handle, store or otherwise possess the curio or relic firearms at the licensed premises and a copy of each person's FOID card;

(f) any other information that the commissioner or the superintendent may require to implement this article.

§ Sec. 4-144-430 License issuance and renewal.

A license or a renewal of a license issued under this article shall be denied or revoked for any of the following reasons:

(a) The applicant's license under this article, or any other license for the sale, manufacture, use or possession of firearms, has been revoked for cause.

(b) A license issued under this article for the location described in the application has been revoked for any cause within one year of the date of the application.

(c) The applicant makes any false, misleading or fraudulent statement or misrepresents any fact in the license application, or uses any scheme or subterfuge for the purpose of evading any provision of this article.

(d) The applicant or licensee at the time of application for or renewal of any license issued pursuant to this chapter would not be eligible for such license upon a first application.

(e) The applicant or licensee at the time of application or renewal of any license under this Article does not have a safety plan that has been approved by the superintendent.

§ Sec. 4-144-440 Department duties.

(a) The commissioner shall forward any application for a weapons dealer license to engage in the business of a professional firearm curator to the police and fire departments.

(b) The commissioner shall have the authority to promulgate rules and regulations necessary to implement this article.

(c) The superintendent shall have the authority to promulgate rules and regulations necessary to implement this article relating to the safety plan, the safe storage and handling of the curio or relic firearms or any other non-firearm dangerous or deadly weapon, and any other restriction which the superintendent deems necessary for public safety.

§ Sec. 4-144-450 Legal duties.

(a) Every licensee shall obtain and keep current at all times throughout the duration of the license period, liability insurance for the operation of the premises described in such application or license in the aggregate amount of \$1,000,000, issued by an insurer authorized to insure in Illinois. The insurance policy required by this section shall be for a term of at least 12 months, and shall be co-extensive with the first 12 months of the applicable license period. Thereafter, the licensee shall continue to maintain such insurance policy in full force and effect for the duration of the 2-year license period. The licensee shall keep proof of the required insurance at the licensed premises at all times and, upon demand, shall produce such proof for inspection by an authorized City official. Each policy of insurance required under this section shall include a provision requiring 30 days' advance notice to the commissioner prior to termination or lapse of the policy. Failure to comply with this section shall be grounds for the suspension or revocation of the license for a single offense in accordance with § 4-4-280 of this Code.

(b)

(1) At the same time an applicant submits an application for a license, the applicant shall submit a safety plan to the superintendent in a form and manner prescribed by the superintendent. After review of the proposed safety plan, the superintendent, in consultation with the executive director of emergency management and communications, the fire commissioner, and any other appropriate department, shall either approve or deny the safety plan within 30 days of its submission. During the 30-day review period, the superintendent may consult with the applicant to recommend amendments to the proposed plan. If the superintendent denies a safety plan, he shall state, in writing, the basis for such denial. The superintendent shall notify the commissioner of such approval or denial.

(2) Every safety plan shall include a floor plan of the proposed site and provisions that address: (i) the installation and maintenance of adequate exterior lighting; (ii) the installation and maintenance of interior and exterior surveillance cameras installed at the licensed location; (iii) the installation of an alarm system; (iv) protocols for the safe display and storage of ammunition and firearms; and (v) the employment of adequately trained personnel, all in accordance with rules prescribed by the superintendent. Recordings from the surveillance cameras required by this subsection shall be maintained for not less than 30 days and shall be made available upon request to members of the police department.

The licensee shall obtain all necessary permits, including a public way use permit if applicable; provided that notwithstanding any other provision of the code to the contrary, no fee for a public way use permit will be imposed when the permit is for any surveillance camera installed pursuant to this subsection solely because the camera or its wiring is in any portion of the public way.

(3) Any proposed change to the approved safety plan shall be submitted to the superintendent, in a form and manner prescribed by the superintendent, prior to the implementation of such change. The superintendent shall approve or deny the proposed change within 30 days and notify the commissioner of such approval or denial.

(4) The licensee shall keep a copy of the approved safety plan at the licensed premises and make it available upon request for inspection by members of the department or the police department.

(5) No license may be issued or renewed unless the superintendent approves the applicant's or licensee's safety plan.

(6) Every licensee shall comply with the safety plan, as approved by the superintendent.

(7) The failure to adequately implement, maintain, or adhere to the provisions of the approved safety plan under this section shall be grounds for suspension or revocation of the license and shall be grounds for the city to recover its costs resulting from such failure under Chapter 1-20.

(c) The licensed premises shall be open at all reasonable times for inspection by the departments of buildings, police, business affairs and consumer protection, and fire.

(d) All employees and managers authorized by the licensee to control, handle, store or otherwise possess any curio or relic firearm shall have a valid FOID card. No other employee, manager or person shall be permitted to control, handle, store or otherwise possess any curio or relic firearm.

(e) An employee or manager with a valid FOID card shall be present at the licensed premises at all times that the licensed premises is open to the public.

§ Sec. 4-144-460 Operating without a license.

In addition to any other applicable fine or penalty, any person who engages in the business of a professional firearm curator without first having obtained the required license shall be subject to a fine of not less than \$3,000 nor more than \$5,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

§ Sec. 4-144-470 Penalty.

Unless another penalty or fine is specifically provided, any person who violates any provision of this Article, or any rule or regulation promulgated thereunder, shall be subject to a fine of not less than \$1,500 nor more than \$3,000 for each offense, or incarceration for a period not to exceed 6 months, or both. Each day that such violation exists shall constitute a separate and distinct offense.

Article VII. Firearms Dealers

§ Sec. 4-144-700 Definitions.

For purposes of this Article, the following definitions apply:

“Antique firearm,” “Assault Weapon,” “FOID,” “Peace Officer,” and “Superintendent” have the same meaning ascribed to those terms in § 8-20-010.

“Authorized Employee” means a licensee's employee who:

- (1)** is 21 years old or older;
- (2)** has a valid FOID card;
- (3)** is located at the licensed premises; and
- (4)** is authorized by the licensee to control, handle, sell, store or otherwise possess firearms or ammunition.

“Collector” and “Curio or relic firearm” have the meaning ascribed to those terms in 27 CFR 478.11 or as listed on the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives' Firearms Curios or Relics List, ATF Publication 5300.11, as amended.

“Firearm” has the meaning ascribed to that term in § 8-20-010; provided that for purposes of this Article, a “firearm” does not include an antique firearm,

“Handgun” means a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such firearm can be assembled.

“Licensee” means a person issued a weapon dealer-firearms dealer license pursuant to this Article.

“Responsible person” means any person listed as a responsible person on the licensee's or applicant's federal firearm license.

“Store Manager” means a person who:

- (1)** is 21 years old or older;
- (2)** has a valid FOID card; and
- (3)** is designated by the licensee for the responsibility of the on-site overall day-to-day operations of a firearms dealer licensed premises.

“Straw purchaser” means a person who acquires a firearm for another person who: **(i)** is prohibited by law from possessing a firearm, or **(ii)** does not want his name associated with the transaction.

§ Sec. 4-144-710 Firearms dealer – License required.

(a) It shall be unlawful for any person to engage in the business of: (1) selling or otherwise transferring, at retail, any ammunition or any new or previously owned firearm; or (2) repairing firearms or making or fitting special barrels, stocks or trigger mechanisms to firearms, without securing a weapons dealer-firearms dealer license to do so.

(b) The license required under this Article shall be in addition to any other license required by this code or other applicable law; provided that:

(1) no secondhand dealer license shall be required for a licensee to purchase from, sell to, or otherwise transfer a previously owned firearm to a customer at the licensed premises;

(3) no certificate of fitness or license issued pursuant to chapter 15-4 shall be required for the storage of ammunition at the licensed premises in compliance with this Article and §15-4-985.

(c) A license or renewal of a license issued under this Article shall expire 2 years after the date of issuance; provided that if after the effective date of this section, the licensee has an existing license issued under this Title 4 for the licensed premises, the commissioner is authorized to align the expiration date of the license issued under this Article to the expiration of any existing business license issued under this Title 4, and to prorate the fee for such license.

§ Sec. 4-144-720 License – Application.

(a) An application for a license pursuant to this Article shall be made in conformity with the provisions of this Article and the general requirements of Chapter 4-4 relating to applications for licenses. No original or renewal license shall be issued to any applicant or licensee unless all persons required to be disclosed as applicants meet the eligibility requirements.

(b) The application shall be in writing, signed by the applicant if an individual. If the applicant is a partnership or corporation, the application shall be signed by an officer or partner. If the applicant is a limited liability company managed by members, the application shall be signed by a manager. If the applicant is a limited liability company managed by its members, the application shall be signed by a member. The application shall be verified by oath or affidavit, and shall include the following statements and information:

(1) in the case of an individual: the name, date of birth, residence address, current telephone number and social security number of the applicant; in the case of a partnership, limited partnership, corporation, limited liability company or other legal entity: the date and state of its organization or incorporation; the objects for which it was organized or incorporated; and the name, residence address, date of birth and social security numbers of any applicant;

(2) the location and description of the premises which is to be operated under such license;

(3) the name, address and phone number of the owner of the premises, including the name and address of the beneficiary if title to the premises is held by a person as trustee and if known to the applicant. If the premises is leased, a copy of the lease, which must include a statement of the building owner indicating that the owner agrees to the use of the building for the operation of a firearms dealer;

(4) the name, date of birth, residence address and current telephone number of every store manager at the licensed premises;

(5) a copy of the applicant's and manager's FOID cards; provided that if the applicant is not a natural person no FOID card shall be required for the applicant or controlling persons;

(6) a copy of the applicant's federal firearm license;

(7) the name, date of birth, residence address and current telephone number of all responsible persons;

(8) a statement that the applicant is qualified to receive a license because the applicant, responsible person, store manager and all authorized employees meet all the requirements of: (i) any applicable provision of this Article; (ii) another applicable provision of this code; or (iii) any other applicable local, state or federal law;

(9) a statement that the applicant, responsible person, store manager or any authorized employee has not been convicted, or found liable in an administrative adjudication, of a felony, a misdemeanor involving a firearm, or any other law concerning the manufacture, possession, use or sale of firearms;

(10) a statement as to whether any previous license which authorized the sale of firearms issued by any jurisdiction to the applicant, responsible person, store manager or any authorized employee was revoked, the date of the revocation and the reasons for the revocation; and

(11) any other information that the commissioner or the superintendent may require to implement this Article.

(c) The commissioner shall forward the application to the departments of fire and police. Before a license shall be issued, the departments of buildings, fire and police shall inspect the premises for which the license is sought to determine whether the proposed licensed premises is in compliance with the provisions of this code and the rules and regulations promulgated thereunder relating to buildings, public safety and fire prevention.

(d) The applicant, store manager and all responsible persons shall submit to fingerprinting by the department.

§ Sec. 4-144-730 License qualifications.

(a) No license shall be issued under this Article if the applicant, responsible person, store manager, or any authorized employee:

(1) is under 21 years of age;

(2) has ever been convicted of a felony;

(3) has ever been convicted of a misdemeanor involving a firearm, or any other violation of law concerning the manufacture, use, possession or sale of firearms.

(b) In addition to the qualifications set forth in subsection (a), if the applicant is selling or otherwise transferring firearms, no license shall be issued if:

(1) the applicant has not been issued a valid federal firearm license for the proposed licensed premises; and

(2) the applicant, store manager and all authorized employees do not possess valid FOID cards; provided that if the applicant is not a natural person, no FOID card shall be required of the applicant or controlling persons.

§ Sec. 4-144-740 License issuance – Restrictions.

In addition to any other reason for revocation or denial of a license provided in this code, a license issued under this Article shall be denied or revoked for any of the following reasons:

(a) The applicant's license under this Article, or any other license for the sale, manufacture, use or possession of firearms or ammunition, has been revoked for cause.

(b) A license issued under this chapter for the location described in the application has been revoked for cause within three years of the date of the application.

(c) An applicant or licensee makes any false, misleading or fraudulent statement or misrepresents any material fact in the license application or renewal of any license, or uses any scheme or subterfuge for the purpose of evading any provision of this Article.

(d) An applicant or licensee at the time of application or renewal of a license would not be eligible for such license upon a first application.

(e) An applicant or licensee has been issued one of the following licenses for the same premises;

(1) secondhand dealer;

(2) pawnbroker;

(3) sale of alcoholic liquor;

(4) medical cannabis dispensing organization; or

(5) cultivation center.

(f) A responsible person or store manager was a responsible person or store manager for a person whose license for the sale, manufacture, use or possession of firearms or ammunition was revoked for cause within the previous three years.

(g) An applicant or licensee at the time of application or renewal of a license does not have a safety plan approved by the superintendent.

§ Sec. 4-144-750 Location restriction.

No license shall be issued for a location that is within 500 feet from any pre-existing primary or secondary school or any park owned or leased by any unit of local, state or federal government, measured from property line to property line.

§ Sec. 4-144-760 License issuance and conditional approval.

(a) The commissioner shall approve or deny the application, or issue a conditional approval, no later than 45 days after payment of the license fee.

(b) Upon review of the application, if the commissioner determines that an applicant meets the requirements for the issuance of a license except that the applicant has not been issued a federal firearm license, the commissioner may conditionally approve such application to permit the applicant to apply for a federal firearm license. The conditional approval shall be for a period of no longer than 120 days. The conditional approval does not authorize the applicant to engage in any business requiring a license under this Article. If the applicant fails to obtain a federal firearm license during the 120-day period, the application shall be denied.

§ Sec. 4-144-770 Responsible sales of firearms training.

(a) Within 30 days after issuance of a license under this Article, the licensee shall contact the superintendent, in a manner and form prescribed by the superintendent, to schedule an initial training session on the best practices for the responsible sale of firearms to be conducted by the police department. The current store manager and all current authorized employees shall complete the training program no later than 60 days after issuance of the license. Annually thereafter,

the licensee shall contact the superintendent to schedule an initial training session for any store manager or authorized employee subsequently employed after the last initial training session conducted for that licensee.

(b) After completion of the initial training program by a store manager or authorized employee, such store manager or authorized employee shall complete a refresher training program once every 3 years.

§ Sec. 4-144-780 Department duties.

(a) The commissioner has the authority to promulgate rules and regulations to implement those aspects of this Article which fall under the commissioner's jurisdiction.

(b)

(1) The superintendent shall develop training programs, consistent with § 4-144-770, on the responsible sale of firearms for store managers and authorized employees. At a minimum, the training programs shall instruct store managers and authorized employees on best practices for the detection and deterrence of illegal purchases of firearms.

(2) The superintendent has the authority to promulgate rules and regulations to implement those aspects of this Article, which fall under the superintendent's jurisdiction, including, but not limited to, the conducting of a physical inventory, training programs for licensees, the safety plan, and the safe storage and handling of firearms and ammunition.

§ Sec. 4-144-790 Legal duties.

A licensee shall:

(a) obtain and keep current at all times throughout the duration of the license period, liability insurance for the operation of the premises described in such application or license in the aggregate amount of \$1,000,000, issued by an insurer authorized to insure in Illinois. The insurance policy required by this section shall be for a term of at least 12 months, and shall be co-extensive with the first 12 months of the applicable license period. Thereafter, the licensee shall continue to maintain such insurance policy in full force and effect for the duration of the 2-year license period. The licensee shall keep proof of the required insurance at the licensed premises at all times and, upon demand, shall produce such proof for inspection by an authorized city official. Each policy of insurance required under this section shall include a provision requiring 10 days advance notice to the commissioner prior to termination or lapse of the policy.

(b) allow inspection of the licensed premises at all reasonable times by the department and the departments of buildings, police, and fire.

(c) except as provided in § 4-144-795(a), permit only the store manager or authorized employees who meet the qualification requirements of § 4-144-730 to handle, sell, or possess firearms or ammunition.

(d) initiate a state and FBI fingerprint-based record search of every authorized employee to verify the person's criminal background. If a licensee acquires any subsequent or independent knowledge that a store manager or authorized employee does not meet the qualifications, the licensee shall take immediate steps to ensure that such store manager or authorized employee does not have access to firearms.

(e) conduct, no less than once per quarter, a physical inventory audit, which shall include, at a minimum, a listing of each firearm:

(1) acquired or held by the licensee during the quarter;

(2) sold or otherwise transferred during the quarter; and

(3) stolen or lost during the quarter.

Each listing shall include the make, model and serial number of each firearm.

(f) store firearms separately from ammunition. Storage of firearms and ammunition shall comply with the approved safety plan, § 15-4-985, and any other applicable rule or regulation.

(g) not display firearms or ammunition in any window.

(h) post in a conspicuous place at each entrance to the licensed premises a sign that clearly states: THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED.

(i) record every sale or transfer of a firearm or ammunition by video surveillance in such a manner as to clearly capture the facial features of the purchaser or transferee. The video surveillance recording must produce retrievable and identifiable images and video recordings in compliance with the approved safety plan and any rule promulgated by the superintendent.

(j) notify, in writing, the superintendent and commissioner within 5 business days of receiving a notice of violation of any firearm licensing law issued by the federal government and the disposition of such violation, if known at the time.

(k) have on-site at all times the licensed premises is open for business, a store manager or authorized employee who has completed the mandatory responsible firearm sales training program in compliance with § 4-144-770.

§ Sec. 4-144-795 Additional legal duties for the responsible sale of firearms and ammunition.

No licensee, store manager or authorized employee shall:

(a) permit a customer to handle:

(1) a firearm if the customer does not have a valid FOID card:

(2) more than one firearm at a time. Prior to permitting a customer to handle a second firearm, the first firearm shall be returned to a locked display case or other secure storage location:

(3) a firearm unless the firearm is unloaded and secured with a trigger lock or plastic tie; and

(4) a firearm unless the store manager or authorized employee is present and attending to the customer.

(b) sell or transfer any firearm to a person he knows to be intoxicated.

(c) possess any black powder at the licensed premises.

(d) deliver a firearm, incidental to a sale or transfer, to a purchaser until 24 hours after the application for such purchase or transfer has been made. provided that if the application is for a handgun, the delivery of such handgun shall be withheld for 72 hours after such application has been made.

(e) sell or otherwise transfer:

(1) any ammunition or long gun to a person under the age of 18; or

(2) any handgun to a person under the age of 21.

(f) sell or otherwise transfer to any person a firearm unless:

(1) a background check is conducted to ensure that the person is not prohibited under state or federal law from possessing such firearm:

(2) the person has a valid FOID card; and

(3) the person has presented a valid government-issued photo identification card.

(g) sell or otherwise transfer a handgun, unless the handgun bears the manufacturer's name, manufacturer's mark or model, and manufacturer's serial number assigned to that handgun.

(h) sell or otherwise transfer a handgun if the licensee, store manager, or authorized employee knows that the person purchased a handgun within the previous 30 days; provided that this subsection shall not apply to a purchase of a handgun by:

(1) peace officers;

(2) a collector issued a federal firearm collector's license who is purchasing an antique, curio or relic firearm;

(3) a person whose handgun was stolen or lost and the person reported the theft or loss to the appropriate local law enforcement official; or

(4) a person returning a handgun purchased within the previous thirty days because the handgun is defective or damaged and the person is seeking a replacement handgun.

(i) sell, possess, or otherwise transfer any assault weapon.

(j) sell or otherwise transfer a firearm to any person who the licensee, store manager or authorized employee knows or reasonably should have known:

(1) is not qualified, either under state or federal law, to possess a firearm; or

(2) is a straw purchaser.

(k) sell or otherwise transfer any ammunition unless:

(1) the person has a valid FOID card, unless otherwise exempt by state or federal law; and

(2) the person has presented a valid government-issued photo identification card.

(l) permit any alcoholic liquor to be consumed at the licensed premises.

§ Sec. 4-144-800 Sale of certain ammunition prohibited.

It shall be unlawful for any licensee, store manager or authorized employee to possess, sell, offer for sale, expose for sale, barter or give away to any person within the city, any metal piercing bullet or 50 BMG ammunition. For purposes of this section "metal piercing bullet" means any bullet that is manufactured with other than a lead or lead alloy core, or ammunition of which the bullet itself is wholly composed of, or machined from, a metal or metal alloy other than lead, or any other bullet that is manufactured to defeat or penetrate bullet-resistant properties of soft body armor or any other type of bullet-resistant clothing which meets the minimum requirements of the current National Institute for Justice Standards for "Ballistic Resistance of Police Body Armor." A "metal piercing bullet" shall not include shot shells containing pellets of less than .22 inches in diameter or frangible ammunition composed of powdered metal designed to completely disintegrate upon impact with an object.

§ Sec. 4-144-810 Safety plan.

(a) At the same time an applicant submits an application for a license, the applicant must submit a safety plan to the superintendent in a form and manner prescribed by the superintendent. After review of the proposed safety plan, the superintendent, in consultation with the executive director of emergency management and communications, the fire commissioner, and any other appropriate department, shall either approve or deny the safety plan within 30 days of its submission. During the 30-day review period, the superintendent may consult with the applicant to recommend amendments to the proposed plan. If the superintendent denies a safety plan, he shall state, in writing, the basis for such denial. The superintendent shall notify the commissioner of such approval or denial.

(b) Every safety plan shall include a floor plan of the proposed site and provisions that address: (i) the installation and maintenance of adequate exterior lighting; (ii) the installation and maintenance of interior and exterior surveillance cameras installed at the licensed location; (iii) the installation of an alarm system; (iv) protocols for the safe display and storage of ammunition and firearms; (v) the employment of adequately trained personnel; (vi) procedures for inventory audits; and (vii) procedures for the detection and deterrence of straw purchasing; all in accordance with rules prescribed by the superintendent. Recordings from the surveillance cameras required by clause (ii) shall be maintained for not less than 30 days and shall be made available upon request to members of the police department.

The licensee shall obtain all necessary permits, including a public way use permit if applicable; provided that notwithstanding any other provision of the code to the contrary, no fee for a public way use permit will be imposed when the permit is for any surveillance camera installed pursuant to this subsection solely because the camera or its wiring is in any portion of the public way.

(c) Any proposed change to the approved safety plan shall be submitted to the superintendent, in a form and manner prescribed by the superintendent, prior to the implementation of such change. The superintendent shall approve or deny the proposed change within 30 days.

(d) The licensee shall keep a copy of the approved safety plan at the licensed premises and make it available upon request for inspection by members of the department or the police department.

(e) No license may be issued or renewed unless the superintendent approves the applicant's or licensee's safety plan.

(f) Every licensee shall comply with the safety plan, as approved by the superintendent.

(g) The failure to adequately implement, maintain, or adhere to the provisions of the approved safety plan under this section shall be grounds for suspension or revocation of the license and shall be grounds for the city to recover its costs resulting from such failure under Chapter 1-20.

§ Sec. 4-144-820 Records.

(a) In addition to any other applicable state and federal law requiring records and record retention, the licensee shall maintain the following records:

- (1) for the purchase of a firearm, a copy of the purchaser's FOID card and photo identification for a period of not less than 10 years from the date of purchase of the firearm;
- (2) for the purchase of ammunition, a copy of the purchaser's FOID card, if required to have one, and photo identification, as provided in rules and regulations promulgated by the superintendent;
- (3) a copy of the fingerprints and FOID card of every authorized employee for a period of not less than 5 years after an authorized employee is no longer designated as an authorized employee;
- (4) a copy of a police report for every firearm reported lost or stolen by the licensee for a period of not less than 20 years after the report was made;
- (5) a copy of the quarterly inventory required pursuant to § 4-144-790(e) for a period of not less than 10 years after the completion of the inventory; and

(6) a recovered firearm log. For purposes of this subsection a “recovered firearm log” is a record of all requests received from the Bureau of Alcohol, Tobacco, Firearms and Explosives for a Firearms Transaction Record form.

(b) Unless otherwise preempted by state or federal law, such records shall at all times during the licensee’s business hours be open to inspection by any member of the police department or the department.

§ Sec. 4-144-830 Operating without a license.

Any person who engages in the business of selling or otherwise transferring any firearm or ammunition without first having obtained the required license shall be subject to a fine of not less than \$3,000 nor more than \$5,000, or incarceration for a period not to exceed 6 months, or both. Each day that a violation continues shall constitute a separate and distinct offense.

§ Sec. 4-144-840 Penalty.

(a) Any person who violates § 4-144-795(e); 4-144-795(f); 4-144-795(g); 4-144-795(h); 4-144-795(i); 4-144-795(j); or 4-144-800 shall be fined not less than \$3,000 nor more than \$5,000, or incarcerated for a period not to exceed 6 months, or both. Any person who violates § 4-144-820 shall be fined not less than \$1,500 nor more than \$5,000 or incarcerated for a period not to exceed 6 months, or both. For all other violations, unless another fine or penalty is specifically provided, any person who violates any provision of this Article, or any rule or regulation promulgated thereunder, shall be subject to a fine of not less than \$1,500 nor more than \$3,000 for each offense, or incarceration for a period not to exceed 6 months, or both. Each day that such violation exists shall constitute a separate and distinct offense.

(b) Every act or omission constituting a violation of this Article by any officer, director, manager, employee or agent of the licensee shall be deemed to be the act or omission of such licensee and such licensee shall be liable for all penalties and sanctions provided by this Article in the same manner as if such act or omission had been done or omitted by the licensee personally.

**Title 8. Offenses Affecting Public Peace, Morals and Welfare
Chapter 8-20. Weapons**

§ Sec. 8-20-010 Definitions.

For purposes of this chapter the following terms shall apply:

“**The Act**” means the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1 et seq., as amended.

“**Ammunition**” means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding however:

- (1) any ammunition used exclusively for line-throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or
- (2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

“**Antique firearm**” has the same meaning ascribed to that term in 18 U.S.C. § 921(a)(16).

“**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:

- (A) a folding, telescoping or detachable stock;
- (B) a handgun grip;
- (C) a forward grip;
- (D) a threaded barrel;
- (E) a grenade, flare or rocket launcher; or
- (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.

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

- (A) a folding, telescoping or detachable stock;
- (B) a handgun grip;
- (C) a fixed magazine with the capacity to accept more than 5 rounds;

- (D) a forward grip; or
- (E) a grenade, flare or rocket launcher.

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

- (A) the capacity to accept a detachable magazine at some location outside of the handgun grip;
- (B) a threaded barrel;
- (C) a barrel shroud; or
- (D) a second handgun grip.

(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) IZHMASH 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 110PC.

(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
- (ix)** 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) PSA 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 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.

(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 tube-like 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.

“Corrections officer” means wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

“Department” means the department of police.

“Duty-related firearm” shall mean any firearm which is authorized by any law enforcement agency or employer to be utilized by their personnel in the performance of their official duties.

“Firearm” means any device, by whatever name known, which is designed or restored to expel a projectile or projectiles by the action of any explosive, expansion of gas or escape of gas. Provided, that such term shall not include:

(1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

(2) any device used exclusively for line- throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or

(3) any device used exclusively for firing explosives, rivets, stud cartridges, or any similar industrial ammunition.

“Firearm case” means any firearm case, carrying box, shipping box or other similar container that is designed for the safe transportation of the firearm.

“FOID” means the Firearm Owner's Identification Card issued pursuant to the Act.

“High capacity magazine” means 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.

“Laser sight accessory” means a laser sighting device which is either integrated into a firearm or capable of being attached to a firearm.

“Licensed shooting range facility” means a shooting range facility that is duly licensed pursuant to Chapter 4-151.

“Licensee of a licensed shooting range facility” or **“licensee”** means any person issued a shooting range facility license under Chapter 4-151.

“Machine gun” means any firearm which can fire multiple rounds of ammunition by a single function of the firing device or one press of the trigger.

“Peace officer” means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

“Sawed-off shotgun” means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

“Short-barreled rifle” means a rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

“Superintendent” means the superintendent of the department or his designated representative.

“Safety mechanism” means a design adaptation or nondetachable accessory that lessens the likelihood of unanticipated use of the handgun.

“Trigger lock” means a device that when locked in place by means of a key, prevents a potential user from pulling the trigger of the firearm without first removing the trigger lock by use of the trigger lock's key.

“Manager”, “Employee”, “Range Master”, “CCL”, “Shooting range patron” and **“Shooting range facility”** have the meaning ascribed to those terms in § 4-151-010.

Article II. Possession of Firearms

§ Sec. 8-20-050 Firearms, Protection of minors.

(a) It is unlawful for any person to keep or possess any firearm or ammunition in his home if the person knows or has reason to believe that a minor under the age of 18 years is likely to gain access to the firearm or ammunition, unless:

- (1)** the person is physically present in the home and the firearm is either being held by the person or is physically secured on the person's body;
- (2)** the firearm is secured by a trigger lock or other mechanism, other than the firearm safety mechanism, designed to render a firearm temporarily inoperable; or
- (3)** the firearm and ammunition are placed in a securely locked box or container.

(b) No person shall be punished for a violation of this section under the following circumstances:

- (1)** if the minor gains access to the firearm and uses it in a lawful act of self-defense or defense of another; or
- (2)** if the minor gains access to the firearm because of an unlawful entry of the premises by the minor or another person.

The provisions of this section shall not apply to peace officers.

§ Sec. 8-20-060 Possession of a laser sight accessory, firearm silencer or muffler.

(a) It is unlawful for any person to carry, possess, display for sale, sell or otherwise transfer any laser sight accessory, or a firearm silencer or muffler.

(b) The provisions of this section shall not apply to any 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 is otherwise authorized to acquire or possess a laser sight accessory, or firearm silencer or muffler, and is acting within the scope of his duties.

(c) Any laser sight accessory, or firearm silencer or muffler, carried, possessed, displayed or sold in violation of this section is hereby declared to be contraband and shall be seized by and forfeited to the city.

§ Sec. 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 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 § 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.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under § 2-14-132 of this Code.

(c) The provisions of § 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

§ Sec. 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.

§ Sec. 8-20-085 High capacity magazines and certain tubular magazine extensions – 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. 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, 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 to people authorized to possess them under this section.

(b) Any high capacity magazine or tubular magazine extension for a shotgun 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.

§ Sec. 8-20-090 Limitation on purchase of handguns.

(a) No person shall purchase more than one handgun within any 30-day period; provided that this section shall not apply to the purchase of a handgun by:

(1) a peace officer;

(2) a collector issued a federal firearm collector's license who is purchasing an antique, curio or relic firearm;

(3) a person whose handgun was stolen or lost and the person timely reported the theft or loss to the appropriate local law enforcement official; or

(4) a person returning a handgun purchased within the thirty-day period because the handgun is defective or damaged and the person is seeking a replacement handgun.

(b) No person shall sell or transfer any firearm to a person he knows to be intoxicated.

§ Sec. 8-20-100 Sale or transfer of firearms at gun shows prohibited.

No firearm shall be sold or otherwise transferred by any person at a gun show. For purposes of this subsection, "gun show" means a temporary exhibit or gathering where firearms or ammunition are sold, leased, or otherwise transferred. **Article IV. Miscellaneous Provisions.**

§ Sec. 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.

§ Sec. 8-20-260 Rules and regulations.

The superintendent has the authority to promulgate rules and regulations for the implementation of this chapter and to prescribe all forms and the information required. All rules and regulations promulgated by the superintendent pursuant to this chapter shall be posted on the department's web site.

§ Sec. 8-20-270 Acquisition or possession prohibited by law.

Nothing in this chapter shall make lawful the acquisition or possession of firearms or ammunition which is otherwise prohibited by law.

§ Sec. 8-20-280 Reporting of destruction, transfer, loss or theft of firearms.

(a) Every person who possesses a firearm within the city shall, in a manner prescribed by the superintendent:

(1) notify the department of the destruction, loss or theft of the firearm within 48 hours of when the person knows, or should have known, of such destruction, loss or theft; or

(2) notify the department of the sale, transfer, inheritance or other disposition of the firearm within 48 hours of such disposition.

(b) Compliance with this section shall be in addition to any other reporting requirements required by any local, state or federal law or regulation pertaining to lost, stolen, sold or otherwise transferred firearms.

§ Sec. 8-20-290 Severability.

If any provision or term of this chapter, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this chapter which reasonably can be given effect without the invalid provision or term for the application thereof.

Article V. Violation of Chapter Provisions

§ Sec. 8-20-300 Violation, Penalty.

(a) Unless the enhanced penalty imposed by subsection 8-4-350(b)(2) or subsection 8-4-355(b)(2) of this Code applies, any person who violates § 8-20-060 shall be fined not less than \$1,000 nor more than \$5,000 and be incarcerated for a term not less than 20 days nor more than 90 days.

Unless the enhanced penalty imposed by subsection 8-4-350(b)(1) subsection 8-4-355(b)(1) of this Code applies, any person who violates § 8-20-075, or 8-20-085, or 8-20-100 shall be fined not less than \$1,000 nor more than \$5,000 and be incarcerated for a term of not less than 90 days nor more than 180 days.

Each day that such violation exists shall constitute a separate and distinct offense.

(b) Unless another fine or penalty is specifically provided, any person who violates any provision of this chapter, or any rule or regulation promulgated hereunder, shall for the first offense, be fined not less than \$1,000, nor more than \$5,000, or be incarcerated for not less than 20 days nor more than 90 days, or both. Any subsequent conviction for a violation of this chapter shall be punishable by a fine of not less than \$5,000 and not more than \$10,000, and by incarceration for a term of not less than 30 days, nor more than six months. Each day that such violation exists shall constitute a separate and distinct offense.

(d) Upon the determination that a person has violated any provision of this chapter or any rule or regulation promulgated hereunder, the superintendent may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings.

(e) Upon the determination that a person has violated any provision of this chapter or any rule or regulation promulgated hereunder, the superintendent may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings.

Chicago Heights Code of Ordinances

Current through Ordinance No. 2018-20, enacted August 15, 2018. (Supp. No. 88, Update 3)

Chapter 14. Firearms Dealers

Article I. General Provisions

§ Sec. 14-1 Title.

This chapter shall be known as the "Chicago Heights Firearms and Assault Weapon Control Ordinance."

§ Sec. 14-2 Applicability.

(a) It is intended that this chapter shall pre-empt all Cook County licensing or other regulatory schemes for firearms, firearms dealers and assault weapons. As provided in article VII, section 6(c) of the State of Illinois Constitution of 1970, if a county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(b) It is specially intended that this chapter shall pre-empt the Cook County Firearms Dealer's License and Assault Weapons and Ammunition Ban Ordinance as now in effect or as may be hereafter amended.

(c) Licenses issued pursuant to this chapter shall be issued separate and apart from any general business license issued by the City of Chicago Heights.

§ Sec. 14-3 Penalties.

Failure to comply with the provisions of this chapter shall result in a fine of not less than two hundred fifty dollars (\$250.00) and up to five hundred dollars (\$500.00) per day. Each day of operation in violation of this chapter shall constitute a separate and distinct violation.

Article II. Firearms Dealer's Licensing

§ Sec. 14-12 Definitions.

As used in this article, the following terms shall have the following meaning:

Chief: The chief of police of the City of Chicago Heights.

Department: The police department of the City of Chicago Heights.

Engaged in the business has the same meaning as in 18 U.S.C. section 921(a)(21).

Firearm: Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding, however:

(1) Any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding eighteen one-hundredths inch in diameter and which has a maximum muzzle velocity of less than seven hundred (700) feet per second or breakable paint balls containing washable marking colors;

(2) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; or

(4) An antique firearm (other than as assault weapon) which, although designed as a weapon, the department of state police finds by reason of the date of its manufacture, value, design or other characteristic is primarily a collector's item and is not likely to be used as a weapon.

Firearm ammunition: Any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Firearms dealer: Any federally licensed firearms dealer, excluding any person licensed solely as a "collector" pursuant to section 923(b) of title 18 of the United States Code ("U.S.C.") and possessing only a Type 03 federal license.

Gun shop: The premises of any federally licensed firearms dealer where the only or primary business or commercial enterprises conducted on the premises is the purchase or sale of firearms or firearm ammunition.

§ Sec. 14-13 License required.

(a) It shall be unlawful for any person to engage in the business of dealing in firearms at an address within the corporate limits of the city without having applied for or obtained a city firearms dealer's license. A city firearms dealer's license shall be required in addition to any other license required by law. All applicants for a city firearms dealer's license must possess a valid federal firearms dealer's license. Possession of a valid federal firearms dealer's license shall be deemed proof of being engaged in the business of dealing in firearms in the city and thus requiring a city firearms dealer's license. An applicant for a city firearms dealer's license shall meet all other applicable city ordinances and regulations.

(b) Any person who becomes a federally licensed firearms dealer after January 1, 1995, and is required to obtain a city firearms dealer's license shall apply for such license within forty-five (45) days of receipt of the federal firearm's dealer's license.

(c) Any person licensed under federal law at more than one location within the corporate limits of the city must obtain a city firearms dealer's license for each individual location. A separate application and license fee is required for each location.

(d) No license issued hereunder shall be transferable or assignable to any other person or any other location.

§ Sec. 14-14 License administration.

(a) The chief of the police department shall administer the licensing of firearms dealers and shall approve or deny all applications for licenses and revoke existing licenses.

(b) The chief shall promulgate reasonable rules, definitions and regulations necessary to carry out the duties hereby imposed, including but not limited to, developing reasonable procedures consistent with existing practices of licensing persons engaged in the business of dealing in firearms and including seeking the assistance of the city, state or county police departments or other law enforcement agencies as necessary to conduct investigations or inspections in connection with licensing.

Any rules or regulations promulgated by the chief pursuant to the authority hereby granted shall be filed in the police department's principal office and in the office of the city clerk and shall be made available for public inspection. Copies

shall be made available upon request and payment of a reasonable fee as determined by the department or the city clerk to cover the cost of providing the copy.

§ Sec. 14-15 License fee.

The annual fee for a city firearms dealer's license shall be two hundred fifty dollars (\$250.00).

§ Sec. 14-16 License application; issuance.

(a) All applications for a license shall be made in writing to the chief of police on a form provided for that purpose. In addition to any other information required by the chief, each application for a license shall contain:

- (1) The applicant's full name, residence, and the address and telephone number where the person is engaged in the business of dealing in firearms;
- (2) If the applicant is a corporation, the corporate name, business and principal place of business of the applicant; the date and state of incorporation; and the names and residence address of the corporate officers and its registered agent;
- (3) If the applicant is a partnership, the name and business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners; the name, address and telephone number of a person authorized to receive notices issued pursuant to this Code.

(b) The chief shall not issue a city firearms dealer's license to any person who fails to provide proof of a valid federal firearms dealer's license and a valid firearm owners identification card issued by the State of Illinois.

§ Sec. 14-17 License denied or revoked.

(a) The chief may deny an application for a license if the applicant fails to provide the information required by, or is otherwise not in compliance with, any provisions of this Code or any applicable rules or regulations. Such denial shall be in writing and shall state the reasons for the denial. Any person seeking to appeal the denial may do so by filing a written request for a hearing with the mayor, with a copy to the chief. Such request must be filed within thirty (30) days of the denial and a hearing must be held within thirty (30) days of receipt of the request. The hearing shall be conducted in accordance with the procedures provided herein.

(b) The chief may revoke or suspend the license of any person who violates any provision of this chapter or rules or regulations promulgated hereunder. Before any such revocation or suspension is effective, the licensee shall be notified by certified mail or personal delivery of the specific basis for the suspension or revocation and the date for a hearing on the matter. Such hearing shall occur not fewer than seven (7) days and not more than fourteen (14) days after the mailing of the notice. The hearing shall be conducted in accordance with the procedures provided herein.

§ Sec. 14-18 Hearing procedures.

(a) Appointment of hearing officer. If a person wishes to appeal the denial of a city firearms dealer's license, or in the event of a revocation of a city firearms dealer's license, the mayor shall appoint a hearing officer who shall conduct the hearing. The hearing officer is authorized to conduct hearings concerning any matter covered by this chapter and may determine factual and legal matters raised by the parties to the hearing.

(b) Authority of hearing officer.

- (1) Examine any books, papers, records or memoranda bearing upon the business or activities of the licensee;
- (2) Request the circuit court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;
- (3) Request the circuit court to issue subpoenas duces tecum for the production of books, records, papers or memoranda;
- (4) Administer oaths;
- (5) Take testimony;
- (6) Make rulings as to the admissibility of evidence; and
- (7) Take any other action as may be required for the expeditious conduct of the hearing.

(c) Evidence and testimony. The hearing officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order decision, ruling or recommendation of the hearing officer or final administrative decision of the mayor.

(d) Department documents. The department's books, papers, records and memoranda or parts thereof may be provided in any hearing or legal proceeding by the original documents or by reproduced copy under the certificate of the chief. Without further proof, the original documents or reproduced copy shall be admissible into evidence at any hearing.

- (e) Rules for duces tecum subpoenas. If the circuit court issues a subpoena duces tecum, the following rules shall apply:
- (1) Service shall be made as provided by the Illinois Civil Practice Law, 735 ILCS 5/2-201 et seq.;
 - (2) Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the Circuit Court of Cook County and shall be paid after the witness is excused from further attendance;
 - (3) When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer may require that party to bear the cost of services and witness fees.
- (f) Application for enforcement of subpoena. Any party to a hearing may apply to any judge of the circuit court of this state for enforcement of any subpoena or subpoena duces tecum issued by a hearing officer holding a hearing authorized hereunder.
- (g) Burden of proof. At any hearing, the chief's initial decision to deny or revoke a license shall be presumed prima facie correct and the person contesting the decision shall have the burden of proving with books, records and other documentary or testimonial evidence that it is incorrect.
- (h) Action by mayor. At the conclusion of the hearing, the hearing officer shall make a recommendation to the mayor. The mayor shall adopt, reject or modify the recommendation based on a review of the record within seven (7) days of receiving the hearing officer's recommendation and shall issue a final decision. The mayor shall give written notification to the license of the decision and the reasons for such decision. The mayor's decision shall be a final decision.
- (i) Items constituting record. Items constituting the record may include notices and demands; the initial decision; the written protest and petition for hearing; all relevant pleadings, briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing; the recommendation of the hearing officer; and the final decision of the mayor.

Article III. Assault Weapons and Assault Ammunition

§ Sec. 14-30 Definitions.

As used in this article, the following terms shall have the following meaning:

Assault weapon: Any weapon which shoots, is designed to shoot or can be readily restored to shoot automatically more than one shot without manual reloading by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended for use in converting a weapon into a machinegun, any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

Assault ammunition: Any ammunition manufactured specifically for the use in assault weapons.

§ Sec. 14-31 Assault weapons or ammunition.

(a) Sale prohibited; exceptions. No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess, manufacture or distribute any assault weapon or assault ammunition within the corporate limits of the city. This subsection shall not apply to:

(1) The sale, distribution, or the possession for sale and distribution by any firearms dealer licensed pursuant to this chapter of an assault weapon or assault ammunition to any officer, agent or employee of the city or any other municipality, county, body politic or state of the United States, 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 an assault weapon or assault ammunition and is acting within the scope of his or her duties;

(2) The possession for sale and distribution or the sale to or the acquisition or possession of assault ammunition by persons employed to provide security for armored carriers or mobile check cashing services while in the course of such duties, while commuting directly to or from the person's place of employment and while at the person's home, if the assault ammunition is sold, acquired or possessed for use with a weapon that the person has been authorized to carry under section 28 of the Illinois Private Detective, Private Alarm and Private Security Act of 1983;

(3) Transportation of assault weapons if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.

(b) Seizure and disposal of contraband. Any assault weapon or assault ammunition possessed, sold or transferred in violation of subsection (a) is hereby declared to be contraband and shall be seized and disposed of in accordance with the provisions in section 14-12.

(c) Penalty for violation. Any person found in violation of this section shall be fined not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

(d) Application of provisions to legally owned weapons. Any person who, prior to the effective date of this chapter, was legally in possession of an assault weapon or assault ammunition prohibited by this section shall have fourteen (14) days from the effective date of the ordinance codified in this section to do any of the following without being subject to prosecution hereunder:

- (1)** To remove the assault weapon or ammunition from within the limits of the city; or
- (2)** To modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon; or
- (3)** To surrender the assault weapon or ammunition to the chief of police of the city or his designee for disposal as provided below.

§ Sec. 14-32 Destruction of weapons confiscated.

(a) Whenever any firearm or ammunition is surrendered or confiscated pursuant to the terms of this chapter, the chief of police shall ascertain whether such firearm or ammunition is needed as evidence in any matter.

(b) If such firearm or ammunition is not required for evidence, it shall be destroyed or sold for professional use with other police departments or government agencies at the direction of the chief of police. A record of the date and method of destruction or sale and inventory of the firearm or ammunition so destroyed or sold shall be maintained.

Chapter 30. Offenses and Miscellaneous Provisions

Article VI. Weapons

Division 1. Generally

§ Sec. 30-104 Unlawful sale of firearms.

A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of this state under which the firearm is mailed to a point outside the boundaries of this state; or

(3) The sale of a firearm to a nonresident of this state while at a firearm showing or display recognized by the state department of public safety; or

(4) The sale of a firearm to a dealer licensed under the federal firearms act.

§ Sec. 30-105 Unlawful possession of firearms and firearm ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

§ Sec. 30-106 Defacing identification marks of firearms.

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm shall be deemed guilty of a misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Chicago Ridge Code of Ordinances

Current through Ordinance No. 18-05-10, enacted May 1, 2018. (Supp. No. 5)

Chapter 14. Business

Article V. Firearms, Airguns and Explosive Toys

§ Sec. 14-230 Definitions.

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

Dangerous and deadly weapons means handguns or other firearms, daggers, stilettos, billy clubs, stun guns, lasers, crossbows and all other objects included in 720 ILCS 5/24-1 and 5/33A-1, or any other dangerous or deadly weapon or instrument of like character.

Firearms means any device by whatever name known which are designed to expel projectiles by the action of an explosion, expansion of gas or escape of gas, excluding:

(1) Any pneumatic gun, paint ball gun or BB gun which either expels a single globular projectile not exceeding 0.18 of an inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second, or breakable paint balls containing washable marking colors;

(2) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; or

(4) An antique firearm (other than a machine gun) which, although designed as a weapon, the department of state police finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

Firearms dealer, for purposes of this article, means any federally licensed firearms dealer, excluding any person licensed solely as a "collector" pursuant to 18 USC 923(b) and possessing only a type 03 federal license. The term "firearms dealer" means and includes any gun shop.

Gun shop means the premises of any federally licensed firearms dealer where the purchase or sale of firearms or firearms ammunition is conducted.

Handgun means a firearm to be held and fired by the use of a single hand and includes a combination of parts from which a firearm can be assembled.

§ Sec. 14-231 Sale of dangerous or deadly weapons restricted.

(a) It is unlawful for any person to sell or offer to sell, transfer or give away dangerous or deadly weapons in the village unless they are sold at or to a commercial business legally maintaining retail or business office space within the village limits under the village's zoning laws, and unless possession of the dangerous or deadly weapons, pursuant to such sale, is transferred actually within the confines of the retail or business office space. Any such person must either own its own retail or business office space, have a written lease for such space, or otherwise have a written agreement with the owner of such space allowing the gun transactions in such retail or business office space.

(b) The sale, giving away or transfer of dangerous or deadly weapons is prohibited in any other locations including, but not limited to, residences and dwelling places within the village. Moreover, it is unlawful for any such person to sell or offer

to sell, transfer or give away dangerous or deadly weapons in the village without first being licensed to do so by the village, as well as by appropriate federal and state authorities.

(c) Notwithstanding the provisions of this section, the giving away of any such dangerous or deadly weapon shall not be prohibited if it is given away free as a prize or an award by a private club or an association at a banquet, benefit, annual dinner, or similar event, but no such private club or association shall be permitted to do so more than twice a year.

(d) In addition, the provisions of this section shall not apply to the one-time sale of the personal gun of its owner; provided, however, that if the same individual sells six or more guns within any three-year period, such person shall be conclusively deemed to be conducting the business of a gun shop.

(e) Any person convicted of a violation of the provisions of this section shall be subject to a fine of not less than \$250.00, nor more than as provided in section 1-16, or a term of incarceration of not to exceed six months. Each day a violation continues shall constitute a separate offense. In addition, any person convicted of a violation of the provisions of this section may be required by the court to perform community service work for a specific number of hours as determined by the court.

§ Sec. 14-232 License requirements; location restrictions.

(a) Firearms dealers. In addition to the general licensing requirements set forth in this chapter, each firearms dealer located in this village shall be required to apply for and obtain a special firearms dealer's license.

(b) Gun shops. A license is hereby required for any firearms dealer or for the maintenance, operation or conduct of a gun shop business by a firearms dealer within this village, or for doing such business or engaging in any such activity or occupation within the village. Any person shall be subject to such requirement if by himself or through an agent, employer or partner he holds himself forth as being engaged in the business or occupation, or solicits patronage therefor, actively or passively; or attempts to perform any part of such business or occupation in the village.

(c) Exceptions. This article shall not apply to the one-time sale of the personal gun of its owner; provided, however, that if the same individual sells six or more guns within any three-year period, such person shall be conclusively deemed to be conducting the business of a gun shop.

§ Sec. 14-233 Location restrictions.

(a) No license shall be provided for any location within the village other than in an appropriately zoned business or commercial area.

(b) No license shall be provided for any location within one-fourth mile of the grounds of a school (which means any public or private elementary or secondary school, community college, college or university) or public park (which means any land or building set aside for public recreation and owned by a public park district), as measured from the closest property lines of the respective properties (actual distance "as the crow flies," not by route of human travel), unless the entity which has applied for a license was lawfully in business prior to February 21, 1995, and either is in its original location as of February 21, 1995, or relocates to another location in the village with appropriate zoning for such business and its uses.

(c) The location restrictions contained in this subsection shall not apply to any person licensed under this article who, on February 21, 1995, is engaged in the business of dealing in firearms or firearms ammunition in the village or within the one-fourth-mile of the grounds of a school or public park, measured from the property lines of the respective properties.

§ Sec. 14-234 Separate license for each location required; licenses nontransferable.

(a) Any person in the village who becomes a federally licensed firearms dealer after February 21, 1995, and is thus required under this article to obtain a village firearms dealer's license shall apply for such license within 45 days of receipt of the federal firearms dealer's license (anyone who, as of February 21, 1995, has a federal firearms dealer's license shall apply for such license within 45 days of February 21, 1995).

(b) Any persons licensed under federal law at more than one location within the village must obtain a license from the village for each individual location in the village. A separate application license fee is required for each location. No license issued under this article shall be transferrable or assignable to any other person or any other location.

§ Sec. 14-235 Federal license required; federal license as evidence of doing business.

(a) No license shall be issued under this article to any person who fails to provide proof of a valid federal firearms dealer's license and a valid firearm owner's identification card issued by the state. It is unlawful for any person to engage in the business of dealing in firearms or maintaining a gun shop at any address within the village without having first applied for and obtained a firearms dealer's license pursuant to this section.

(b) Possession of a valid federal firearms dealer's license from an address or for a location in the village shall be deemed proof of being engaged in the business of dealing in firearms in the village and thus requiring a village firearms dealer's license.

§ Sec. 14-236 License application.

(a) All firearms dealers in the village shall make application in accordance with the provisions of this chapter applicable to businesses generally. Applications for a license or permit under this article shall be made in writing to the village clerk on a form provided for that purpose and shall contain:

(1) The applicant's full name, residence, and the address and telephone number where the person is engaged in the business of dealing in firearms;

(2) If the applicant is a corporation, the corporate name, business, and principal place of business of the applicant; the date and state of incorporation; and the names and residence addresses of the corporate officers and its registered agent; and

(3) If the applicant is a partnership, the name and business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners; the name, address and telephone number of a person authorized to receive notices issued pursuant to this article.

(b) The village clerk shall not issue a village firearms dealer's license to any person who fails to provide proof of a valid federal firearms dealer's license and a valid firearm owners identification card issued by the state. The village clerk shall not issue a village firearms dealer's license to any person who is engaged in the business of dealing in firearms or any other activity requiring a federal firearms dealer's license, or indicates an intention to do so, within one-fourth mile of the grounds of a school or public park, measured from the property lines of the respective properties.

§ Sec. 14-237 License fee.

The fee for the annual license under this article shall be as shown in the village fee schedule. All fees and charges for such licenses shall be paid in advance at the time of application. All license fees shall become a part of the corporate fund of this village. In no event shall any rebate or refund be made of any such license fee, or any part thereof, for any reason including nonuse of the license or discontinuance of the operation or conduct of the regulated business.

§ Sec. 14-238 License term.

(a) Each license shall be for a period of one year from May 1 until April 30, and all such licenses shall terminate on April 30 of each year.

(b) The village clerk shall mail to all licensees a notice of expiration three weeks prior to the date of expiration. A failure to send out the notice or the failing of the licensee to receive it shall not excuse the licensee from a failure to secure a new license, or a renewal thereof, nor shall it be a defense in any action for operation without a license.

Cicero Code of Ordinances

Current through Ordinance No. 74-18, enacted August 28, 2018. (Supp. No. 94)

Chapter 62. Offenses and Miscellaneous Provisions

Article VI. Weapons

Division 1. Generally

§ Sec. 62-193 Use by minors.

No person shall sell, loan or furnish to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used. A minimum fine of \$250.00 shall be imposed for a violation of this section, and a maximum fine of \$750.00 shall be imposed for a violation of this section. However, minors may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

Division 2. License to Supply Concealable Weapons

§ Sec. 62-221 Required.

It shall be unlawful for any person to engage in the business of selling or to sell or give away any pistol, revolver, dagger, stiletto, billy, derringer, Bowie knife, dirk, or other deadly weapon which can be concealed on the person without securing a license.

§ Sec. 62-222 Application.

An application for the license required by this division shall be made in the same manner as other applications are made in accordance with article II of chapter 26. The director of public safety shall approve the application before a license shall be issued.

§ Sec. 62-223 Fee.

The annual fee for a deadly weapon license shall be as provided in section 26-101.

§ Sec. 62-224 Approval of sale by director of public safety.

No pistol, revolver, dagger, stiletto, billy, derringer, Bowie knife, dirk, or other deadly weapon can be sold unless application is made to the director of public safety stating that a request has been made for the purchase of a pistol, revolver, dagger, stiletto, billy, derringer, Bowie knife, dirk, or other deadly weapon. The application shall fully describe the type of weapon sought to be purchased; the name, address and age of purchaser; and for what purpose the weapon is about to be purchased. If the director of public safety grants authority for the sale, the sale shall be consummated. If in the discretion of the director of public safety the sale of such weapon might jeopardize the safety and welfare of the people, he shall refuse to grant permission for the sale of the weapon. The same proceeding shall be followed if a licensee desires to give away a weapon as a gift.

§ Sec. 62-225 Register of transactions.

(a) Every person dealing in deadly weapons at retail within the town, as provided in section 62-224, shall keep a register of all such weapons sold, loaned, rented, or given away by him. Such register shall contain the date of the sale, loaning, renting, or gift; the number of the permit; the number of the weapon; the name and age of the person to whom the weapon is sold, loaned, rented, or given; the price of such weapon; and the purpose for which it is purchased or obtained. The register shall be in the following form:

Date of Sale	Number of Permit	Number of Weapon	To Whom Sold, Rented or Given	Kind and description of Weapon	For What Purpose Purchased or Obtained	Price of Weapon
--------------	------------------	------------------	-------------------------------	--------------------------------	--	-----------------

(b) Such register shall be kept open for the inspection of the police at all reasonable times during business hours.

(c) Any person violating this section shall, upon conviction, be fined not less than \$10.00 or more than \$750.00 for each offense.

§ Sec. 62-226 Sale to other than licensed dealers or persons granted permits.

It shall be unlawful for any person to sell, barter, or give away to any person within the town any deadly weapon mentioned in section 62-221, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the director of public safety as required in section 62-227. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the town.

§ Sec. 62-227 Permit required to purchase; permits prohibited to minors and persons convicted of crime.

(a) It shall be unlawful for any person to purchase any deadly weapon mentioned in section 38-7 which can be concealed on the person without first securing from the director of public safety a permit. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit, and the applicant shall present such evidence of good character as the director of public safety at his discretion may require.

(b) It shall be the duty of the director of public safety to refuse such permit to any person having been convicted of any crime, and a permit shall be refused to all minors.

§ Sec. 62-228 Exhibits for sales.

It shall be unlawful for any person to exhibit for sale in showcases or show windows, on counters or in any other public manner any deadly weapon mentioned in section 62-221 or to display any signs, posters, cartoons, or display cards suggesting the sale of any such deadly weapon.

§ Sec. 62-229 Revocation for violation.

If the town clerk shall determine that the applicant for the license required by this division has violated any section of this division, he shall revoke the license of such person for the selling of such weapons, and the money paid for such license shall be forfeited to the town. No other such license shall be issued to such licensee for a period of three years thereafter.

Division 3. Registration of Firearms

§ Sec. 62-256 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:

Ammunition means cartridge cases, shells, projectiles including shot, primers, bullets, propellant powder, or other devices or materials designed or intended for use in a firearm or destructive device.

Antique firearm means any firearm, including but not limited to any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, which is incapable of being fired or discharged; or any firearm manufactured before 1898 for which cartridge ammunition is not commercially available and possessed as a curiosity or ornament or for its historical significance or value.

Assault ammunition means any ammunition magazine having a capacity of more than 15 rounds of ammunition. However, such term shall not include the following:

- (1) Antique firearms;
- (2) Any device used exclusively for line throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or
- (3) Any device used exclusively for firing explosives, rivets, stud cartridges, or any similar industrial ammunition incapable of use as a weapon.

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 semiautomatic 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.
- (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) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
 - (ii) AR-10;
 - (iii) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
 - (iv) AR70;
 - (v) Calico Liberty;
 - (vi) Dragunov SVD Sniper Rifle or Dragunov SVU;
 - (vii) Fabrique National FN/FAL, FN/LAR, or FNC;
 - (viii) Hi-Point Carbine;
 - (ix) HK-91, HK-93, HK-94, or HK-PSG-1;
 - (x) Kel-Tec Sub Rifle;
 - (xi) Saiga;

- (xii) SAR-8, SAR-4800;
- (xiii) SKS with detachable magazine;
- (xiv) SLG 95;
- (xv) SLR 95 or 96;
- (xvi) Steyr AUG;
- (xvii) Sturm, Ruger Mini-14;
- (xviii) Tavor;
- (xix) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
- (xx) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

(B) The following pistols 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.

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

- (i) Armscor 30 BG;
- (ii) SPAS 12 or LAW 12;
- (iii) Striker 12; or
- (iv) Streetsweeper.

"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.

Corrections officer means wardens, superintendents and keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense.

Crime of violence means any felony committed while armed with a weapon as defined in 720 ILCS 5/33A-1, as amended.

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.

Duty-related firearm means any weapon which is authorized by any law enforcement agency to be utilized by its personnel in the performance of their official duties.

Firearm means any weapon which will or is designed to or restored to expel a projectile by the action of any explosive; the frame or receiver of any such device; or any firearm muffler or silencer.

Handgun means a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such firearm can be assembled.

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.

Machine gun means any firearm from which eight or more shots or bullets may be discharged by a single function of the firing device.

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.

Organization means partnership, company, corporation or other business entity or any group or association of two or more persons united for a common purpose.

Peace officer means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

Sawed-off shotgun means a shotgun having a barrel of less than 18 inches in length or a firearm made from a shotgun if such firearm is modified and has an overall length of less than 26 inches or barrel of less than 18 inches in length.

Security personnel means special agents employed by a railroad or public utility to perform police functions: guards of armored car companies, watchmen, security guards and persons regularly employed in a commercial or industrial operation for the protection of persons employed by or property related to such commercial or industrial operation.

Short-barreled rifle means a rifle having any barrel less than 16 inches in length, or a modified firearm if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 16 inches.

Superintendent of Police means the Superintendent of the Town of Cicero Department of Police.

§ Sec. 62-258 Acquisition or possession prohibited by law.

Nothing in this division shall make lawful the acquisition or possession of firearms or firearm ammunition that is otherwise prohibited by law.

§ Sec. 62-259 Violation and penalty.

A minimum fine of \$250.00 shall be imposed for a violation of this section, and a maximum fine of \$750.00 shall be imposed for a violation of this section.

§ Sec. 62-260 Required.

(a) All firearms in the town shall be registered in accordance with this division. It shall be the duty of a person owning or possessing a firearm to cause such firearm to be registered. No person shall within the town possess, harbor, have under his control, transfer, offer for sale, sell, give, deliver, or accept any firearm unless such person is the holder of a valid registration certificate for such firearm. No person shall, within the town, possess, harbor, have under his control, transfer, offer for sale, sell, give, deliver, or accept any firearm which is unregistrable under this division.

(b) This section shall not apply to the following:

- (1) Firearms owned or under the direct control or custody of any federal, state or local governmental authority maintained in the course of official duties.
- (2) Duty related firearms owned and/or possessed by sworn peace officers who are residents of the Town of Cicero.
- (3) Duty-related firearms owned and possessed by peace officers who are not residents of the town.
- (4) Duty-related firearms owned or possessed by corrections officers, provided that such corrections officers are not residents of the town.
- (5) Firearms owned, manufactured or processed by licensed manufacturers of firearms, bulk transporters or licensed sellers of firearms at wholesale or retail, provided that such persons have all licenses as required by law.
- (6) Any nonresident of the town participating in any lawful recreational firearm-related activity in the town or on his way to or from such activity in another jurisdiction, provided that such weapon shall be unloaded and securely wrapped and that his possession or control of such firearm is lawful in the jurisdiction in which he resides.
- (7) Non-resident private security personnel who possess or control any firearm or ammunition while performing official duties within the town, provided that such firearms shall be owned and maintained by the security firm employing such personnel and shall be registered by the security firm in accordance with this division.
- (8) Sworn law enforcement personnel summoned by a peace officer to assist in making an arrest or preserving the peace while actually engaged in assisting the peace officer.

§ Sec. 62-261 Unregistrable firearms.

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

- (1) Sawed-off shotguns, machine guns, or short-barreled rifles.
- (2) Firearm mufflers or silencers.
- (3) Assault weapons, as defined in section 62-256.

§ Sec. 62-262 Application.

(a) No registration certificate required by this division shall be issued to any person unless such person:

- (1) Shall possess a valid Illinois Firearm Owner's Identification Card in accordance with 430 ILCS 65/4, as amended;
- (2) Has not been convicted of a crime of violence, as defined in this division as weapons offense, or a violation of this division;
- (3) Has not been convicted within the five years prior to the application of any violation of:
 - a. Any law relating to the use, possession or sale of any narcotic or dangerous drug; or

b. The provisions of 720 ILCS 5/12-2(a)(1), as amended, for aggravated assault or any similar provision of the law of any other jurisdiction;

(4) Has vision better than or equal to that required to obtain a valid driver's license under the standards established by 625 ILCS 5/6-109; and

(5) Is not otherwise ineligible to possess a firearm under any federal, state or local law, statute or ordinance.

(b) All applicants for a registration certificate under this division shall file with the Superintendent of Police, on a form provided, a sworn application in writing. The application shall include the following:

(1) , social security number, residential and business address and telephone number of the applicant.

(2) The applicant's age, sex and citizenship.

(3) The applicant's state firearm owner's identification number.

(4) The name of the manufacturer, the caliber or gauge, the model, type and the serial number identification of the firearm to be registered.

(5) The source from which the firearm was obtained.

(6) Evidence that the applicant meets the criteria of this section.

(7) Two photographs of the applicant taken within 30 days immediately prior to the date of filing the application equivalent to passport size showing the full face, head and shoulders of the applicant in a clear and distinguishing manner.

(8) Such other information as the Superintendent of Police shall find reasonably necessary to effectuate the purpose of this division and to arrive at a fair determination whether the terms of this division have been complied with.

(c) The Superintendent of Police shall be the custodian of all applications for registration under this division.

§ Sec. 62-263 Fingerprints.

When necessary to establish the identity of any applicant or registrant under this division, such applicant or registrant shall be required to submit to fingerprinting in accordance with procedures and regulations prescribed by the Superintendent of Police.

§ Sec. 62-265 Filing time.

(a) A registration certificate required by this division shall be obtained prior to any person taking possession of a firearm from any source.

(b) Any firearm located within the town must be registered pursuant to this division and in accordance with rules, regulations and procedures prescribed by the Superintendent of Police.

§ Sec. 62-266 Investigation.

Upon receipt of an application for registration of a firearm, the Superintendent of Police shall investigate the information contained in the application to determine whether the application and firearm meet the requirements for registration under this division. Failure by the applicant or registrant to respond to investigation inquiries shall be sufficient grounds for denial or revocation.

§ Sec. 62-267 Issuance of certificate.

(a) Upon receipt of a properly executed application for a firearms registration certificate, the Superintendent of Police, upon determining that the applicant has complied with this division, shall authorize the issuance of the registration certificate. Each registration certificate shall be in triplicate and shall bear a unique registration certificate number and shall contain such other information as may be necessary to identify the applicant and the firearm registered. The original of the registration certificate shall be retained by the Superintendent of Police and the applicant shall receive a copy.

(b) The Superintendent of Police shall approve or deny any application for a registration certificate within a 120-day period beginning on the date that he receives the application unless good cause is shown.

(c) Any application for registration or renewal shall be held in abeyance when there is a criminal proceeding for a crime of violence or an offense involving a weapon or a proceeding to revoke firearm registration pending against the applicant until such proceeding has terminated. For a renewal of registration the then-current registration shall be deemed continuing until the termination of such proceedings.

(d) Upon receipt of a registration certificate, each applicant shall examine the certificate to ensure that the information thereon is correct. If the registration certificate is incorrect in any respect, the registrant thereon shall return it to the Superintendent of Police with a signed statement showing the nature of the error. The Superintendent of Police shall correct the error, if it occurred through administrative error. If the error resulted from incorrect information contained in the

application, the applicant shall be required to file an amended application setting forth the correct information and a statement explaining the error in the original application. Each amended application shall be accompanied by a fee of \$10.00.

(e) Each registration certificate authorized to be issued by the Superintendent of Police shall be accompanied by a statement setting forth the registrant's duties under this division.

§ Sec. 62-268 Revocation; denial.

A firearms registration certificate shall be revoked or an application for registration shall be denied by the Superintendent of Police when he finds that:

- (1) Any of the criteria in section 62-262 are not currently met;
- (2) The registered firearm is or has become an unregistrable firearm under the terms of section 62-261;
- (3) The information furnished to the Superintendent of Police on the application for registration certificate proves to be false; or
- (4) The applicant or registrant has violated any of the sections of this division.

§ Sec. 62-269 Notice.

For the purposes of this division, service of any notice, finding or decision upon an applicant or registrant shall be completed by any of the following methods:

- (1) Personal delivery of a copy of such notice, finding or decision to the applicant or registrant;
- (2) Leaving a copy of such notice, finding or decision at the address identified on the application for registration or renewal; or
- (3) Mailing a copy of the notice, finding or decision by certified mail with return receipt to the address identified on the application for registration or renewal, in which case service shall be complete as of the date the return receipt was signed.

§ Sec. 62-270 False information; forgery; alteration.

(f) (a) It shall be unlawful for any person purchasing any firearm or ammunition or applying for any registration certificate under this division or, in giving any information pursuant to the requirements of this article, to knowingly give false information or offer false evidence of identity.

(g) (b) It shall be unlawful for anyone to forge or alter any application or registration certificate submitted, retained or issued under this article.

§ Sec. 62-271 Procedures for denial or revocation.

(a) If it is determined that an application for the registration required by this division should be denied or that a registration certificate should be revoked, the Superintendent of Police shall notify the applicant or registrant in writing of the proposed denial or revocation, briefly stating the reason therefor.

(b) The applicant or registrant, within ten days after receiving notice of the proposed denial or revocation, may file with the Superintendent of Police a written request for a hearing before a hearing officer.

(c) Within ten days of receipt of a request for hearing, the hearing officer shall give notice of a hearing to be held not less than five days after service of the notice on the person requesting the hearing. At the hearing, the applicant or registrant may submit further evidence in support of the application for initial registration or to continue to hold a registration certificate, as the case may be. The hearing officer shall determine whether the denial or revocation was in accordance with this division and shall report its finding to the Superintendent of Police within 21 days after the public hearing has been completed. Upon a review of the hearing officer findings and a determination that the application should be denied or certificate revoked, the Superintendent of Police shall issue a written finding stating the reasons for denial or revocation thereof and shall serve a copy of the findings upon the applicant or registrant and all parties appearing or represented at the hearing.

(d) If the applicant or registrant does not request a hearing or submit further evidence within ten days after receiving notification of the proposed denial or revocation, it shall be deemed that the applicant or registrant has conceded the validity of the reason stated in the notice, and the denial or revocation shall become final.

(e) Within three days after notification of a decision unfavorable to the applicant or registrant and all time for appeal in accordance with subsections (a) through (d) of this section having expired, the applicant or registrant shall:

- (1) Peaceably surrender to the department of police the firearm for which the application was denied or the registration certificate was revoked;

- (2) Remove such firearm from the town; or
- (3) Otherwise lawfully dispose of his interest in such firearm.

(f) The applicant or registrant shall submit to the Superintendent of Police evidence of the disposition of unregistrable firearms in accordance with subsections (e)(2) and (e)(3) of this section. Such evidence shall be submitted on forms and in the manner prescribed by the Superintendent of Police.

§ Sec. 62-272 Renewal.

(a) Every person registered under this division must renew his registration certificate every two years. Applications for renewal shall be made by such registrants 60 days prior to the expiration of the current registration certificate.

(b) Failure to comply with the requirement for renewal of registration of a firearm shall cause that firearm to become unregistrable.

(c) All terms, conditions and requirements of this division for registration of firearms shall be applicable to renewal or registration of such firearms.

§ Sec. 62-273 Additional duties of registrant.

Each person holding a registration certificate issued under this division shall:

- (1) Immediately notify the department of police on a form prescribed by the Superintendent of Police of:
 - a. The loss, theft or destruction of the registration certificate or of a registered firearm immediately upon discovery of such loss, theft, or destruction.
 - b. A change in any of the information appearing on the registration certificate.
 - c. The sale, transfer or other disposition of the firearm not less than 48 hours prior to delivery.
- (2) Immediately return to the Superintendent of Police his copy of the registration certificate for any firearm which is lost, stolen, destroyed or otherwise disposed of.
- (3) Keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device, unless such firearm is in his possession at his place of residence or business or while being used for lawful recreational purposes within the town. However, this subsection shall not apply to law enforcement personnel as defined in section 62-256 and provided, further, this subsection shall not apply to security personnel as defined in section 62-256 while in the course of their employment.

§ Sec. 62-274 Exhibition of certificate.

(a) Any person carrying or having in his possession or under his custody or control any firearm shall have on his person or within his immediate custody a valid registration certificate for such firearm issued under this division, which shall be exhibited for inspection to any peace officer upon demand. Failure of any such person to so exhibit his registration certificate shall be presumptive evidence that he is not authorized to possess such firearm.

(b) Failure of any person to exhibit a registration certificate for any firearm in his possession, custody or control shall also be cause for the confiscation of such firearm and revocation of any registration certificate issued therefor under this division.

§ Sec. 62-275 Possession of ammunition.

No person shall possess ammunition in the town unless he is:

- (1) A person exempted pursuant to section 62-260; or
- (2) The holder of a valid registration certificate for a firearm of the same gauge or caliber as the ammunition possessed.

§ Sec. 62-276 Permissible sales and transfers of firearms and ammunition.

(a) No firearm may be sold or otherwise transferred within the town except through a licensed weapons dealer.

(b) No ammunition may be sold or otherwise transferred within the town except through a licensed weapons dealer as defined or as otherwise allowed by this Code.

(c) No firearm or ammunition shall be security for or be taken or received by way of any mortgage, deposit, pledge or pawn.

(d) No person may loan, borrow, give or rent to or from another person any firearm or ammunition except in accordance with this division.

(e) A peace officer may additionally sell or transfer any lawfully held firearm or ammunition to another peace officer in accordance with the other sections of this article.

§ Sec. 62-277 Compliance with firearms owners identification card act.

No person shall sell, give away or otherwise transfer any firearm, as defined in section 38-25, without complying with sections 3 and 3.1 of the Firearm Owners Identification Card Act, 430 ILCS 65/3 and 430 ILCS 65/3.1.

§ Sec. 62-278 Destruction of weapons confiscated.

(a) Whenever any firearm or ammunition is surrendered or confiscated pursuant to this division, the Superintendent of Police shall ascertain whether such firearm or ammunition is needed as evidence in any matter.

(b) If such firearm or ammunition is not required for evidence, it shall be destroyed at the direction of the Superintendent of Police. A record of the date and method of destruction and an inventory of the firearm or ammunition so destroyed shall be maintained.

(c) Within three (3) business days after the surrender or confiscation of a firearm, if the following test is satisfied, a firearm owner may submit to the Superintendent of Police a written request that a hearing officer review the proposed destruction of a firearm:

(1) The firearm was surrendered or confiscated solely because the firearm owner failed to obtain a valid registration certificate under this division; and

(2) The firearm owner provides sufficient proof that within the thirty (30) calendar days prior to the surrender or confiscation of the firearm one of the following events occurred:

(i) the firearm owner purchased the firearm;

(ii) the firearm owner relocated into the territorial limits of the town; or

(iii) a valid registration certificate issued under this division for the firearm expired.

Upon receipt of a timely written request satisfying the requirements of this subsection, a hearing shall be held in accordance with the timelines set forth in Section 62-271. In such instances, the written determination of the hearing officer may: (i) order the destruction of the firearm; or (ii) stay the destruction of the firearm and impose a penalty for a violation of this division in accordance with Section 62-259. The Superintendent of Police shall return a firearm to its owner upon the full and timely payment of a fine imposed by a hearing officer pursuant to this subsection and the proper registration of the firearm.

Division 4. Licensing of Firearms Dealers

§ Sec. 62-306 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:

Firearms dealer means any person licensed by the Federal Bureau of Alcohol, Tobacco, and Firearms as a dealer pursuant to section 923(a)(3)(B) or section 923(a)(3)(C) of title 18 of the United States Code possessing a type 01 federal license, excluding any person licensed solely as a collector pursuant to section 923(b) of title 18 possessing only a type 03 federal license. The term "firearms dealer" means and includes any gun shop.

Gun shop means the premises of any federally licensed firearms dealer where the purchase or sale of firearms or firearms ammunition is conducted.

§ Sec. 62-307 License required.

(a) In addition to the general business license as provided in article II of chapter 26 of this Code, each firearms dealer located within the corporate limits shall be required to apply for and obtain a firearms dealer's license.

(b) A license is required for any firearms dealer and/or for the maintenance, operation or conduct of a gun shop business or for doing such business or engaging in any such activity or occupation within the town. Any person shall be subject to such requirement if, by himself or through an agent, employer or partner, he holds himself forth as being engaged in the business or occupation or solicits patronage therefor, actively or passively, or attempts to perform any part of such business or occupation in the town. Possession of a valid federal firearms dealer's license from an address or for a location in the town shall be deemed proof of being engaged in the business of dealing in firearms in the town and requiring a town firearms dealer's license.

(c) It shall be unlawful for any person to engage in the business of dealing firearms or maintaining a gun shop at any address within the town without having first applied for and obtaining a firearms dealer's license pursuant to this division. Every applicant for a firearms dealer's license must possess a valid federal firearms dealer's license and meet all other applicable ordinances, statutes and regulations.

§ Sec. 62-308 Location.

Any person having a federal firearms dealer's license at more than one location within the town must obtain a license for each individual location, and a separate application fee is required for each location. No license issued under this division shall be transferable or assignable to any other person or location.

§ Sec. 62-309 License fee.

The fee for the annual license required under this division shall be \$100.00, which fee shall not be prorated.

§ Sec. 62-310 Application requirements.

(a) The director of public safety shall prescribe the form for application for a firearms dealer's license. No license shall be issued unless such person:

- (1) Shall possess a valid state firearms owner's identification card in accordance with 430 ILCS 65/4.
- (2) Has not been convicted of a crime of violence, a criminal offense involving the use of a weapon or a violation of this article.
- (3) Has not been convicted within the five years prior to the application of any violation of:
 - a. Any law related to the use, possession or sale of any narcotics or dangerous drugs; or
 - b. The provisions of 720 ILCS 5/12-2(a)(1), as amended.
- (4) Is not otherwise ineligible to possess a firearm under any federal, state, or local laws or ordinance.

(b) All applications shall be under oath, in writing and shall include the following:

- (1) , social security number, residential and business address and telephone number of the applicant.
- (2) The applicant's date of birth, gender and citizenship.
- (3) The applicant's state firearms owner's identification number.
- (4) The applicant's federal firearms dealer's license number.
- (5) Evidence that the applicant meets the criteria of this division.

§ Sec. 62-311 Fingerprints.

Under this division, when necessary to establish the identity of any applicant or to verify criminal history information, an applicant shall be required to submit to fingerprinting in accordance with the procedures and regulations prescribed by the director of public safety. For a corporate applicant, the corporate officers shall submit to fingerprinting in accordance with this section.

§ Sec. 62-312 Inspection.

Upon receipt of an application for a firearms dealer's license, the director of public safety shall investigate the information contained in the application and require an inspection of the licensed premises. Failure by the applicant to respond to investigation inquiries or to permit an inspection shall be sufficient grounds for denial or revocation of a firearms dealer's license.

§ Sec. 62-313 Revocation.

(a) Under this division, the director of public safety may revoke or suspend the license of any person who violates any section of this division or rules or regulations adopted pursuant to this division. When the conduct or operation of a firearms dealership or gun shop constitutes a nuisance or a clear and present danger to the public health, safety and general welfare, the town president shall be authorized to summarily order the suspension of business and the closing of the premises until the danger no longer exists.

(b) Within seven days after a license is suspended, the president shall call a hearing for the purposes of determining whether or not the license shall be revoked. The town president is authorized to conduct hearings concerning any matters covered by this division and may determine factors and legal matters raised by parties to the hearing. The hearing officer may:

- (1) Examine any books, papers, records, or memoranda bearing upon the business or activities of the licensee or applicant;
- (2) Issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;
- (3) Issue subpoenas duces tecum for the production of books, records, papers or memoranda;
- (4) Administer oaths;

- (5) Take testimony;
- (6) Make rulings as to the admissibility of evidence; and
- (7) Take any other action as may be required for the expeditious conduct of the hearing.

(c) The hearing officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation from the hearing officer. The decision of the hearing officer shall be a final reviewable decision.

§ Sec. 62-314 Penalties.

Failure to comply with this division shall, upon conviction, result in a fine of not less than \$500.00 or more than \$1,000.00 per day.

Collinsville Code of Ordinances

Current through Ordinance No. 18-52, enacted May 29, 2018. (Supp. No. 13)

**Title 9. Public Peace, Morals and Welfare
Chapter 9.28. Weapons**

§ Sec. 9.28.060 Firearms and ammunition; definitions.

For purposes of Section 9.28.070:

Firearm means any device, by whatever name known, which is designed to expel a projectile by the action of an explosion, expansion of gas or escape gas; excluding, however:

- 1. Any pneumatic gun, spring gun, or BB gun which expels a single globular projectile not exceeding .18 inch in diameter;
- 2. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- 3. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
- 4. An antique firearm (other than a machine gun) which, although designed as a weapon, the Department of Law Enforcement finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

Firearm ammunition means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding however:

- 1. Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- 2. Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

§ Sec. 9.28.070 Firearms and ammunition; requisites for acquisition or possession; exempt persons or entities.

A. No person may acquire or possess any firearm or any firearm ammunition within this city, without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement under the provisions of the Firearm Owners Identification Card Act (430 ILCS 65/0.01 et seq.).

B. The provisions of this section regarding the possession of firearms and firearm ammunition do not apply to:

- 1. United States Marshals, while engaged in the operation of their official duties;
- 2. Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;
- 3. Federal officials required to carry firearms, while engaged in the operation of their official duties;
- 4. Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;
- 5. Members of bona fide veterans organizations which receive firearms directly from the Armed Forces of the United States, while using such firearms for ceremonial purposes with blank ammunition;
- 6. Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;
- 7. Nonresidents while on a firing or shooting range recognized by the Department of Law Enforcement; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

8. Nonresidents, while at a firearm showing or display recognized by the Department of Law Enforcement; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;
9. Nonresidents, whose firearms are unloaded and enclosed in a case; and
10. Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and
11. Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

Cook County Code of Ordinances

Current through Ordinance No. 18-4461, enacted July 25, 2018. (Supp. No. 41)

Part I. General Ordinances

Chapter 54. Licenses, Permits and Miscellaneous Business Regulations

Article III. Deadly Weapons Dealers

Division 1. Generally

§ Sec. 54-91 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:

Antique firearm means:

- (1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and
- (2) Any replica of any firearm described in Subsection (1) of this definition if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Department of Revenue or Department means the Cook County Department of Revenue.

Director means the Director of the Cook County Department of Revenue.

Engaged in the business means a person who devotes time, attention and labor to selling or otherwise dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of such personal collection of firearms.

Firearm means any pistol, revolver, rifle, shotgun, machine gun, assault weapon or other device that fits within the definition of "firearm" contained in the Illinois Firearm Owners Identification Card Act (430 ILCS 65/1.1 et seq.).

Gun shop means the premises where any Federally licensed firearms dealer, excluding any person licensed solely as a collector pursuant to 18 U.S.C. 923(b), engages in the business of selling, bartering or otherwise transferring firearms.

Gun show means any bona fide showing, display or exhibition of firearms conducted for a temporary time period at a temporary location and sponsored by a national, State, or local organization, or any affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms.

Handgun means any pistol, revolver, or any other firearm capable of being concealed upon an individual.

Public park means any land or buildings set apart for public recreation and owned by any unit of government and any land owned by the Forest Preserve District of Cook County.

Relative means a son, daughter, mother, father, sister or brother.

School means any public or private elementary or secondary school, community college, college or university.

State's Attorney means the State's Attorney of Cook County or designee.

§ Sec. 54-92 Applicability.

(a) This article shall control the licensing of all firearms dealers within Cook County except in home rule municipalities which have a separate municipal ordinance specifically regulating the licensing of firearms dealers.

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

§ Sec. 54-93 Penalties.

(a) Any person violating or failing to comply with any of the provisions of this article shall be subject to immediate forfeiture of the person's County deadly weapons dealer license and/or a fine of not less than \$500.00 and not more than \$5,000.00 for each violation in addition to any other fines or penalties applicable from any Federal, State or local laws or ordinances. Upon receiving information of a violation, the Director of the Department of Revenue may enter an order providing for the license forfeiture and/or the amount of any applicable fines and stating briefly the grounds for such forfeiture and/or fines. Any person wishing to appeal a decision requiring a forfeiture or fine shall do so pursuant to the provisions of Section 54-157.

(b) If any fine is imposed pursuant to this section, such fine shall constitute a debt due and owing to the County. If the fine is not paid within 30 days after the expiration of the time within which judicial or administrative review of the adverse determination may be sought, or within 30 days after an action seeking review has been resolved in favor of the County, the Director of the Department of Revenue or the State's Attorney may seek to obtain judgment on the debt and enforce such judgment against the person fined.

(c) The Director of the Department of Revenue or the State's Attorney may seek an order to restrain violations and/or enjoin future operations of any person in possession of a County deadly weapons dealer license or a gun show permit who violates any provision of this article or any law or regulation relating to the sale or transfer of firearms or other deadly weapons.

(d) The sale of firearms in violation of this article is punishable by up to six months' imprisonment and/or fine as provided in this section, in addition to any other applicable fines or penalties. Each sale or act in violation of this article shall constitute a separate and distinct violation.

Division 2. Deadly Weapons Dealer License and Gun Show Permits Subdivision I. In General

§ Sec. 54-121 Gun shop employee background checks.

Before any person may be hired as an employee at a gun shop licensed under this article, the holder of that license shall perform a background check to determine whether the potential employee possesses the requisite character and fitness to deal in firearms unless the licensee employs 25 or more individuals in which case, the licensee need only perform a background check on those employees that will be involved in the transfer, sale, handling, assembly, shipping, packing, receiving, display or demonstration of firearms or ammunition in the gunshop, or who could obtain access to firearms or ammunition in the gun shop. No deadly weapons dealer licensee with fewer than 25 employees may employ a person to work in the gun shop licensed under this article, and no licensee with 25 or more employees may allow an employee to be involved in the transfer, sale, handling, assembly, shipping, packing, receiving, display or demonstration of firearms or ammunition in the gunshop, if the licensee knows or reasonably should know that person could not qualify to obtain legally an Illinois firearm owner's identification card, or if the licensee is otherwise in possession of information that would lead a reasonable person to conclude that the potential employee does not possess the requisite character and fitness to deal in firearms.

Subdivision II. License and Permit

§ Sec. 54-151 License and permit required.

(a) It shall be unlawful for any person required to be licensed under Federal law to engage in the business of dealing in firearms, to engage in the business of dealing, selling, bartering, trading, or to give away or otherwise transfer, any firearm, without securing a County deadly weapons dealer license. A County deadly weapons dealer license shall be required in addition to any other license required by law.

(b) A County deadly weapons dealer license shall not be required by any person licensed solely as a collector pursuant to 18 U.S.C. 923(b) and possessing only a Federal "collector's" license as defined in 27 CFR 478.

(c) A County deadly weapons dealer license shall not be required for a person conducting a bona fide gun show if the person obtains a County gun show permit prior to the commencement of the show.

(1) Application for a gun show permit must be made no later than 30 days prior to the date the show is to take place. Only those persons possessing a Federal firearms dealer license may apply for a gun show permit.

(2) No permit shall be issued unless the applicant presents sufficient evidence to the Department of Revenue demonstrating that the applicant has arranged to have appropriate security present throughout the duration of the gun show.

(3) No permit shall be issued unless the show has been reported to and recognized by the Illinois Department of State Police.

(4) No more than three permits shall be issued to conduct a gun show at any single location during any six-month period.

(5) No more than three permits shall be issued to the same organization, group or affiliated organization during any six-month period.

(6) No permit shall be issued to conduct a gun show at any single location for any two consecutive weeks.

(7) No gun show may be held for more than three of any seven consecutive days.

§ Sec. 54-152 Application Process.

(a) The Director of the Department of Revenue shall promulgate reasonable rules and regulations necessary to carry out the duties, responsibilities and requirements imposed by this article; including, but not limited to, developing reasonable procedures consistent with existing practices of regulating persons conducting gun shows or engaged in the business of dealing in firearms.

(1) Any rules or regulations promulgated under this article shall be filed in the Department of Revenue's principal office and shall be made available for public inspection. Copies shall be made available upon request and payment of a reasonable fee as determined by the Department to cover the cost of providing the copy.

(2) In addition to any other rights provided by law, the Director may, with the assistance of any Federal, State or local law enforcement agency, enter the premises of any gunshop licensed under this article during business hours (including any places used by the gunshop for storage) for the purpose of inspecting or examining the inventory of ammunition or firearms, or the records or documents relating to the sale, acquisition, storage or transfer of ammunition or firearms at the gunshop, if such inspection is performed:

a. In the course of a reasonable inquiry relating to any civil, criminal or administrative action relating to this article brought by or against the licensee or persons other than the licensee; or

b. To ensure or compel compliance with the provisions of this article.

(3) Any inspections or examinations performed pursuant to this section shall be done in a reasonable manner designed to minimize, to the extent reasonably possible, any interference with the licensee's ability to conduct business.

(b) All applications for a deadly weapons dealer license or gun show permit under this article shall be made in writing to the Department of Revenue on a form provided for that purpose. In addition to any other information required by this article or by the Department of Revenue, each application for a license or permit shall include:

(1) The applicant's full name, any aliases by which the applicant has been known, a copy of the applicant's Federal firearms dealer's license, driver's license or State identification card and State of Illinois firearms owner's identification card, a full set of the applicant's fingerprints in digital format or a sample fingerprint in digital format that may be used to verify electronically the applicant's identity, or a statement under oath by the applicant that, to the best of the applicant's knowledge and belief, the equipment necessary to obtain such digital fingerprints was not available to gun dealers in the County at the time the application was submitted, the applicant's social security number and the address and telephone number where the applicant resides and proposes to conduct the gun show or engage in the business of dealing in firearms;

(2) If the applicant is a corporation, the corporate name, business, and principal place of business of the applicant; the date and state of incorporation; and the names and residence addresses of the corporate officers and directors, the names and addresses of all individuals that own ten percent or more of the stock in the corporation, its registered agent and a list of all affiliated corporations noting whether any are engaged in the business of dealing in firearms;

(3) If the applicant is a partnership, the name, business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners, noting whether any are engaged in the business of dealing in firearms; and the name, address and telephone number of a person authorized to receive notices issued pursuant to this article;

(4) Every person applying for a deadly weapons dealer license must submit a list of the names and addresses of all individuals whom the applicant employed at the licensed gun shop over the 12 months prior to the date of application unless the licensee employs 25 or more individuals, in which case the licensee need only submit the names and addresses of those employees that were involved in the transfer, sale, handling, assembly, shipping, packing, receiving, display or demonstration of firearms or ammunition in the gunshop, or who could obtain access to firearms or ammunition in the gun shop. All applicants must also submit a statement attesting under oath to the fact that the applicant has complied with the employee background check provisions of Section 54-121;

(5) Every person applying for a deadly weapons dealer license must submit documentation demonstrating that, at the time the application is submitted, the applicant possesses a valid Federal firearms dealer's license issued to an address within the County along with a written statement stating, under oath, whether or not the applicant, or, to the best of the applicant's knowledge and belief, the applicant's spouse or relative, has ever owned ten percent or more

in, been a partner in or served as a corporate officer or director of, any entity that has had a Federal, State or local firearms dealer license suspended or revoked at any time for any reason; and

(6) A response given under oath by the applicant affirming or denying each Section 54-181(4)b. In the case of a corporation, a separate response shall be submitted by each of the corporate applicant's officers, directors and all individuals owning ten percent or more of the stock in the corporation. In the case of a partnership, a separate response shall be submitted by each partner.

(c) Upon receiving any application for a deadly weapons dealer license or gun show permit, the Department of Revenue shall request the State's Attorney to verify the information contained in the application and to issue a legal opinion as to whether or not the person qualifies for a deadly weapons dealer license or gun show permit. The Department of Revenue shall use its best efforts to approve or deny all applications for a deadly weapons dealer license or a gun show permit within 30 days after receiving all information required by this section.

(d) The Department of Revenue shall deny an application for a County deadly weapons dealer license to any person who, at the time the application is made, does not possess a valid Federal firearm dealer license, an Illinois firearms owner's identification card and a valid County issued firearms dealer's license or deadly weapons dealer license for a gun shop located at the same location for which the license is sought, unless the application is made in conjunction with the sale, transfer or relocation of an existing County licensed gun shop pursuant to the provisions of Section 54-155.

(e) The Department of Revenue shall deny an application for a deadly weapons dealer license or gun show permit to any person who has been convicted of any felony in any jurisdiction and may deny an application for a deadly weapons dealer license or gun show permit to any person who fails to answer affirmatively to each Section 54-181(4)b, or who has been found in violation of any Federal, State or local law or ordinance relating to the sale, transfer or use of firearms or any other deadly weapon described in Section 24-1 of the Illinois Criminal Code of 1961, 720 ILCS 5/24-1 (unlawful use of weapons) or if the applicant, or the applicant's spouse or relative, has ever served as a corporate officer or director of, or owned percent or more of the stock in, or been a partner of, any entity that has had a Federal, State or local firearms dealer license suspended or revoked at any time for any reason.

(f) The Department of Revenue may deny an application for a deadly weapons dealer license or gun show permit to any person who fails to provide the information required by, or is otherwise not in compliance with any provisions of, this article or any other applicable law or regulation relating to the sale or transfer of firearms.

§ Sec. 54-153 License and gun show permit fee.

(a) The annual fee for a deadly weapons dealer license shall be as set out in Section 32-1 which amount shall be paid each year on or before the anniversary of the issuance of the license.

(b) The fee for a gun show permit shall be set out in Section 32-1.

(c) Any person licensed under this article who purchases electronic equipment, such as Livescan or similar equipment, that is used by the licensee to verify, electronically, the identity of every person seeking to purchase a firearm from that licensee either through the submission of digital fingerprints, digital photographs or other digital or electronic means, shall be entitled to deduct the original cost of such equipment (up to a maximum of \$500.00) during each year that such equipment is in use.

§ Sec. 54-154 Limitation on concentration.

(a) No deadly weapons dealer license may be issued to any person seeking a license to operate a gun shop in the County which will be located within five miles of any other gun shop within or outside of the County as measured from the property lines of the respective properties.

(b) No deadly weapons dealer license may be issued to any person seeking a license to operate a gun shop in the County which will be located within one mile of any public or private school or public park as measured from the property lines of the respective properties.

(c) The provisions of Subsections (a) and (b) of this section shall not apply if the current or former owner of the gun shop for which the deadly weapons dealer license is sought possessed a County firearms dealer's license or deadly weapons dealer license to operate a gun shop at the same location for which the current license is sought, for the year prior to the year in which the current license is sought.

(d) Any gun shop owner that is in possession of a valid County firearms dealer's license or deadly weapons dealer license may file a written petition with the Director of the Department of Revenue requesting that the owner be granted an exception to Subsections (a) and/or (b) of this section, but in no event may the Director grant any exception that would allow any gun shop to be located less than 0.25 mile from any public or private school or public park as measured from the property lines of the respective properties.

(1) The petition shall include: a statement by the applicant asserting why the applicant believes an exception to these subsections is necessary and why, if granted, it would not endanger the health, safety or welfare of the community;

evidence, including photographic or other visual evidence, depicting the area where the applicant proposes operating the gun shop, which evidence shall include graphic depictions identifying the location of all parks and schools that are less than one mile away and all gun shops that are less than five miles away from the proposed location; a statement by the applicant regarding any special precautions or efforts the applicant will make to ensure that the health safety and welfare of the community would not be endangered should the exception be granted; and any other evidence or arguments that the applicant believes support the applicant's request for an exception.

(2) Within 14 days after receiving the petition for an exception, the Director may request the applicant to submit additional information, or respond to additional questions the Director deems necessary to render a decision. Upon receiving all information requested, the Director shall review the petition and all evidence submitted and issue a decision granting or denying the request within 30 days from the date all requested information was received.

(3) If a person wishes to appeal the decision of the Director denying the request for an exception under this section, that person shall seek appeal pursuant to the provisions of Section 54-157.

§ Sec. 54-155 Nontransferability.

No license issued under this article may be transferred or assigned to any other person or to any other location unless the Department of Revenue first reviews and approves of the transfer or assignment following the submission of a new application pursuant to the standards and provisions of Section 54-152.

§ Sec. 54-156 Revocation of license.

(a) The deadly weapons dealer license shall be considered immediately and automatically revoked at the time any of the following occurs, and any firearm transfers by the licensee after any of the following occurs shall be considered a violation of this article:

(1) The licensee transfers a firearm to any person whom the licensee knows, or reasonably should know, is acquiring the firearm, not for the person's own use, but for the purpose of transferring it to another who could not legally obtain the firearm (commonly known as a straw purchaser).

(2) The licensee is convicted of any felony in this or any other jurisdiction;

(3) The licensee's Federal firearms dealer's license or State firearm owner's identification card is revoked or expires.

(b) The Department of Revenue may revoke the deadly weapons dealer license if:

(1) The licensee or any related person is found to be in violation of any Federal, State or local law or regulation relating to the sale, transfer or use of firearms or any other deadly weapon described in 720 ILCS 5/24-1 (unlawful use of weapons), or;

(2) The licensee fails to comply with any provision of this article.

§ Sec. 54-157 Appeal of revocation or denial.

(a) Any person wishing to appeal the denial or revocation of any deadly weapons dealer license, the denial of a request for an exception to Section 54-156 or the denial of a request for the transfer of a firearm, must, within 28 days of the date on which the person receives notice by certified mail of the denial or revocation, serve the Director of the Department of Revenue with written notification of the person's request for appeal by certified mail, return receipt requested, with a brief statement of the grounds for the appeal. After receiving the request, the Director shall refer the request to the Cook County Department of Administrative Hearings for an administrative law officer or administrative law judge to be appointed to conduct the hearing. The hearing shall be held within 30 days of receipt of the request unless continued at the request of, or as a result of delays occasioned by, the appellant. The hearing officer, or administrative law officer or administrative law judge, is authorized to conduct hearings concerning any matter covered by this article and may determine factual and legal matters raised by the parties to the hearing. However, the hearing officer, or administrative law officer or administrative law judge, shall not hear or decide any claim that this article is unconstitutional on its face or that the County Board did not have the authority to enact the ordinance from which this article is derived.

(b) The hearing officer, or administrative law officer or administrative law judge, may:

(1) Examine any books, papers, records, memoranda or other evidence bearing upon the business, activities or criminal or mental health background of the appellant;

(2) Request the Circuit Court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;

(3) Request the Circuit Court to issue subpoenas duces tecum for the production of books, records, papers, memoranda or other documents or evidence;

(4) Administer oaths;

(5) Take testimony;

(6) Make rulings as to the admissibility of evidence; and

(7) Take any other action as may be required for the expeditious conduct of the hearing.

(8) Nothing in this article shall limit the powers and duties of the hearing officers, or administrative law officer or administrative law judge, as authorized by Chapter 2, Article IX of the Cook County Code.

(c) The hearing officer, or administrative law officer or administrative law judge, is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer, or administrative law officer or administrative law judge, or final decision of the hearing officers, or administrative law officer or administrative law judge.

(d) The Department's books, papers, records and memoranda or parts thereof may be proved in any hearing or legal proceeding by the original documents or by reproduced copy under the certificate of the Director. Without further proof, the original documents or reproduced copy shall be admissible into evidence before the Department.

(e) If the Circuit Court issues a subpoena duces tecum, the following rules shall apply:

(1) Service shall be made as provided by the Civil Practice Law, (735 ILCS 5/2-201 et seq.);

(2) Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the Circuit Court of Cook County and shall be paid after the witness is excused from further attendance;

(3) When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer, or administrative law officer or administrative law judge, may require that party to bear the cost of services and witness fees. The hearing officer, or administrative law officer or administrative law judge, may require a deposit to cover the cost of service and witness fees.

(f) Any party to a hearing may apply to any judge of the Circuit Court of this State for enforcement of any subpoena or subpoena duces tecum issued by a hearing officer, or administrative law officer or administrative law judge, holding a hearing authorized by this article.

(g) At any hearing held under this article, the Director's initial decision to deny or revoke a license or exception to any provision of this article shall be prima facie correct and the person contesting the decision shall have the burden of proving with books, records, documents and other evidence that it is incorrect.

(h) At the conclusion of the hearing, the hearing officers, or administrative law officer or administrative law judge, shall make a final determination. The Director shall give written notification to the licensee of the hearing officers, or administrative law officer or administrative law judge's decision and a brief recitation of the reasons for such decision.

(i) A person seeking judicial review of the hearing officers, or administrative law officer or administrative law judge's final decision shall do so in the Circuit Court of Cook County and shall bear the cost of certification. If the protesting party prevails on appeal, the Department shall reimburse that party for the cost of certification.

(j) Items constituting the record may include notices and demands; the initial decision; the written protest and petition for hearing; all relevant pleadings, briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing; the final decision of the hearing officer, or administrative law officer or administrative law judge.

(k) If the appellant fails to appear at the hearing, the Department of Revenue may enter a default order in favor of the County requiring payment to the County of an administrative penalty which amount shall be not less than \$100.00 and not more than \$500.00 to cover fees and costs incurred by the County in connection with the administrative proceedings. If the hearing officer, or administrative law officer or administrative law judge, finds that the license exception or firearm transfer was improperly denied or revoked, the Department of Revenue shall immediately issue a license, grant the exception or approve the transfer.

Division 3. Firearm Transfer Vigilance Procedures and Firearm Safety

§ Sec. 54-181 Pretransfer fitness verification process.

Before transferring possession of any firearm pursuant to a sale, barter, gift, trade or other transfer within the County, any person possessing a County deadly weapons dealer license, or conducting a gun show pursuant to a permit obtained under this article, in addition to any other information required by law, for each firearm sought to be transferred, must submit to the Director of the Department of Revenue by delivery or by certified mail, return receipt requested, or by such other process approved by the Director:

(1) A written report containing the name, address, telephone number, social security number, and age of the person to whom the licensee or permit holder proposes transferring the firearm (hereafter, the "purchaser"), the date on which the purchaser applied for, solicited or requested the transfer, the type, model and a description of the firearm, the manufacturer of the firearm, the price of the firearm, the serial number of the firearm, the purchaser's State driver's license number or State issued identification card number, copies of all State and Federal forms prepared in

connection with the transaction, and if the purchaser is a resident of the State a photocopy of the purchaser's firearm owner's identification card;

(2) An electronic sample of the purchaser's fingerprints or documentation stating that an electronic sample of the purchaser's fingerprints has been submitted for analysis to the State Police or such other agency as designated by the Department of Revenue or a statement, signed and sworn to under oath by the purchaser and the licensee attesting under oath to the fact that, to the best of their knowledge and belief, at the time the purchase was sought the equipment necessary to submit an electronic sample of the purchaser's fingerprints was not available to gun buyers and dealers in the County;

(3) A signed statement by the purchaser authorizing the State's Attorney's Office to conduct:

a. A search and review of all criminal history record information files to obtain information regarding any criminal matter relating to the purchaser from this and any other jurisdiction and from the Federal Bureau of Investigation; and

b. A search and review of the files of the State Department of Human Services, the the County Bureau of Health Services and all private hospitals for the sole purpose of determining whether the purchaser is or was a patient in a mental health institution and thus disqualified from purchasing a firearm because of that status. No mental health care or treatment records may be requested. Nothing in this section shall be interpreted as allowing the State's Attorney's Office to access confidential medical or mental health records protected from disclosure by State or Federal law. Any mental health information disclosed under this subsection shall remain privileged and confidential, and shall be used for investigative purposes only and shall not be publicly disseminated.

1. All mental health information obtained under this subsection in connection with a firearm purchase request which:

- i.** Is approved by the Department of Revenue shall be destroyed within five years of receipt;
- ii.** Is denied by the Department of Revenue shall be retained for a period of not less than 20 years after the date of the denial.

2. All criminal history record information files obtained under this subsection in connection with a firearm purchase request which:

- i.** Is approved by the Department of Revenue shall be retained for a period of not less than five years after the date of approval;
- ii.** Is denied by the Department of Revenue shall be retained for a period of not less than 20 years after the date of the denial; and

(4) A statement, signed and sworn to by the purchaser, attesting under penalty of perjury to the fact that:

a. The purchaser is a peace officer, a law enforcement officer, a member of the Armed Services or Reserve Forces of the United States, a member of the Illinois National Guard, a federal official required to carry a firearm, a United States Marshal, or a person authorized to carry a firearm under the provisions of the Private Detective, Private Alarm, Private Security and Locksmith Act (225 ILCS 447/5-5 et seq.), and employed regularly as a private security contractor, private detective, private alarm contractor or security guard and is legally authorized to possess a firearm of the type sought to be purchased under State and Federal law; or,

b. The purchaser:

- 1.** Is 21 years of age or over;
- 2.** Has never been convicted of a felony under the laws of this or any other jurisdiction;
- 3.** Is neither an alcoholic nor addicted to narcotics;
- 4.** Has not been a patient in a mental institution within the past five years;
- 5.** Is not mentally retarded or mentally ill;
- 6.** Is not an alien who is unlawfully present in the United States under the laws of the United States;
- 7.** Has never been subject to an order of protection prohibiting the purchaser from possessing a firearm, or restricting the purchaser's access to or contact with any other person;
- 8.** Has not been convicted within the past five years of battery, assault, misdemeanor aggravated assault, or any offense that is substantially similar to any of these offenses in this or any other jurisdiction in which a firearm was used or possessed;
- 9.** Has not been convicted within the past five years of domestic battery or a substantially similar offense in this or any other jurisdiction;

10. Has no criminal charges pending against him in any jurisdiction other than misdemeanor charges relating to an offense that does not involve bodily harm, death or the use or possession of a firearm;

11. Has not purchased or otherwise obtained a firearm within the past 30 days; and

12. Has never been prohibited from acquiring or possessing a firearm by any Federal, State or local law, law enforcement agency, branch of Federal or State military or by order of any court in this or any other jurisdiction.

(5) Upon receiving the information required by this section, the Department of Revenue shall request the State's Attorney to conduct a good faith search of available records to verify said information and to issue a legal opinion to the Department of Revenue approving or denying the transfer of the firearm to the purchaser. It shall be unlawful for a person possessing the deadly weapons dealer license or a gun show permit to transfer any firearm without first receiving written permission to transfer the firearm from the Department of Revenue. Upon receiving all information required by this section, the Department of Revenue shall use its best efforts to issue a decision approving or denying the transfer within three business days of receipt. Any person wishing to appeal the denial of a request for a firearm transfer shall do so pursuant to the provisions of Section 54-157.

(6) The provisions of Subsections (2) and (5) of this section shall have an effective date of July 1, 2000, or such other date as may be specified by the County Board.

§ Sec. 54-182 Mandatory pre-verification prohibition on transfer to certain individuals.

No person possessing a County deadly weapons dealer license or gun show permit may sell or otherwise transfer any firearm to any person who fails to provide all information required by Section 54-181. In no event may a person possessing a gun show permit or licensed under this article transfer a firearm to any person who fails to verify, on the form provided by the Department of Revenue for this purpose, that either Section 54-181(4)a is true, or that Section 54-181(4)b.1, 9 is true.

§ Sec. 54-183 One gun per month limitation.

No person possessing a County deadly weapons dealer license or gun show permit may transfer a firearm to any person if the licensee or permit holder knows or reasonably should know that the person requesting the firearm has previously purchased or otherwise obtained a firearm within 30 days prior to the date on which the purchase or transfer is sought. However, this section shall not apply to the transfer of a firearm to any of the following:

(1) Peace officer;

(2) Law enforcement officer;

(3) Member of the Armed Services or Reserve Forces of the United States;

(4) Member of the Illinois National Guard;

(5) Federal official required to carry a firearm;

(6) United States Marshal;

(7) Person licensed under Federal law to sell firearms and actually engaged in the business of selling firearms;

(8) Licensed collector of firearms with respect to the purchase of antique firearms only; or

(9) Any person authorized to carry a firearm under the provisions of the Private Detective, Private Alarm, and Private Security Act and Locksmith Act (225 ILCS 447/5-5 et seq.), and employed regularly and licensed as a private security contractor, private detective, private alarm contractor or security guard. This exception shall only be granted if the person seeking to invoke this exception presents sufficient evidence demonstrating that such person qualifies as an individual to whom this exception applies and signs a statement under oath attesting to the fact that the firearm sought to be transferred is necessary for the person to be able to fulfill official or professional duties.

§ Sec. 54-184 Prohibition against sale of firearms without safety devices.

It shall be unlawful for any person possessing a County deadly weapons dealer license or gun show permit to transfer any firearm which does not contain a safety mechanism, such as a trigger lock, cable lock, combination handle lock or solenoid use-limitation device, that substantially hinders the use of the firearm by children under the age of 17 or other unauthorized users. This provision shall not apply to the transfer of antique firearms for which no safety device is available.

§ Sec. 54-185 Background check fee.

(a) Except as specified in Subsection (c) of this section, every person seeking to obtain a firearm from a person possessing a County deadly weapons dealer license or County gun show permit shall pay a fee as set out in Section 32-

1, which fee shall be used to offset the costs of conducting a fingerprint and background check to verify the information required to be provided by Section 54-181.

(b) The provisions of this Section 54-181 shall have an effective date of July 1, 2000, or such other date as may be specified by the County Board.

(c) The payment of the fee specified in Subsection (a) of this section shall not be required if the Department of Revenue, the State's Attorney's Office or the State Police should acquire and make available to gun shops or gun shows regulated by this article, technology that enables the identity of firearms purchasers to be verified electronically by the Department of Revenue, the State's Attorney's Office or the State Police, through the submission of digital photographs, single fingerprint samples or other electronic means. In that case, the fees shall be limited to the amount actually incurred in utilizing this technology.

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. 54-210 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;

(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)** 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)** AR-10;
- (iii)** AR-15, Bushmaster XM15, Bushmaster Carbon 15, Bushmaster ACR, Bushmaster MOE series, Armalite M15, Armalite M15-T and Olympic Arms PCR;
- (iv)** AR70;
- (v)** Calico Liberty;
- (vi)** Dragunov SVD Sniper Rifle or Dragunov SVU;
- (vii)** Fabrique National FN/FAL, FN/LAR, or FNC;
- (viii)** Hi-Point Carbine;
- (ix)** HK-91, HK-93, HK-94, HK-USC and HK-PSG-1;
- (x)** Kel-Tec Sub Rifle, Kel-Tec Sub-2000, SU-16, and RFB;
- (xi)** Saiga;
- (xii)** SAR-8, SAR-4800;
- (xiii)** KS with detachable magazine;
- (xiv)** SLG 95;
- (xv)** SLR 95 or 96;
- (xvi)** Steyr AUG;
- (xvii)** Sturm, Ruger Mini-14, and Sturm, Ruger & Co. SR556;
- (xviii)** Tavor;
- (xix)** 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;
- (xx)** Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz)
- (xxi)** Barret REC7, Barrett M82A1, Barrett M107A1;
- (xxii)** Colt Match Target Rifles;
- (xxiii)** Double Star AR Rifles;
- (xxiv)** DPMS Tactical Rifles;
- (xxv)** Heckler & Koch MR556;
- (xxvi)** Remington R-15 Rifles;
- (xxvii)** Rock River Arms LAR-15;
- (xxviii)** Sig Sauer SIG516 Rifles, SIG AMT, SIG PE 57, Sig Saucer SG 550, and Sig Saucer SG 551;
- (xxix)** Smith & Wesson M&P15;
- (xxx)** Stag Arms AR;
- (xxxi)** Baretta CX4 Storm;
- (xxxii)** CETME Sporter;
- (xxxiii)** Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C;
- (xxxiv)** Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000;
- (xxxv)** Feather Industries AT-9;
- (xxxvi)** Galil Model AR and Model ARM;
- (xxxvii)** Springfield Armory SAR-48;
- (xxxviii)** Steyr AUG;
- (xxxix)** UMAREX UZI Rifle;
- (xl)** UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine;
- (xli)** Valmet M62S, M71S, and M78;
- (xlii)** Vector Arms UZI Type;
- (xliii)** Weaver Arms Nighthawk; and
- (xliv)** Wilkinson Arms Linda Carbine

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

- (i)** 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.
- (ii)** 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;

- (iii) Calico Liberty handguns;
- (iv) DSA SA58 PKP FAL handgun;
- (v) Encom MP-9 and MP-45;
- (vi) Heckler & Koch model SP-89 handgun;
- (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9 and TEC-DC9;
- (viii) Kel-Tec PLR 16 handgun;
- (ix) MAC-IO, MAC-11, Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol, MPA 3 and MPA Mini Tactical Pistol;
- (x) Military Armament Corp. Ingram M-11 and Velocity Arms VMAC;
- (xi) Sig Sauer P556 handgun;
- (xii) Sites Spectre;
- (xiii) All Thompson types, including the Thompson TA510D and Thompson TA5;
- (xiv) Olympic Arms OA;
- (xv) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; and
- (xvi) All UZI types, including Micro-UZI.

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

- (i) Armscor 30 BG;
- (ii) SPAS 12 or LAW 12;
- (iii) Striker 12;
- (iv) Streetsweeper;
- (v) 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 tube-like 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 four 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 person 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 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 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

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

§ Sec. 58-82 Violation; penalty.

(a) Any person found in violation of this division shall be fined 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. Any subsequent violation of this division shall be punishable by a fine of not less than \$10,000.00 and not more than \$15,000.00 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.

Chapter 58. Offenses and Miscellaneous Provisions

Article III. Offenses Involving Public Safety

Division 1. Generally

§ Sec. 58-82 Firearms and explosives.

(a) Definitions.

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

Destructive devices means and includes the following: any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles.

Firearms means and includes the following: any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device; or any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed-off shotgun, or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered, has an overall length of less than 26 inches, or a barrel length of less than 18 inches.

(b) Selling, manufacturing, purchasing, carrying, etc. It shall be unlawful for any person knowingly to: sell, manufacture, purchase, possess or carry any weapon from which more than one shot or bullet may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed-off shotgun, or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon as modified or altered, has an overall length of less than 26 inches, or a barrel length of less than 18 inches or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles.

(c) Exceptions. Subsection (b) of this section does not apply to or affect any of the following:

(1) Peace officers;

(2) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty;

(3) Manufacture, transportation, or sale of machine guns to persons authorized under Subsections (1) and (2) of this section to possess machine guns, if the machine guns are broken down in a nonfunctioning state or not immediately accessible.

(d) Penalty for violation. A person convicted of a violation of Subsection (b) of this section shall be punished by a fine not to exceed \$500.00 or a term of imprisonment for less than six months, or both.

Crete Code of Ordinances

Current through Ordinance No. 2014-16, adopted July 1, 2014. (Supp. No. 4)

Chapter 13. Miscellaneous Provision and Offenses

§ Sec. 13-29 Unlawful possession of weapon on school grounds by persons under 21 years of age.

(a) A person commits the offense of unlawful possession of a weapon on school grounds when he or she, while under the age of 21 years:

(3) Carries or possesses any firearm ammunition or cartridge; or

(b) Defined terms. For the purposes of this section:

Firearm ammunition or **cartridge** means a tubular metal or plastic case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

Person means any person under the age of 21 years who is not an employee of the school where the act of carrying or possession occurs.

School grounds means the real or improved property of any public or private elementary or secondary school and any administration building or grounds regardless of the time of day or the time of year and any public way within 500 feet of said real property.

(c) Exemption. It is not a violation of subsection (a) for any enrolled student to utilize an object described in subsection (a)(1) while participating in shop class or any school authorized and supervised activity, e.g., homecoming float preparation, dance decoration, etc., if said object is approved by school officials. It is not a violation of subsection (a) for any person to utilize an object described in subsection (a)(1) while engaged in consuming foods in an authorized dining or eating area at a school authorized time if said object is approved by school officials. It is not a violation of subsection (a) for any enrolled student or enrolled student from another school to utilize authorized sporting equipment while engaged in school sponsored or authorized sport activities.

(d) If any person has previously been convicted of a felony or an unlawful use of weapon charge under any state statute and is in violation of both this section and 720 ILCS Article 24, Deadly Weapons, said person shall be charged under the applicable state statute.

East St. Louis Code of Ordinances

Current through Ordinance No. 14-10034, enacted June 12, 2014. (Supp. No. 2)

Chapter 82. Offenses and Miscellaneous Provisions

Article II. Possession and Transfer of Firearms and Weapons

Division 1. Generally

§ Sec. 82-51 Definitions.

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

Dangerous weapon means ..., or any weapon from which eight or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes referred to as a "sawed-off shotgun," or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered, has an overall length of less than 26 inches, or a barrel length of less than 18 inches, or any bomb, bomb shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for purposes such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles.

Dealer means any person engaged in the business of:

(1) Selling or renting firearms, handguns or other dangerous weapons at wholesale or retail;

(2) Manufacturing firearms, handguns or other dangerous weapons;

(3) Repairing firearms, handguns or other dangerous weapons; or

(4) Making or fitting special barrels or trigger mechanisms to firearms or other dangerous weapons.

Firearm means any device, by whatever name known, which is designed to expel a projectile by the action of an explosion, expansion of gas or escape of gas, excluding any:

- (1) Pneumatic gun, spring gun or BB gun which expels a single globular projectile not exceeding 0.18 inch in diameter.
- (2) Device used exclusively for signaling or safety, and required or recommended by the United States Coast Guard or National Surface Transportation Board.
- (3) Device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.
- (4) Antique firearm, other than a machine gun, which, although designed as a weapon, the state department of law enforcement finds, by reason of the state of its manufacture, value, design and other characteristics, is primarily a collector's item and is not likely to be used as a weapon.
- (5) Model rockets designed to propel a model vehicle in a vertical direction.

Gun club means a club or group organized for the purpose of practicing shooting targets upon established target ranges, whether public or private.

Handgun means any firearm which:

- (1) Is designed or redesigned, or made or remade, and is intended to be fired while in one hand;
- (2) Has a barrel of less than ten inches in length; or
- (3) Is of a size which may be concealed upon the person.

Licensed firearm collector means any person licensed as a collector by the Secretary of the United States Treasury under and by virtue of 18 USC 923.

Division 2. Possession and Transfer of Firearms and Weapons

§ Sec. 82-81 Possession or use of firearms, handguns or other dangerous weapons.

It shall be unlawful for any person to possess or carry in any vehicle, or about his person, except when such person is upon his land or in his own abode or fixed place of business, any firearm, handgun or other dangerous weapon while such person is within the corporate limits of the city.

§ Sec. 82-83 Exemptions.

The following persons are exempt from the provisions of sections 82-81 and 82-82:

- (1) Sworn city police officers or any person summoned by any such police officer to assist in making arrests or preserving the peace while such person is actually engaged in assisting such police officer.
- (2) Wardens, superintendents and keepers of prisons, jails and other detention facilities while in the performance of their official duties or while commuting between their respective homes and places of employment.
- (3) Members of the United States armed forces (active or reserve), state national guard or the Reserve Officer Training Corps, while in the performance of their official duties.
- (4) Special agents employed by the railroad to perform police functions and security guards and watchmen while engaged in the performance of their occupational duties or while commuting between their respective homes and places of employment.

§ Sec. 82-84 Limited exemption for possession and use of firearms and handguns.

The following persons are exempt from the prohibitions set forth in this division for the use of firearms and handguns:

- (1) Members of any gun club, provided the gun club has premises from which it operates and maintains possession and control of firearms or handguns used by its members, and has procedures and facilities for keeping such weapons in a safe place, under the control of the gun club's chief officer, at all times when such weapons are not being used for target shooting or other sporting or recreational purposes at such premises.
- (2) Any person transporting handguns from a gun club to another gun club, or transportation from a gun club within the corporate limits of the city to a gun club outside the corporate limits of the city; provided, however, that the transportation is for the purpose of engaging in competitive target shooting or permanently keeping such firearms or handguns at the new gun club and, provided, further, that at all times during such transportation, such firearms or handguns shall have trigger locks securely fasten to each firearm or handgun.
- (3) Any person transporting handguns to persons authorized under this division to possess handguns, if the handguns are broken down in a nonfunctioning state or not immediately accessible.

§ Sec. 82-85 Use of spring guns; possession of silencers.

It shall be unlawful to set a spring gun, or to possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

§ Sec. 82-86 Licenses required for sale of firearms, handguns or other dangerous weapons by dealer.

Dealers must have a current federal firearms license in addition to a city business license and must abide by all relevant federal and state gun laws concerning the sale of weapons, including, but not limited to, maintenance of all relevant records.

Division 3. Voluntary Delivery to Police

§ Sec. 82-111 Preclusion of arrest and prosecution.

If a person voluntarily and peaceably delivers and abandons to the police department of the city any firearm, handgun or other dangerous weapon, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this article with respect to the weapon voluntarily delivered.

§ Sec. 82-112 Place of delivery.

Delivery under this division may be made at the headquarters of the police department or by summoning a police officer to the residence or place of business of the person summoning the police officer.

§ Sec. 82-113 Delivery requirements.

Every firearm or handgun to be delivered and abandoned to the police department under this division shall be unloaded and securely wrapped in a package, and in the case of the delivery to the police headquarters, the package shall be carried in open view.

§ Sec. 82-114 Furnishing information; compensation.

(a) No person who delivers and abandons a firearm, handgun or other dangerous weapon under this division shall be required to furnish identification, photographs, fingerprints or any other information to the police department at the time of such delivery.

(b) No amount of money or other compensation shall be paid for any firearm, handgun or other dangerous weapon delivered or abandoned under this division.

§ Sec. 82-115 Police inquiry regarding abandoned weapons.

Whenever any firearm, handgun or other dangerous weapon is delivered or abandoned under this division, the police department shall inquire of all law enforcement agencies whether such firearm, handgun or other dangerous weapon is needed as evidence, and if such firearm, handgun or other dangerous weapon is not needed as evidence, it shall be destroyed.

Division 4. Construction and Penalty

§ Sec. 82-141 Construction.

(a) Nothing in this article shall be construed or applied to necessarily acquire or excuse noncompliance with any provision of the laws of the state or United States.

(b) This article and the penalties prescribed for the violation of this article shall not supersede, but shall supplement, all state and federal laws in which similar conduct is prohibited or regulated.

§ Sec. 82-142 Penalties for violations of article.

(a) Any person violating a provision of this article shall be guilty of a misdemeanor and shall be fined \$500.00 or incarcerated for a period of not more than six months for each offense, or both such fine and incarceration.

(b) Each day that any person violates any term or provision of this article shall constitute a separate offense for which the penalties as stated in this section shall be imposed.

(c) Upon conviction of a violation of the terms and provisions of this article, any firearm, handgun or other dangerous weapon shall be confiscated by the trial court, and when such firearm, handgun or other dangerous weapon is no longer needed for evidentiary purposes, the court shall transfer such firearm, handgun or other dangerous weapon to the police department, which shall destroy the firearm, handgun or other dangerous weapon.

Elmhurst Code of Ordinances

Current through Ordinance No. 15-2018, passed May 21, 2018. (Supp. No 39, 8-18)

Chapter 51. Offenses Against Public Peace, Safety and Morals

§ Sec. 51.19 Firearms to Minors.

No person shall sell, loan or furnish to any minor, any gun, pistol or other firearm or any airgun or toy pistol on which percussion caps are used.

Evanston Code of Ordinances

Current through Ordinance No. 160-O-17, enacted January 8, 2018. (Supp. No 13)

Title 9. Public Safety

Chapter 8. Weapons

§ Sec. 9-8-1 Definitions.

Ammunition: Any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

- (A) Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required by the United States Coast Guard or the Interstate Commerce Commission; or
- (B) Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.
- (C) Any blank ammunition specifically designed to simulate gunfire without expelling a projectile where used for sporting or theatrical events.

Antique Handgun:

- (A) Any handgun (including any handgun with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured on or before 1898; and
- (B) Any replica of any handgun described in Subsection (A) of this definition if such replica is not designed or redesigned for using ammunition.

Assault Weapon:

- (A) A semiautomatic rifle shall mean and include a rifle with a detachable or fixed magazine with a capacity of fifteen (15) or more rounds.
- (B) A semiautomatic handgun shall mean and include a handgun with a detachable magazine and has one (1) or more of the following:
 - (1) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (2) A folding, telescoping or thumbhole stock;
 - (3) 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
 - (4) The capacity to accept a detachable magazine at some location outside of the pistol grip.
- (C) A semiautomatic shotgun with a detachable magazine with a capacity of six (6) or more rounds.
- (D) Any shotgun with a revolving cylinder.
- (E) Firearms which have been modified to be operable as an assault weapon as defined herein.
- (F) Short barreled rifles with a barrel length of less than sixteen (16) inches.

"Assault weapon" does not include any firearm that has been made permanently inoperable, is manually operated by bolt, pump, lever, or slide action, any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol which is designed to use black powder or a black powder substitute and which cannot use fixed ammunition, or satisfies the definition of "antique firearm," as defined in this Section.

Concealed Firearm: Any loaded or unloaded handgun carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle.

Curio or Relic Handguns: Any handgun which, as defined by 18 USC 921, as amended, by reason of its date of manufacture, value, design and/or other characteristics is primarily a collector's item and is not likely to be used as a weapon.

Detachable Magazine: Any ammunition feeding device, box, clip or drum, the function of which is to deliver one (1) 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.

Firearm: Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(A) Any pneumatic gun, spring gun, paintball gun, or BB gun which expels a single globular projectile not exceeding 0.18 inches in diameter which has a maximum muzzle velocity of less than seven hundred (700) feet per second or breakable paintballs containing washable marking colors.

(B) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.

(C) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(D) An antique firearm (other than a machine gun) which, although designed as a weapon, the Illinois State Police finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

(E) Model rockets designed to propel a model vehicle in a vertical position.

(F) Any stun gun or taser.

Firearm Dealer: Any person engaged in the business of sale or other transfer of firearms, handguns or ammunition at wholesale or retail including any person who is a pawnbroker.

Handgun: Any firearm which: a) is designed or redesigned or made or remade, and intended to be fired while held in one (1) hand; or b) having a barrel of less than ten (10) inches in length.

Licensed Firearm Collector: Any person licensed as a collector by the Secretary of the Treasury of the United States under and by virtue of Title 18, United States Code, Section 923.

Licensee: A person issued a license to carry a concealed firearm under the Illinois Firearm Concealed Carry Act, 430 ILCS 66/ et seq., as amended.

Muzzle Brake: A device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

Muzzle Compensator: A device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

Peace Officer: Any person who by virtue of his/her office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

Person: Any individual, corporation, company, association, firm, partnership, club, society, organization, or joint stock company.

Rifle: A firearm designed, made or retrofitted (1) to be fired from the shoulder or hip; and (2) uses the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger and shall include any such weapon which may be readily assembled, altered or restored to fire a fixed cartridge.

Sale or Other Transfer: Any sale, gift, exchange, loan, rental or other transfer of firearms, handguns or ammunition but not including any of the following:

(A) Acquisition of a handgun or ammunition or both as the executor, administrator or other legal representative of a decedent's estate; or

(B) Transfer of a handgun or ammunition or both by bequest or intestate succession; or

(C) Acquisition or transfer of a handgun or ammunition or both by a trustee in bankruptcy in the administration of a bankrupt's estate; or

(D) Return of a handgun or ammunition or both to a person, firm or corporation from whom it was received; or

(E) Transfer of a handgun or ammunition or both where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction; or

(F) Transfer of a handgun or ammunition or both to any federal, state or local government, or any department, agency, bureau, institution or commission thereof; or

(G) Transfer of a handgun or ammunition or both to a private museum, society, institution or other private organization which customarily acquires and holds handguns or ammunition as curios and relics or for scientific or research purposes; or to theatrical organizations providing a regular performance schedule to the public and utilizing said handguns or ammunition only pursuant to Subsection(B)1. of this Chapter.

Semi-Automatic: A firearm which fires a single projectile for each single pull of the trigger which automatically inserts the next round for firing into the firearm chamber using a magazine.

Shotgun: A firearm designed, made or retrofitted (1) to be fired from the shoulder or hip; and (2) uses the energy of the explosive in a fixed shotgun shell to fire a number of projectiles or a single projectile for each pull of the trigger and shall include any such weapon which may be readily assembled, altered or restored to fire a fixed shotgun shell.

§ Sec. 9-8-2 Carrying firearm or handgun; possession.

(B) Persons who do not possess a valid Illinois Firearm Concealed Carry Act license shall not possess any firearm or handgun in the City of Evanston if:

- (1)** He or she is under eighteen (18) years of age and said handgun is of a size which may be concealed upon the person; or
- (2)** He or she is under twenty-one (21) years of age and has been convicted of a felony or a misdemeanor other than a minor traffic offense or adjudged delinquent for a misdemeanor or felony; or
- (3)** He or she is addicted to, or habitually uses, a controlled substance; or
- (4)** He or she has been a voluntary or involuntary patient in a psychiatric facility within the past five (5) years; or
- (5)** He or she has been diagnosed with a mental illness or condition and, as a result of that illness or condition, may be prone to display aggressive, dangerous, or threatening behavior, or as a result of that illness or condition is unable to appreciate the responsibility inherent in handgun possession; or
- (6)** Does not have within his or her possession a valid Illinois Firearm Owner's Identification Card.

§ Sec. 9-8-3 Firearm dealers only permitted at licensed firearms range.

No person, firm or corporation shall engage in the business of a dealer in firearms or handguns or ammunition in the City, including exchange, loan, rental or other transfer for consideration, unless such dealer is located within a licensed firearms range. No such licensed firearms range shall be located in any district but an I1, I2, or I3 zoning district. Any such range shall only be licensed as a special use and shall not be located within three hundred fifty (350) feet of any R1, R2, R3 district, or within three hundred fifty (350) feet of any school, child daycare facility, or public park, as measured from lot line to lot line. This subsection shall not apply to the sale, exchange, or transfer of firearms, handguns, or ammunition by and between City of Evanston peace officers.

§ Sec. 9-8-7 Voluntary delivery to police department.

(A) If a person voluntarily and personally delivers and abandons to the Evanston Police Department any handgun, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this Chapter with respect to the handgun voluntarily delivered. Delivery under this Section shall be made by summoning a police officer. Every handgun to be delivered and abandoned to the Police Department under this Subsection shall be unloaded and in open view. No person who delivers and abandons a handgun under this Section shall be required to furnish identification, photographs or fingerprints. No amount of money shall be paid for any handgun delivered or abandoned under this Subsection.

(B) Whenever any handgun is surrendered under this Section, the Police Department shall determine whether such handgun is needed as evidence or warrants further investigation and if the same is not needed as evidence, it shall be destroyed.

§ Sec. 9-8-10 Construction.

Nothing in this Chapter shall be construed or applied to necessarily require or excuse noncompliance with any provision of the laws of the State of Illinois or to the laws of the United States. This Chapter and the penalties prescribed for violation hereof, shall not supersede, but shall supplement all statutes of the State of Illinois or of the United States in which similar conduct may be prohibited or regulated. § Sec. 9-8-13 Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of this Chapter and the applicability of such provision to any other persons not similarly situated or to other circumstances shall not be affected thereby.

§ Sec. 9-8-14 Assault weapons; sale and possession prohibited; exceptions.

(A) No person, in the City of Evanston, shall sell, offer or display for sale, give, lend, transfer ownership of, own, possess or carry any assault weapon. This subsection shall not apply to:

- (1)** The sale or transfer to, or possession by any peace officer, corrections officer, members of the armed forces of the United States; or the organized militia of this or any other state; to the extent that any such person is otherwise authorized to acquire or possess an assault weapon, and is acting within the scope of his/her duties;
- (2)** A gun collector, within the confines of his/her permanent residence, who pursuant to Title I of the Gun Control Act of 1968 and all regulations issued thereunder, is the holder of a nontransferable license by the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives.

(3) Transportation of assault weapons if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.

(B) Any person violating this Section shall be guilty of a misdemeanor and shall be fined not less than one thousand five hundred dollars (\$1,500.00) and/or incarcerated for up to six (6) months for each offense.

§ Sec. 9-8-15 Confiscation and disposition of assault weapons.

(A) Any assault weapon possessed, sold or transferred in violation of Section 9-8-14 is hereby declared to be contraband and shall be seized and disposed of. Whenever any assault weapon is surrendered or confiscated pursuant to this Section, the Evanston Police Department shall determine whether such assault weapon is needed as evidence or warrants further investigation and if the same is not needed as evidence, it shall be destroyed.

(B) A record of the date and method of destruction of the assault weapon so destroyed shall be maintained.

Ford Heights Code of Ordinances

Current through March 20, 2009.

Chapter 30. Offenses and Miscellaneous Provisions

Article XI. Weapons

§ Sec. 30-415 Definitions.

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

Ammunition means any self-contained cartridge, shot, bullet, projectile or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) Any ammunition, designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Antique firearm means:

(1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap or, similar type of ignition system) manufactured in or before 1898; and

(2) Any replica of any firearm described in subsection (1) of this definition, if such replica is not designed or redesigned for using ammunition.

Firearm means any device including, but not limited to, pistols, handguns, air guns, air rifles, air pistols or short barrel rifles, shotguns, rifles, pneumatic guns, spring guns, BB guns, pellet guns, machine guns, rockets and any other device by whatever name known, which is designed to expel a projectile by the action of an explosion, expansion of gas or escape of gas, excluding however:

(1) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(2) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(3) An antique firearm which, although designed as a weapon, the state department of law enforcement finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon; or

(4) Model rockets designed to propel a model vehicle in a vertical direction.

Minor means any individual under the age of 18 years.

Sell means any sale, gift, exchange, loan, rental or other transfer of firearms or ammunition or both, but does not include any of the following:

(1) Acquisition of a firearm or ammunition or both as the executor, administrator or other legal representative of a decedent's estate;

(2) Transfer of a firearm or ammunition or both by bequest or intestate succession;

(3) Acquisition or transfer of a firearm or ammunition or both by a trustee in bankruptcy in the administration of a bankrupt's estate;

(4) Return of a firearm or ammunition or both to a person from whom it was received;

- (5) Transfer of a firearm or ammunition, or both, where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction;
- (6) Transfer of a firearm or ammunition, or both, to any federal, state or local government, or any department, agency, bureau, institution or commission thereof;
- (7) Transfer of a firearm or ammunition, or both, to a private museum, society, institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes; or
- (8) Loan or rental of a firearm solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

Weapon means any firearm, knife, air rifles or pistols, slingshots, bows and arrows, spears or other devices used or intended to be used to cause damage, injury, or death to any person or animal.

§ Sec. 30-416 Unlawful use of weapons.

(a) A person, who is not authorized by law, commits the offense of unlawful use of weapons when he knowingly:

(7) Sells, manufactures, purchases, possesses or carries a machine gun. For purposes of this subsection, the term "machine gun" means any weapon, which shoots, is designed to shoot or can be readily restored to shoot automatically more than one shot, without manually reloading, by a single function of the trigger, including the frame or receiver of any such weapon; or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person, or any rifle having one or more barrels less than 16 inches in length, or a shotgun having one or more barrels less than 18 inches in length, or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles;

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this section, the term "**explosive bullet**" means the projectile portion of an ammunition cartridge that contains or carries an explosive charge that will explode upon contact with the flesh of a human or an animal. The term "**cartridge**" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

§ Sec. 30-419 Unlawful possession of firearms or ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition when:

- (1) He is under 18 years of age and has in his possession any firearm of a size that may be concealed upon the person;
- (2) He is under 21 years of age, has been convicted of an offense other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession;
- (3) He has been convicted of a felony under the laws of this or any jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession;
- (4) He is a narcotic addict and has any firearms or firearm ammunition in his possession;
- (5) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession;
- (6) He is mentally retarded and has any firearms or firearm ammunition in his possession; or
- (7) He has in his possession any explosive bullet.

§ Sec. 30-422 Confiscation and disposition of weapons.

(a) Upon conviction of any violation of this article, any weapon seized shall be confiscated by the trial court.

(b) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons after the disposition of a criminal case and when no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for such weapons, the court may transfer such weapons to the chief of police who shall proceed to destroy them, or may in its discretion order such weapons preserved as property of the village whose police agency seized the weapons.

§ Sec. 30-424 Penalty.

In addition to any other penalty that may be imposed for violation of this section, weapons used in violation of this section shall be forfeited to and confiscated by the village and disposed of in accordance with state law.

Glenwood Code of Ordinances

Current through Ordinance No. 2018-10, enacted July 17, 2018. (Supp. No. 31)

Chapter 62. Offenses and Miscellaneous Provisions

Article VI. Firearms Weapons Control

Division 1. Generally

§ Sec. 62-221 Title.

This article shall be known as the "Glenwood Firearms Weapons Control Ordinance."

§ Sec. 62-222 Applicability.

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

(b) It is specifically intended that this article shall preempt the county firearms dealer's license and assault weapons ban ordinance as now in effect or as may be hereafter amended.

(c) Licenses issued pursuant to this article shall be issued separate and apart from any general business license issued by the village.

Division 2. Firearms Dealer's Licensing

§ Sec. 62-241 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:

Chief means the chief of police of the village.

Department means the police department of the village.

Engaged in the business means the same as the term is defined in 18 USC 921(a) (21).

Firearm means the same as used in 430 ILCS 65/1.1.

Firearm ammunition means the same as that term is defined in 430 ILCS 65/1.1.

Firearms dealer means any person licensed as a dealer pursuant to 18 USC 923 excluding any person licensed solely as a collector pursuant to 18 USC 923 (b).

Gun show or event means any show or exhibition of any firearm conducted for a temporary, fixed time period at a temporary location and sponsored by a national, state or local organization or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms.

Handgun means the same as that term is defined in 18 U.S.C. 921(a) (29).

Person means any individual, public or private corporation, partnership, firm, society, or unincorporated association.

President means the president of the village.

§ Sec. 62-242 License required.

(d) (a) Any person licensed as a firearms dealer pursuant to federal law at a business premises located within the village shall apply for and obtain a village firearms dealer's license pursuant to this article. A village firearms dealer's license shall be required in addition to any other license required by law. Possession of a valid federal firearms dealer's license shall be deemed proof of being engaged in an activity requiring a federal firearms dealer's license and thus requiring a village firearms dealer's license.

(e) (b) Any person licensed under federal law at more than one location within the village must obtain a village license for each individual location. A separate application and license fee is required for each location.

(f) (c) No license issued under this article shall be transferable or assignable to any other person or to any other location.

§ Sec. 62-243 License administration.

(a) The chief of police shall administer the licensing of firearms dealers and shall approve or deny all applications for licenses and revoke existing licenses pursuant to this article.

(b) A village firearm dealer's license shall not be approved unless the business premises where a sale, display or transfer of any firearm occurs meets the following minimum requirements:

- (1)** The exterior walls of the structure are to be of masonry construction. Hollow core concrete block will need to be filled with mortar and re-bar must be installed. The integrity of the structure must be such that a motor vehicle will not be able to penetrate the walls of the business. Alternative construction materials which afford equivalent protection may be permitted if approved by the village board upon the receipt of the recommendation of both the chief of police and the building inspector.
- (2)** The entire interior of the building (except bathrooms) must be covered with video surveillance cameras. The recorders must be located in a safe, and locked at all times. Parking lots as well as any exterior wall breach, such as doorways or windows must be maintained under video surveillance as well. Lighting must be supplied to insure that the installed cameras are capable of recording all activity at such lumens that will allow easy identification of any persons coming into their view, and such light must be maintained 24 hours a day. The surveillance cameras and the lighting shall have an alternate 12-hour power supply that automatically provides power in the event of a power failure.
- (3)** A safe must be provided on site that is of sufficient size to accommodate all firearms on site at any given time. All handguns must be kept in the safe when the business is not open. When the business is not open, firearms, other than handguns, must either be: (1) locked in a safe or (2) secured behind locked rolling metal shutters, a locked steel grate or in another manner that provides equivalent protection.
- (4)** The entire structure must be covered by a burglar and intrusion alarm system that will include a fire detection system. The system must be connected directly to the Glenwood 9- 1 -1 System. This system must include door contacts on all doors to the establishment, glass break protection, equipment and motion detectors to cover all areas. This alarm system shall have an alternate power source for no less than 12 hours that automatically activates in the event of a power failure.
- (5)** All handguns on display must be kept in individually locked display cases that would need to be unlocked by an employee for handling by a potential buyer. The display area for the firearms must be separate from all other display areas and must be locked and secured at all times. Employees escorting patrons into the viewing area will need to be supplied with a panic alarm that is tied into the building alarm system for immediate notification of the police department. As part of the building alarm system, the panic alarms shall also be served by an alternate power source that can provide protection for no less than 12 hours and automatically activates in the event of a power failure.
- (6)** If the business only sells firearms and other products incidental to the sale of firearms, no one under the age of 18 years will be allowed into the establishment unless they are accompanied by an adult.
- (7)** All exterior entrance points and window points of the building shall be gated and or barred when the building is unoccupied. The use of gating and security devices on exit doors will need emergency override devices to allow for exit in case of an emergency inside the building. If the emergency override devices require electricity to operate, they shall be served by an alternate 12-hour power supply that automatically activates in the event of a power failure.
- (8)** In the event that a range is associated with said firearms sales business; the range will need to be in complete compliance with all state, federal and local building and operational codes.

(c) The chief may promulgate additional reasonable rules, definitions and regulations necessary to carry out the duties imposed by this article; including, but not limited to, developing reasonable procedures consistent with existing practices of licensing persons engaged in the business of dealing in firearms, and including seeking the assistance of other law enforcement authorities as necessary to conduct investigations or inspections in connection with this article. Any rules or regulations promulgated under the article shall be filed in the police department's principal office and shall be made available for public inspection. Copies shall be made available upon request and payment of a reasonable fee as determined by the department to cover the cost of providing the copy.

§ Sec. 62-244 License fee.

The annual fee for a village firearms dealer's license shall be the amount as provided in appendix B, Schedule of Fees, of this Code, as revised from time to time.

§ Sec. 62-245 License application; issuance.

(a) All applications for a license under this article shall be made in writing to the chief on a form provided for that purpose. Each application for a license shall contain:

- (1)** The applicant's full name, residence and address; the address and telephone number where the person is engaged in the business of dealing in firearms.
- (2)** If the applicant is a corporation, the corporate name, business, and principal place of business of the applicant; the date and state of incorporation; and the names and residence addresses of the corporate officers and its registered

agent; and the names and residence address of all shareholders with more than five percent of the outstanding shares.

(3) If the applicant is a partnership, the name and business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners; and the name, address and telephone number of a person authorized to receive notices issued pursuant to this article.

(4) If the applicant is a limited liability company, the name, business address and telephone number of the principal office or place of business; the names, home addresses and telephone numbers of managers and members of the limited liability company as well as address and telephone numbers of all persons authorized to receive notices for the limited liability company.

(5) The name, home address and telephone number of each employee of the applicant which will perform duties within the village.

(6) All applicants and individuals required to be identified in paragraphs (1) (2), (3), (4) and (5) of this section 62-245 shall submit to fingerprinting at the Glenwood Police Department and authorize a criminal history background check based on fingerprint identification from the Illinois Bureau of Criminal Identification. In all cases the cost of the background checks shall be the responsibility of the applicant with any costs incurred by the village being paid in advance.

(7) Any information requested by the police chief concerning prior convictions of any felony, violent crime or firearm-related offense deemed relevant by the chief for the purposes of performing his/her investigation of the applicant.

(8) A copy a current, valid federal firearms license of the applicant.

(9) A copy of a current, valid firearm owner's identification card of the applicant.

(10) A photograph of the applicant and all employees that will be working out of any proposed location within the village.

(11) Copies of the articles of incorporation, corporate bylaws, partnership agreement, articles of limited partnership and/or documentation establishing a limited liability company to the extent applicable.

(12) Documentation establishing that each of the requirements of subsection 62-243(b) is met.

(13) A detailed drawing of the proposed layout of the premises for which the license is sought showing any locations where all firearms will be stored and/or displayed.

(14) A certification signed by the applicant stating that as of the date of the application, the applicant has met and continues to meet all the requirements necessary under federal law that are necessary to meet in order to receive a firearms dealer's license under federal law.

(b) The chief shall not issue a village firearms dealer's license when:

(1) The applicant fails to provide proof of a current, valid federal firearms dealer's license;

(2) The applicant fails to provide proof of a current, valid firearm owner identification card issued by the State of Illinois;

(3) The investigation conducted by the chief reveals that the applicant would no longer meet the requirements for a federal firearms dealer's license; or

(4) When the applicant fails to provide the information and/or meet the requirements of this article.

(c) The disclosures required in any application for a village firearm license are continuing obligation of the applicant. In the event any of the information provided changes, the applicant shall have a duty to provide within 24 hours such changed information to the chief. Upon receiving such additional information, the chief shall review the changed or additional information provided and determine whether it shall have any effect on the status of any license that has been requested or already issued.

(d) Any license issued under this article shall be posted and kept available on the premises covered by the license for inspection by the chief or the sheriff of the county or any local, state or federal agency and their deputies. All sales and other business records relating to the activity for which a federal firearms dealer's license is required shall also be made available for inspection upon the request of the chief or the sheriff of the county or any local, state or federal agency and their deputies.

(e) The chief of police or his/her designee shall have the authority to inspect the premises for which a license is sought prior to the issuance of the license, prior to renewal of the license or at any other time the license is in effect provided the business is open. The inspection may, in the discretion of the chief, include a check to determine whether the video and security equipment is operational and a check to determine whether the video image being recorded and the lighting is sufficient to allow the identification of individuals on the premises.

§ Sec. 62-246 Renewal of license.

Any license approved under the Glenwood Firearms Weapons Control Ordinance shall only be valid for one year. The license may be renewed upon the filing of a renewal application that includes all the information required under section 62-245.

§ Sec. 62-247 Revocation of license; review of decision denying or revoking a license.

(a) The chief may suspend or revoke a license if the applicant failed to provide the information required by, or is otherwise not in compliance with, any provisions of this article or any applicable rules or regulations. Before any such revocation or suspension is imposed, the licensee shall be notified by mail of the specific violation and the date for a hearing on the matter to occur not fewer than seven days and not more than 14 days after the mailing of the notice.

(b) Any person seeking to appeal the denial, suspension or revocation of a license by filing a written request for a hearing with the president. Such request must be filed within 30 days of the denial, and a hearing must be held within 30 days of receipt of the request. The hearing shall be conducted in accordance with the procedures provided in this division.

§ Sec. 62-248 Hearing procedures.

(a) If a person wishes to appeal the decision of the chief to deny or revoke a license, the president shall appoint a hearing officer who shall conduct the hearing. The hearing officer is authorized to conduct hearings concerning any matter covered by this article and may determine factual and legal matters raised by the parties to the hearing. However, neither the chief nor the hearing officer shall hear or decide any claim that the article is unconstitutional on its face or that the village did not have the authority to enact this article.

(b) The hearing officer may:

- (1) Examine any books, papers, records or memoranda bearing upon the business or activities of the license holder;
- (2) Request the circuit court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;
- (3) Request the circuit court to issue subpoenas duces tecum for the production of books, records, papers, or memoranda;
- (4) Administer oaths;
- (5) Take testimony;
- (6) Make rulings as to the admissibility of evidence;
- (7) Take any other action as may be required for the expeditious conduct of the hearing; and
- (8) Request that the person seeking review of the chief's decision produce documentation that is relevant to the hearing.

(c) The hearing officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer or final decision of the chief. Cross examination of all witnesses testifying orally shall be allowed.

(d) The department's books, papers, records and memoranda or parts thereof may be proved in any hearing or legal proceeding by the original documents or by reproduced copy under the certificate of the chief. Without further proof, the original documents or reproduced copy shall be admissible into evidence before the department.

(e) If the circuit court issues a subpoena duces tecum, the following rules shall apply:

- (1) Service shall be made as provided by the state civil practice law, 735 ILCS 5/2-201 et seq.
- (2) Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of the county and shall be paid after the witness is excused from further attendance.
- (3) When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer may require that party to bear the cost of services and witness fees. The hearing officer may require a deposit to cover the cost of service and witness fees.

(f) Any party to a hearing may apply to any judge of the circuit court of this state for enforcement of any subpoena or subpoena duces tecum issued in connection with a hearing authorized by this article.

(g) At any hearing held under this article, the chief's initial decision to deny or revoke a license shall be prima facie correct and the person contesting the decision shall have the burden of proving with books, records and other documentary evidence that it is incorrect.

(h) At the conclusion of the hearing, the hearing officer shall make a recommendation to the president. The president shall adopt, reject or modify the recommendation based on a review of the record within 30 days of receiving the hearing

officer's recommendation, and shall issue a final written decision. The president shall give written notification to the licensee holder of the president's decision and the reasons for such decision.

(i) A person seeking judicial review of the president's final decision shall bear the cost of certification of the record.

(j) Items constituting the record may include notices and demands; the initial decision; the written protest and petition for hearing; all relevant pleadings, briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing; the recommendation of the hearing officer; and the final decision of the president.

§ Sec. 62-249 Prohibition.

(a) No person shall be allowed to sell, trade, give, deliver or possess within the village any firearm or firearm ammunition in violation of any federal or state law, rule or regulation.

(b) No gun shows or event shall be allowed in the Village of Glenwood.

(c) No person that is required to have a federal firearms license shall operate as a firearms dealer unless they obtain a village firearm dealers license.

§ Sec. 62-250 Penalties.

(a) Failure to comply with any provision of this article shall result in a fine of not less than \$500.00 and not more than \$1,000.00 per day. Each day of operation in violation of any provision of this article shall constitute a separate and distinct violation.

(b) The sale of firearms without a license as required by this article or at a location prohibited by this article is punishable by up to six months imprisonment or a fine as provided in subsection (a) of this section, or both. Each sale in violation of this article shall constitute a separate and distinct violation.

(c) The village may seek an order to restrain violations or enjoin future operation of a firearms dealer operating in violation of this article, or both.

Division 3. Surrender and Destruction of Weapons

§ Sec. 62-266 Surrender of weapon.

Any person who, prior to the effective date of the ordinance codified in this article, was legally in possession of a weapon in violation of section 62-249 shall:

(1) Modify the prohibited weapon to render it permanently inoperable or to permanently make it a device no longer prohibited per section 62-249; or

(2) Surrender the weapon to the chief or his designee for disposal as provided in section 62-267.

§ Sec. 62-267 Destruction of weapons confiscated.

(a) Whenever any firearm is surrendered or confiscated pursuant to the terms of this article, the chief shall ascertain whether such firearm is needed as evidence in any matter.

(b) If such firearm is not required for evidence, it may be destroyed at the discretion of the chief. A record of the date and method of destruction or inventory of the firearm shall be maintained.

Division 4. Firearms

§ Sec. 62-280 Firearms violation; exceptions; penalty.

(a) Violation.

(1) It shall be unlawful for each and every individual over the age of 18 that resides in the Village of Glenwood to have a firearm present within their place of residence when there is no individual lawfully residing in their place of residence that has a firearm owners identification card issued by the State of Illinois. Every individual over the age of 18 shall be strictly liable for a violation of this section even if:

a. They did not have any knowledge of the presence of the firearm in their residence;

b. The firearm was hidden or secreted away within the residence; or

c. They mistakenly or incorrectly believed that another lawful resident of their place of residence either possessed a firearm owners identification card issued by the State of Illinois or was otherwise exempt from the provisions of this section pursuant to subsection (b) of this section.

(2) It is the intent of this section to impose an affirmative duty on each and every individual over the age of 18 that resides in the Village of Glenwood to prevent firearms from being present within their place of residence unless:

a. An individual lawfully residing in their place of residence has a firearm owners identification card issued by the State of Illinois; or

b. One or more of the exceptions set forth in subsection (b) of this section applies.

(b) Exceptions. Subsection (a) of this section shall not be violated if the firearm present within a place of residence is owned or possessed by:

(1) A United States Marshall that uses the firearm as part of his/her official duties;

(2) A member of the Armed Forces of the United States or the National Guard that uses the firearm as part of his/her official duties;

(3) A federal official required to carry the firearm as part of his/her official duties;

(4) A member of a bona fide veterans organization which received the firearm directly from the Armed Forces of the United States when such firearm is intended to be used ceremonial purposes with blank ammunition;

(5) A person with an Illinois nonresident hunting license when the firearm is unloaded and enclosed in a case;

(6) A nonresident of the State of Illinois that is currently licensed or registered to possess the firearm in their resident state when the firearm is unloaded and enclosed in a case;

(7) An unemancipated minor while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor that has a currently valid firearm owners identification card issued by the State of Illinois;

(8) A member of a color guard of a bona fide veterans organization or American Legion band when the firearm is intended to be used for ceremonial purposes with blank ammunition;

(9) A person who is eligible to obtain an Illinois Firearm Owners Identification Card that is participating in a firearm safety and training course recognized by a law enforcement agency or a national, state-wide shooting sports organization and under the direct supervision and control of a holder of an Illinois Firearm Owners Identification Card who is 21 years of age or older;

(10) A competitive shooting athlete whose firearm is sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting when the firearm is used in connection with such athlete's training for, or participation in, shooting competitions at the olympic and paralympic games and sanctioned test events leading up to such olympic and paralympic games; and

(11) Law enforcement officials of any jurisdiction.

(c) Definition of "**firearm.**" For the purpose of this section, "firearm" shall have the same meaning as that set forth in section 65/1.1 of the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1.1 as currently exists or as may in the future be amended.

(d) Penalty. Where more than one individual residing in a place of residence is in violation of this section, each individual's violation may be charged as a separate offense. Each violation of any provision of this section shall be punished by the fine for section 62-280 that is set forth in appendix C of the Village's Code of Ordinances. Each day any violation of any provision of this section exists shall continue shall constitute a separate offense.

Grayslake Code of Ordinances

Current through Ordinance No. 2018-0-03, enacted January 2, 2018. (Supp. No. 16)

Chapter 9.08 Offenses Against Public Peace and Decency

§ Sec. 9.08.080 Firearm security.

A. It shall be unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a minor who does not have a firearm owner identification card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, unless the firearm is:

1. Secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable;

2. Placed in a securely locked box or container; or

3. Placed in some other location that a reasonable person would believe to be secured from a minor.

B. B. Subsection A does not apply if the minor:

1. Gains access to a firearm and uses it in a lawful act of self-defense or defense of another; or

2. Obtains the firearm by unlawful entry of the premises by the minor or another person.

C. For the purposes of the section, "firearm" shall have the same meaning as that contained in the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/0.01 et seq. "Trigger lock" shall be defined as any operable device, other than the firearm's safety, that must be unlocked or disengaged in order to fire a firearm.

Greenville Code of Ordinances

Current through Ordinance No. 3186, passed November 13, 2018. (Supp. No. 18)

Title XIII. General Offenses

Chapter 137. Weapons

§ Sec. 137.03 Unlawful possession of firearms and firearm ammunition.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He or she is under 18 years of age and has in his or her possession any firearm of a size which may be concealed upon the person;

(2) He or she is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his or her possession;

(3) He or she is a narcotic addict and has any firearms or firearm ammunition in his or her possession;

(4) He or she has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his or her possession;

(5) He or she is a person with an intellectual disability and has any firearms or firearm ammunition in his or her possession; or

(6) He or she has in his or her possession any explosive bullet. For the purposes of this section, **explosive bullet** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **Cartridge** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under § 137.99(A) of this chapter. Unlawful possession of handguns is a felony punishable under appropriate state law.

Gurnee Code of Ordinances

Current through Ordinance No. 2017-56, enacted December 18, 2017. (Supp. No. 17)

Chapter 46. Offenses and Miscellaneous Provisions

Article VII. Weapons

§ Sec. 46-181 Unlawful use of weapons.

No person shall knowingly:

(6) Sell, manufacture or purchase any explosive bullet. For purposes of subsection (1) of this section, **"explosive bullet"** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. The term "cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

§ Sec. 46-182 Firearms.

(b) Child access prevention. It is declared unlawful for any person to store or leave, within premises under his control, a firearm if the person knows or has reason to believe that a minor under the age of 18 years who does not have a firearm owners identification card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, unless the firearm is:

(1) Secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable;

(2) Placed in a securely locked box or container; or

(3) Placed in some other location that a reasonable person would believe to be secure from a minor under the age of 18 years.

(c) Exceptions. Subsection (b) of this section does not apply:

(1) If the minor under 18 years of age gains access to a firearm and uses it in a lawful act of self-defense or defense of another; or

(2) To any firearm obtained by a minor under the age of 18 years because of an unlawful entry of the premises by the minor or another person.

(d) Transfer and sale. All firearms sold or transferred within the village after September 1, 1999, must have a trigger lock installed in its locked position to prevent the trigger from engaging.

(e) Public awareness. All Federal Firearms Licensees (FFL) within the village limits must conspicuously place a notice that draws public attention to the ordinance from which this section is derived and its provisions after September 1, 1999.

(f) Definitions. For the purposes of this section, the term "firearm" has the same meaning as the Illinois Firearm Owners Identification Card Act. The term "trigger lock" is defined as any operable device which must be unlocked or disengaged in order to shoot a firearm.

(g) Penalty. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than \$100.00 nor more than \$1,000.00 per offense.

Hainesville Code of Ordinances

Current through June 26, 2018. (Supp. No. 31, 8-18)

Title 5. Business Licenses and Regulations

Chapter 5.40. Gun Dealers and Gunsmiths

Article I Gun Dealers

§ Sec. 5.40.010 Gun dealers, license required.

No person shall engage in the business of selling or sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, rifle, shotgun or other deadly weapon without securing a license to do so as provided in Chapter 5.04. If state or federal law supercedes this order, the applicable state or federal law shall apply. If this or any other section of this chapter shall be declared unconstitutional it shall not effect the validity of the remaining sections.

§ Sec. 5.40.020 Approval.

The chief of police shall approve the application before a license shall be issued.

§ Sec. 5.40.030 License.

The annual license fee for dealers of guns and other deadly weapons shall be as set forth in the fee schedule in Section 5.04.180.

§ Sec. 5.40.040 Report of sale or gift.

Every person dealing in deadly weapons shall deliver to the chief of police on the first day of each month a legible and correct report of every sale or gift made under authority of his or her license during the preceding month, which report shall contain the date of such sale or gift, and name of the purchaser or donee with his or her address and age, the number, kind, description and price of such weapon, the number of the purchaser's permit and the proposed purpose given by such person for the purchase of such weapon.

§ Sec. 5.40.050 Register.

Every person dealing in deadly weapons at retail shall keep a register of all such weapons sold, loaned, rented or given away by him or her. Such register shall contain the date of the sale, loaning, renting, or gift, the number of the permit, the number of the weapon, the name and age of the person to whom the weapon is sold, loaned, rented or given, the price of such weapon, and the purpose for which it is purchased or obtained. Such register shall be kept open for the inspection of the police at all reasonable times during business hours.

§ Sec. 5.40.060 Restrictions on sale or gift.

It is unlawful for any person to sell, barter or give away to any person within the village any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the village.

§ Sec. 5.40.070 Permit to purchase weapon.

It is unlawful for any person to purchase any deadly weapon mentioned in this chapter without first securing from the chief of police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit. It shall be the duty of the chief of police to refuse such permit to any person convicted of any crime, and any minor.

§ Sec. 5.40.080 Revocation of license.

In case the chief of police revokes a license for the selling of such weapons, no other such license shall be issued to such licensee for a period of three years thereafter.

Article II. Gunsmiths

§ Sec. 5.40.090 Gunsmiths, license required.

No person shall engage in the business of repairing any pistol, revolver, derringer, rifle, shotgun or other firearm without securing a license to do so as provided in Chapter 5.04.

§ Sec. 5.40.100 Approval.

The chief of police shall approve the application before a license may be issued.

§ Sec. 5.40.110 License fee.

The annual license fee for gunsmiths shall be as set forth in the fee schedule in Section 5.04.180.

Havana Code of Ordinances

Current through Ordinance No. 1398, passed October 4, 2016 (Supp. No. 14)

Title 9. Public Peace, Morals and Welfare

Chapter 9.24. Possession or Discharge of Weapons

§ Sec. 9-24-010 Prohibition.

No person shall carry or possess any weapon or firearms in the city in violation of laws of this state.

Hazel Crest Code of Ordinances

Current through Ordinance No. 11-2017, enacted November 27, 2017. (Supp. No. 76)

Chapter 20. Offenses and Miscellaneous Provisions

Article V. Weapons

§ Sec. 20-78 Confiscation and disposition.

(a) Upon conviction of a violation of any provision of this article, any weapon seized shall be confiscated by the trial court.

(b) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession if known. All other confiscated weapons, when no longer needed for evidentiary purposes, shall be preserved as property of the city.

§ Sec. 20-79 Unlawful use of weapons.

(a) Any person who knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails;

shall be guilty of unlawful use of weapons, which is a violation of this Code.

(b) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) shall be prima facie evidence that it was in the possession of and was being carried by all persons occupying such automobile at the time such weapon, instrument or substance was found, except under the following circumstances:

(1) If such weapon, instrument or substance is found upon the person of one of the occupants therein; or

(2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, such presumption shall not apply to the driver.

§ Sec. 20-81 Exemptions from provisions of sections 20-79 and 20-80.

The provisions of sections 20-79 and 20-80 shall not apply to the officers or members of the police force of the village when on duty, nor to any officer of any court whose duty may be to serve warrants or to make arrests, nor to persons authorized under the statutes of this state or of the United States to carry concealed weapons, nor to special police officers appointed as watchmen.

§ Sec. 20-82 Assault weapons ban.

(a) 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:

(1) Antique weapon means weapons that have not been manufactured or altered for a period of no less than seventy-five (75) years and are rendered permanently unusable.

(2) Assault weapon means:

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

1. Only a pistol grip without a stock attached;
2. Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
3. A folding, telescoping or thumbhole stock;
4. 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
5. A muzzle brake or muzzle compensator.

b. A semiautomatic pistol or any semi-automatic rifle that has a fixed magazine, that has the capacity to accept more than ten (10) rounds of ammunition;

c. A semiautomatic pistol that has the capacity to accept a detachable magazine and has one (1) or more of the following:

1. Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
2. A folding, telescoping or thumbhole stock;
3. 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;
4. A muzzle brake or muzzle compensator; or
5. The capacity to accept a detachable magazine at some location outside of the pistol grip.

d. A semiautomatic shotgun that has one (1) or more of the following:

1. Only a pistol grip without a stock attached;
2. Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
3. A folding, telescoping or thumbhole stock;
4. A fixed magazine capacity in excess of five (5) rounds; or
5. An ability to accept a detachable magazine.

e. Any shotgun with a revolving cylinder.

f. 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;

g. Shall include, but not be limited to, the assault weapons models identified as follows:

1. The following rifles or copies or duplicates thereof:

- i. AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
- ii. AR-10;
- iii. AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
- iv. AR70;
- v. Calico Liberty;
- vi. Dragunov SVD Sniper Rifle or Dragunov SVU;
- vii. Fabrique National FN/FAL, FN/LAR, or FNC;
- viii. Hi-Point Carbine;
- ix. HK-91, HK-93, HK-94, or HK-PSG-1;
- x. Kel-Tec Sub Rifle;
- xi. Saiga;
- xii. SAR-8, SAR-4800;

- xiii. SKS with detachable magazine;
- xiv. SLG 95;
- xv. SLR 95 or 96;
- xvi. Steyr AUG;
- xvii. Sturm, Ruger Mini-14;
- xviii. Tavor;
- xix. Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
- xx. Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

2. The following 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.

3. The following shotguns or copies or duplicates thereof:

- i. Armscor 30 BG;
- ii. SPAS 12 or LAW 12;
- iii. Striker 12; or
- iv. Streetsweeper.

(3) Assault weapon does not include any firearm that has been made permanently inoperable, or satisfies the definition of "antique weapon," stated in this section.

(4) Detachable magazine means any ammunition feeding device, the function of which is to deliver one (1) 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.

(5) Large capacity magazine means any ammunition feeding device with the capacity to accept more than ten (10) rounds, but shall not be construed to include the following:

- a. A feeding device that has been permanently altered so that it cannot accommodate more than ten (10) rounds.
- b. A .22 caliber tube ammunition feeding device.
- c. A tubular magazine that is contained in a lever-action firearm.

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

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

(b) Assault weapons and large capacity magazines; sales prohibited; exceptions.

(1) No person shall manufacture or distribute, sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity magazine. This subsection shall not apply to:

- a. The sale or transfer to, or possession by any officer, agent, or employee of the village, or of any other municipality, county, body politic or any other 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;
- b. 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.

(2) Any assault weapon or large capacity magazine possessed, sold or transferred in violation of subsection (1) of this section is hereby declared to be contraband and shall be seized and disposed of in accordance with the provisions of this section.

(3) Any person found in violation of this section shall be sentenced to not more than six (6) months imprisonment or fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00), or both.

(4) Any person who, prior to the effective date of this ordinance codified in this section, was legally in possession of an assault weapon or large capacity magazine prohibited by this section shall have fourteen (14) days from the effective date of this ordinance to do any of the following without being subject to prosecution hereunder:

- a. To remove the assault weapon or large capacity magazine from within the limits of the village; or

- b. 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
- c. To surrender the assault weapon or large capacity magazine to the chief of police of the village or his designee for disposal as provided below.

(c) Destruction of weapons confiscated.

(1) Whenever any firearm or large capacity magazine is surrendered or confiscated pursuant to the terms of this section, the chief of police of the village or his designee shall ascertain whether such firearm or large capacity magazine is needed as evidence in any matter.

(2) If such firearm or large capacity magazine is not required for evidence it shall be destroyed at the direction of the chief of police of the village or his designee. A record of the date and method of destruction and an inventory of the firearm or large capacity magazine so destroyed shall be maintained.

Highland Code of Ordinances

Current through Ordinance No. 2381, enacted February 20, 2018 (Supp. No. 7)

Chapter 42. Offenses and Miscellaneous Provisions
Article VIII. Weapons

§ Sec. 42-181 Unlawful use of weapons.

(a) Prohibited acts. A person commits the offense of unlawful use of weapons when he knowingly:

(8) Sells, manufactures or purchases any explosive bullet. For purposes of this subsection (a) "**explosive bullet**" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "**Cartridge**" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

Highland Park Code of Ordinances

Current through Ordinance No. O62-2018, enacted June 25, 2018 (Supp. No. 6)

Title XIII. Misdemeanors
Chapter 132. Offenses Against Public Peace

§ Sec. 132-100 Selling deadly weapons; sales to minors.

(B) No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling-piece, or other firearm, or any toy gun, toy pistol, toy fowling-piece, or other toy firearm in which any explosive substance can be used, or any bowie knife, dirk, dagger, or other deadly weapon of a like character.

Chapter 136. Assault Weapons

§ Sec. 136.001 Definitions.

Whenever the following words and phrases are used, they shall, for purposes of this Chapter, have the meanings ascribed to them in this Section 136.001, except when the context otherwise indicates.

Ammunition means any self-contained cartridge, shot, bullet or projectile by whatever name known, which is designed to be used, or adaptable to use, in a Firearm and shot or discharged therefrom.

Antique Firearm means:

(1) Any Firearm (including any Firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) Any replica of any Firearm described in Paragraph (1) of this definition, but only if such replica;

(a) Is not designed or redesigned for using rimfire or conventional centerfire Ammunition; or

(b) Uses rimfire or conventional centerfire fixed Ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels or commercial trade.

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;
- (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)** AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
 - (ii)** AR-10;
 - (iii)** AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
 - (iv)** AR70;
 - (v)** Calico Liberty;
 - (vi)** Dragunov SVD Sniper Rifle or Dragunov SVU;
 - (vii)** Fabrique National FN/FAL, FN/LAR, or FNC;
 - (viii)** Hi-Point Carbine;
 - (ix)** HK-91, HK-93, HK-94, or HK-PSG-1;
 - (x)** Kel-Tec Sub Rifle;
 - (xi)** Saiga;
 - (xii)** SAR-8, SAR-4800;
 - (xiii)** SKS with Detachable Magazine;
 - (xiv)** SLG 95;
 - (xv)** SLR 95 or 96;
 - (xvi)** Steyr AUG;
 - (xvii)** Sturm, Ruger Mini-14;
 - (xviii)** Tavor;
 - (xix)** Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
 - (xx)** Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).
 - (b)** The following 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.

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

- (i) Armscor 30 BG;
- (ii) SPAS 12 or LAW 12;
- (iii) Striker 12; or
- (iv) Streetsweeper.

"Assault Weapon" does not include any Firearm that has been made permanently inoperable, or weapons designed for Olympic target shooting events.

Curios or Relics has the meaning set forth in 27 C.F.R. 478.11, as may be amended.

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.

Firearm means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding however:

- (1) Any pneumatic gun, spring gun or B-B gun which expels a single globular projectile not exceeding .18 inches in diameter;
- (2) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial Ammunition; and
- (4) Model rockets used to propel a model vehicle in a vertical direction.

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.

§ Sec. 136.005 Possession and sale prohibited.

No person shall manufacture, sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity magazine, unless expressly exempted in Section 136.006 of this Chapter.

§ Sec. 136.006 Exemptions.

The prohibitions set forth in Section 136.005 of this Chapter shall not apply to:

- (A) The sale or transfer to, or possession by any officer, agent, or employee of the City 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, but only to the extent that any such person named in this Section 136.006(A) 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;
- (B) Any qualified retired law enforcement officer, as that term is defined in 18 U.S.C. 926C(c), but only to the extent that the Assault Weapon and/or Large Capacity Magazine is safely stored or displayed by the officer in compliance with Section 136.010 of this Chapter;
- (C) 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;
- (D) Antique Firearms, but only to the extent that the Antique Firearm is safely stored or displayed in compliance with Section 136.010 of this Chapter; or
- (E) Curios or Relics, but only to the extent that both: (a) the owner of the Curio or relic has obtained a federal license for collectors of Curios or Relics; and (b) the Curio or relic is safely stored or displayed in compliance with Section 136.010 of this Chapter.

§ Sec. 136.010 Safe storage or display of weapons and magazines.

Any assault weapon or large capacity magazine that is exempt from the requirements of Section 136.005 of this Chapter, and that must be safely stored or displayed pursuant to Section 136.006 of this Chapter, must be secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such weapon or magazine inoperable by any person other than the owner or other lawfully authorized user. Specifically, and without limitation of the foregoing, any Assault Weapon or Large Capacity Magazine that may be kept within the City pursuant to this Chapter must be secured from access by minors. For purposes of this Section 136.010, such weapon or magazine shall not be deemed stored or kept when being carried by or under the control of the owner or other lawfully authorized user.

§ Sec. 136.015 Possession or sale in violation of chapter.

Any assault weapon or large capacity magazine possessed, sold or transferred in violation of Section 136.005 of this Chapter is hereby declared to be contraband and shall be seized and destroyed of in accordance with the provisions of Section 136.025 of this Chapter.

§ Sec. 136.020 Disposition of weapons and magazines.

Any person who, prior to the effective date of this Chapter, was legally in possession of an assault weapon or large capacity magazine prohibited by this Chapter shall have 60 days from the effective date of this Chapter to do any of the following without being subject to prosecution hereunder:

- (A) Remove the assault weapon or large capacity magazine from within the limits of the City;
- (B) 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;
- (C) Surrender the assault weapon or large capacity magazine to the Chief of Police or his or her designee for disposal as provided in Section 136.025 of this Chapter; or
- (D) Take the steps necessary to cause the assault weapon or large capacity magazine to fall within one of the exemptions set forth in Section 136.006 of this Chapter.

§ Sec. 136.025 Destruction of weapons and magazines.

The Chief of Police shall cause to be destroyed each assault weapon or large capacity magazine surrendered or confiscated pursuant to this Chapter; provided, however, that no Assault Weapon or Large Capacity Magazine shall be destroyed until such time as the Chief of Police determines that the Assault Weapon or Large Capacity Magazine is not needed as evidence in any matter. The Chief of Police shall cause to be kept a record of the date and method of destruction of each Assault Weapon or Large Capacity Magazine destroyed pursuant to this Chapter.

§ Sec. 136.999 Penalty.

The violation of any provision of this Chapter is a misdemeanor, punishable by not more than six months imprisonment or a fine of not less than \$500.00 and not more than \$1,000.00, or both.

Joliet Code of Ordinances

Current through Ordinance No. 17787, enacted May 15, 2018. (Supp. No. 178)

**Chapter 32. Weapons
Article II. Weapons Dealers**

§ Sec. 32-19 License required.

It shall be unlawful for any person to engage in the business of selling or to sell or offer to sell or give away to any person within the city any pistol, rifle, shotgun, revolver, Bowie knife, dagger or other weapons of like character without first securing a license to do so. Except as otherwise provided in this chapter, the manner of application, payment, conditions, issuance, and duration of such license shall be as prescribed by section 18-1, et seq.

§ Sec. 32-20 Annual license fee.

The annual fee for a license required by this article shall be as provided in the schedule of fees set forth in section 18-20.

§ Sec. 32-21 Sales to minors.

None of the articles governed by this article or of like character, shall be sold to any minor.

§ Sec. 32-23 Registration of sales; reports; contents.

(a) Every licensee under this article shall keep a register in which shall be recorded each sale, delivery or repair of any of the items governed by this article. The register shall further set forth the name of the purchaser, his address, a complete description of the article sold, including:

(1) Factory serial number.

(2) Bore or caliber.

(3) In case of concealable weapons, the number of the permit required by this article.

(b) The license shall, at the commencement of each business day, report to the chief of police of the city all such items sold on the previous business day, together with the information required by this section.

Kewanee Code of Ordinances

Current through Ordinance No. 3912, passed December 11, 2017. (Supp. No. 58)

Title XIII. General Offenses

Chapter 137. Weapons

§ Sec. 137.03 Unlawful possession of firearms and firearm ammunition.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He or she is under 18 years of age and has in his or her possession any firearm of a size which may be concealed upon the person;

(2) He or she is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his or her possession;

(3) He or she is a narcotic addict and has any firearms or firearm ammunition in his or her possession;

(4) He or she has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his or her possession;

(5) He or she is a person with an intellectual disability and has any firearms or firearm ammunition in his or her possession; or

(6) He or she has in his or her possession any explosive bullet. For the purposes of this section, **explosive bullet** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **Cartridge** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under § 137.99(A) of this chapter. Unlawful possession of handguns is a felony punishable under appropriate state law.

Kingston Code of Ordinances

Current through Ordinance No. 2017-02, enacted February 6, 2017. (Supp. No. 13)

Chapter 50. Offenses and Miscellaneous Provisions

Article IV. Weapons and Dangerous Instruments

§ Sec. 50-118 Prohibitions as to weapons and dangerous instruments.

It is declared unlawful for any parent legal guardian or other person 18 years of age or older to willfully, knowingly or recklessly permit any minor to come into unsupervised possession of any of the following items:

(6) Any device or attachment of any kind designed, used or intended for use in silencing the report of a firearm;

(7) Machine gun as defined by 720 ILCS 5/24-1, as amended;

(8) Any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-fourth ounce for like purposes, such as, but not limited to, black powder bombs, Molotov cocktails, pipe bombs or artillery projectiles;

(9) Firearms, or the ammunition therefore, as defined by 430 ILCS 65/1.1, as amended;

Lansing Code of Ordinances

Current through Ordinance No. 17-021, enacted October 17, 2017. (Supp. No. 8)

Part I. Code of Ordinances

Chapter 16. Business and Business Regulations

Article VI. Firearms

Division 1. Generally

§ Sec. 16-212 Intent and purpose.

(a) It is intended that this article shall preempt all Cook County licensing or other regulatory schemes for firearms, firearms dealers, ammunition and assault weapons.

(b) It is specifically intended that this article shall preempt the Cook County Firearms Dealer's License and Assault Weapons and Ammunition Ban Ordinance as now in effect or as may be hereafter amended.

(c) Licenses issued pursuant to this article shall be issued separate and apart from any general business license issued by the village.

Division 2. Licensing of Dealers

§ Sec. 16-232 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:

Department means the village police department.

Director means the village police chief.

Engaged in the business has the same meaning as in 18 USC 921(a)(21).

Firearm.

(1) The term "firearm" means any device, by whatever name known, which is designed to expel a projectile by the action of an explosion, expansion of gas, or escape of gas.

(2) The term "firearm" excludes, however:

- a. Any pneumatic gun, spring gun, paintball gun or BB gun which either expels a single globular projectile not exceeding 0.18 inches in diameter or breakable paintballs containing washable marking colors;
- b. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- c. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
- d. A antique firearm (other than an assault weapon) which, although designed as a weapon, the state police department finds, by reason of the date of its manufacture, value, design, or other characteristic, is primarily a collector's item and is not likely to be used as a weapon.

Firearm ammunition.

(1) The term "firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm.

(2) The term "firearm ammunition" excludes, however:

- a. Any ammunition exclusively designed for use with a device used exclusively for signally or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- b. Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Firearms dealer means any federally licensed firearms dealer, excluding any person licensed solely as a "collector" pursuant to 18 USC 923(b) and possessing only a Type 03 federal license.

Gun shop means the premises of any federally licensed firearms dealer.

President means the village president.

§ Sec. 16-233 License required.

(a) It shall be unlawful for any person to engage in the business of dealing in firearms at an address within the village corporate limits without having applied for or obtained a village firearms dealer's license pursuant to this division. A village firearms dealer's license shall be required in addition to any other license required by law. All applicants for a village firearms dealer's license must possess a valid federal firearms dealer's license. Possession of a valid federal firearms dealer's license shall be deemed proof of being engaged in the business of dealing in firearms in the village and thus requiring a village firearms dealer's license. An applicant for a village firearms dealer's license shall meet all other applicable village ordinances and regulations.

(b) Any person who becomes a federally licensed firearms dealer and is required under this division to obtain a village firearms dealer's license shall apply for such license within 45 days of receipt of the federal firearms dealer's license.

(c) Any person licensed under federal law at more than one location within the village corporate limits must obtain a village firearms dealer's license for each individual location. A separate application and license fee is required for each location.

(d) In order to be eligible to receive a village firearms dealer's license, the location and address to which the license will be issued must be one which is zoned for business use only, in which such a use is a permitted use under the business zone in which the premises are located. Prior to issuance of any such license, it shall be required that there be installed on the premises a satisfactory anti-theft alarm system which has been inspected and approved by the police department. Such premises and the business operation contemplated must also meet all other requirements for the issuance of a village business commencement license.

(e) No license issued under this division shall be transferable or assignable to any other person or any other location.

§ Sec. 16-234 Administration.

(a) Generally. The police chief shall administer the licensing of firearms dealers, and shall approve or deny all applications for licenses and revoke existing licenses pursuant to this division.

(b) Promulgation of rules and regulations.

(1) The director shall promulgate reasonable rules, definitions and regulations necessary to carry out the duties imposed by this division, including, but not limited to, developing reasonable procedures consistent with existing practices of licensing persons engaged in the business of dealing in firearms, and including seeking the assistance of the village police department or other law enforcement agencies as necessary to conduct investigations or inspections in connection with licensing.

(2) Any rules or regulations promulgated under this division shall be filed in the police department's principal office and in the village clerk's office, and shall be made available for public inspection. Copies shall be made available upon request and payment of a reasonable fee, as determined by the police department or the village clerk, to cover the cost of providing the copy.

§ Sec. 16-235 Fees.

The annual fee for a village firearms dealer's license shall be in an amount determined by the board from time to time, as set forth in the fee schedule maintained by the village and available in the office of the village clerk.

§ Sec. 16-236 Application; issuance.

(a) All applications for a license under this division shall be made in writing to the police chief on a form provided for that purpose. In addition to any other information required by the director, each application for a license shall contain:

(1) If the applicant is an individual:

- a. The applicant's full name, residence; and
- b. The address and telephone number where the person is engaged in the business of dealing in firearms;

(2) If the applicant is a corporation:

- a. The corporate name, business name, and the applicant's principal place of business;
- b. The date and state of incorporation; and
- c. The names and resident addresses of the corporate officers and its registered agent;

(3) If the applicant is a partnership:

- a. The name, business address and telephone number of the principal office or place of business;
- b. The names, addresses and telephone numbers of all partners; and
- c. The name, address and telephone number of a person authorized to receive notices issued pursuant to this division.

(b) The director shall not issue a village firearms dealer's license to any person who fails to provide proof of a valid federal firearms dealer's license and a valid firearm owner's identification card issued by the state.

§ Sec. 16-237 Denial, suspension or revocation; appeal.

(a) Denial; appeal. The director may deny an application for a license if the applicant fails to provide the information required by, or is otherwise not in compliance with, any provisions of this division or any applicable rules or regulations. Such denial shall be in writing and shall state the reasons for the denial. Any person seeking to appeal the denial may do so by filing a written request for a hearing with the village president, with a copy to the director. Such request must be filed

within 30 days of the denial, and a hearing must be held within 30 days of receipt of the request. The hearing shall be conducted in accordance with the procedures provided herein.

(b) Suspension, revocation; notice. The director may revoke or suspend the license of any person who violates any provision of this division or rules or regulations adopted pursuant to this division. Before any such revocation or suspension is imposed, the licensee shall be notified by the mail or personal delivery of the specific basis for the suspension or revocation and the date for a hearing on the matter. Such hearing shall occur not fewer than seven days, and no more than 14 days after the mailing of the notice. The hearing shall be conducted in accordance with the procedures provided herein.

§ Sec. 16-238 Hearing procedures.

(a) If a person wishes to appeal the denial of a village firearms dealer's license, or in the event of a revocation of a village firearms dealer's license, the village president shall appoint a hearing officer who shall conduct the hearing. The hearing officer is authorized to conduct hearings concerning any matter covered by this division and may determine factual and legal matters raised by the parties to the hearing.

(b) The hearing officer may:

- (1)** Examine any books, papers, records or memoranda bearing upon the business or activities of the licensee;
- (2)** Request the circuit court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;
- (3)** Request the circuit court to issue subpoenas duces tecum for the production of books, records, papers, or memoranda;
- (4)** Administer oaths;
- (5)** Take testimony;
- (6)** Make rulings as to the admissibility of evidence; and
- (7)** Take any other action as may be required for the expeditious conduct of the hearing.

(c) The hearing officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer or the village president's final administrative decision.

(d) The department's books, papers, records and memoranda or parts thereof may be provided in any hearing or legal proceeding by the original documents or by reproduced copy under the director's certificate. Without further proof, the original documents or reproduced copy shall be admissible into evidence at the hearing.

(e) If the circuit court issues a subpoena duces tecum, the following rules shall apply:

- (1)** Service shall be made as provided by the state Civil Practice Law, 735 ILCS 5/2-201 et seq.;
- (2)** Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of the county and shall be paid after the witness is excused from further attendance;
- (3)** When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer may require that party to bear the cost of service and witness fees.

(f) Any party to a hearing may apply to any circuit court judge of this state for enforcement or any subpoena or subpoena duces tecum issued by a hearing officer holding a hearing authorized by this division.

(g) At any hearing held under this division, the director's initial decision to deny or revoke a license shall be presumed prima facie correct and the person contesting the decision shall have the burden of proving by the books, records and other documentary or testimonial evidence that it is incorrect.

(h) At the conclusion of the hearing, the hearing officer shall make a recommendation to the village president. The village president shall adopt, reject or modify the recommendation based on a review of the record within seven days of receiving the hearing officer's recommendation, and shall issue a final decision. The village president shall give written notification to the licensee of the decision and the reasons for such decision. The village president's decision shall be a final decision reviewable under State Administrative Review Law, 735 ILCS 5/3-101 et seq.

(i) A person seeking judicial review of the village president's final decision shall bear the cost of certification. If the protesting party prevails on appeal, the village shall reimburse that party for the cost of certification.

(j) Items constituting the record may include notices and demands, the initial decision, the written protest and petition for hearing, all relevant pleadings, briefs and memoranda of law, evidence admitted at the hearing, the transcribed testimony given at the hearing, the hearing officer's recommendation and the village president's final decision.

§ Sec. 16-239 Penalty.

Failure to comply with the provisions of this division shall result in a violation subject to the general penalty contained in section 1-23.

Division 3. Assault Weapons

§ Sec. 16-251 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 any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading by a single function of the trigger. The term "assault weapon" also includes:

- (1) The frame or receiver of any such weapon;
- (2) Any part designed and intended for use in converting a weapon into a machine gun; and
- (3) Any combination of parts from which a machine gun can be assembled, if such parts are in the possession or under the control of a person.

§ Sec. 16-252 Sale prohibited; exceptions.

(a) No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess, manufacture, or distribute any assault weapon within the corporate limits of the village.

(b) This subsection shall not apply to:

- (1) The sale, distribution, or possession for sale and distribution, by any firearms dealers licensed pursuant to this article, of an assault weapon to any sworn police officer of the village or any other municipality, county, body politic 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, and peace officers to the extent that any such person is otherwise authorized to acquire or possess an assault weapon and is acting within the scope of his duties;
- (2) Transportation of assault weapons if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.

(c) Any assault weapon possessed, 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 in section 16-253.

(d) Any person found in violation of this section shall be fined not less than \$250.00 and not more than \$500.00.

§ Sec. 16-253 Surrender or confiscated weapons.

(a) Whenever any firearm is surrendered or confiscated, pursuant to the terms of this division, the police chief shall ascertain whether such firearm is needed as evidence in any matter.

(b) If such firearm is not required for evidence, it shall be destroyed at the police chief's direction. A record of the date and method of destruction and inventory of the firearm so destroyed shall be maintained.

Lockport Code of Ordinances

Current through Ordinance No. 18-053, passed December 19, 2018. (Supp. No 30)

Title XIII. General Offenses

Chapter 131. Weapons

§ Sec. 131.01 License; issuance.

No person, firm, or corporation shall engage in the business of selling, or shall sell, offer for sale, or give away to any person within the city limits any pistol, rifle, shotgun, revolver, bowie knife, dagger, or other weapons of like character, without securing a license to do so. Except as herein otherwise provided, the manner of application, payment, conditions, issuance, and duration of the license shall be as prescribed by Chapter 110.

§ Sec. 131.03 Sale to minors.

None of the articles enumerated above, or of like character, shall be sold to any minor.

§ Sec. 131.04 Register of sales.

Every licensee shall keep a register in which shall be recorded each sale, delivery, or repair of any of the items hereinabove enumerated. The register shall further set forth the name of the purchaser, his address, a complete description of the article sold, including factory serial number and bore or caliber, and, in case of concealable weapons,

the number of the permit hereafter described. The licensee shall, at the commencement of each business day, report to the Chief of Police of the city all such items sold on the previous business day, together with the information hereinabove set forth.

§ Sec. 131.22 Unlawful possession of firearms and firearm ammunition.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

- (1)** He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;
- (2)** He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his possession;
- (3)** He is a narcotic addict and has any firearms or firearm ammunition in his possession;
- (4)** He has been a patient in a mental institution within the past five years and has any firearms or firearm ammunition in his possession. For the purposes of this division (A)(4):
 - (a) Mental Institution** means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness.
 - (b) Patient in a Mental Institution** means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness;
- (5)** He is a person with an intellectual disability and has any firearms or firearm ammunition in his possession; or
- (6)** He has in his possession any explosive bullet. For the purposes of this section, Explosive bullet means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. Cartridge means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under § 10.99. Unlawful possession of handguns is a felony punishable under appropriate state law. The possession of each firearm or firearm ammunition in violation of this section constitutes a single and separate violation.

(C) Nothing in division (A)(1) of this section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

Lombard Code of Ordinances

Current through Ordinance No. 7579, enacted September 20, 2018. (Supp. No. 9)

**Chapter 30. Offenses Against Public Peace and Safety
Article IV. Firearms and Explosives**

§ Sec. 130.33 Selling firearms to minors unlawful.

No person shall sell, loan, or furnish to any minor any gun, pistol, or other firearm in which any explosive substance can be used within the limits of the village.

Loves Park Code of Ordinances

Current through Ordinance No. 4218-18, enacted July 23, 2018. (Supp. No. 38)

**Chapter 54. Offenses and Miscellaneous Provisions
Article VIII. Weapons**

§ Sec. 54-238 Registration of firearms.

(a) All persons dealing in firearms of a size which may be concealed upon the person, at retail, within this city, shall keep a register of all such weapons sold or given away by them. Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, description and number of the weapon and the purpose for which it is purchased or obtained. The register shall contain the following:

- (1)** Date of sale or gift.
- (2)** , address and age of purchaser or donee.

- (3) Occupation of purchaser or donee.
- (4) Kind, description and number of weapon.
- (5) Purpose for which purchased or obtained.
- (6) Price of weapon.

(b) Every such person described in subsection (a) of this section shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the register so required to be kept.

§ Sec. 54-242 Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons when he/she knowingly:

(8) Sells, manufactures or purchases any explosive bullet. For purposes of this subsection the term "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. The word "cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) A person convicted of a violation of this section shall be punished as provided in section 1-8.

§ Sec. 54-243 Exemptions.

(f) Subsection 54-242(a)(8) does not apply to:

(1) Members of the armed services or reserve forces of the United States or the state National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordnance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordnance.

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subsection (f)(1) of this section, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(g) An information or indictment based upon a violation of any section of this article need not negate any exemptions contained in this article. The defendant shall have the burden of proving such an exemption.

Lyndon Code of Ordinances

Current through Ordinance No. 17-458, enacted November 14, 2017. (Supp. No. 2)

**Title 9. Public Peace, Morals and Welfare
Chapter 9.28. Offenses By or Against Minors**

§ Sec. 9.28.030 Selling firearms to minors.

No person shall sell, loan, or furnish to any minor any gun, pistol, fowling piece, or other firearm.

§ Sec. 9.28.040 Children not to have firearms, penalty.

It shall be unlawful for any person to permit, suffer, or allow any child under the age of 18 years to handle or have in that child's possession, within the Village of Lyndon, any cannon, gun, pistol, or any other similar weapon, or any firearm of any description which is a deadly weapon, or which, if discharged, is of sufficient force or power to inflict bodily injury. Any person violating the terms of this section shall be subject to a fine of not less than \$5.00 nor more than \$50.00 for each offense.

Lynwood Code of Ordinances

Current through Ordinance No. 18-07, enacted March 13, 2018. (Supp. No. 14)

**Chapter 70. Offenses and Miscellaneous Provisions
Article IX. Weapons**

§ Sec. 70-296 Definitions.

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

Ammunition means any self-contained cartridge, shot, bullet, projectile or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm, excluding, however:

- (1) Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- (2) Any ammunition, designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Antique firearm means:

- (1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap or, similar type of ignition system) manufactured in or before 1898; and
- (2) Any replica of any firearm described in subsection (1) of this definition if such replica is not designed or redesigned for using ammunition.

Firearm means any device including, but not limited to, pistols, handguns, air guns, air rifles, air pistols or short barrel rifles, shotguns, rifles, pneumatic guns, spring guns, BB guns, pellet guns, machine guns, rockets and any other device by whatever name known, which is designed to expel a projectile by the action of an explosion, expansion of gas or escape of gas, excluding however:

- (1) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (2) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
- (3) An antique firearm which, although designed as a weapon, the state department of law enforcement finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon; or
- (4) Model rockets designed to propel a model vehicle in a vertical direction.

Machine gun means any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person, or any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles.

Minor means any individual under the age of 18 years.

Sell means any sale, gift, exchange, loan, rental or other transfer of firearms or ammunition or both, but does not include any of the following:

- (1) Acquisition of a firearm or ammunition or both as the executor, administrator or other legal representative of a decedent's estate;
- (2) Transfer of a firearm or ammunition or both by bequest or intestate succession;
- (3) Acquisition or transfer of a firearm or ammunition or both by a trustee in bankruptcy in the administration of a bankrupted estate;
- (4) Return of a firearm or ammunition or both to a person from whom it was received;
- (5) Transfer of a firearm or ammunition, or both, where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction;
- (6) Transfer of a firearm or ammunition, or both, to any federal, state or local government, or any, department, agency, bureau, institution or commission thereof;
- (7) Transfer of a firearm or ammunition, or both, to a private museum, society, institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes; or
- (8) Loan or rental of a firearm solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

Weapon means any firearm, knife, air rifles or pistols, sling shots, bows and arrows, spears or other devices used or intended to be used to cause damage, injury, or death to any person or animal.

§ Sec. 70-297 Unlawful use of weapons.

(a) A person, who is not authorized by law, commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries a machine gun;

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this section, the term "explosive bullet" means the projectile portion of an ammunition cartridge that contains or carries an explosive charge that will explode upon contact with the flesh of a human or an animal. The term "cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

§ Sec. 70-298 Exceptions to section 70-297.

The provisions of section 70-297 shall not apply to:

(1) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty or commuting between their homes and places of employment;

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty;

(4) Special agents employed by a railroad to perform police functions, or employees of a detective agency, watchman-guard or patrolman agency, licensed by the state, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment;

(5) Agents and investigators of the state crime investigating commission authorized by the commission to carry weapons, while on duty in the course of any investigation for the commission;

(6) Manufacture or transportation of weapons which are not immediately accessible to any person; sale of weapons to persons authorized under law to possess them;

(7) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the state department of professional regulation who have documentation on their person, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm and Private Security Act of 1983 (225 ILCS 445/1 et seq.), while actually engaged in the performance of the duties of their employment;

(8) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least five persons registered with the state department of professional regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the state department of professional regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons;

(9) Agents and investigators of the state legislative investigating commission authorized by the commission to carry the weapons while on duty in the course of any investigation for the commission;

(10) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the state department of professional regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons;

(11) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties;

(12) Investigators of the office of the state's attorneys appellate prosecutor authorized by the board of governors of the office of the state's attorneys appellate prosecutor to carry weapons pursuant to the State's Attorneys Appellate Prosecutors' Act (725 ILCS 210/1 et seq.);

(13) Special investigators appointed by a state's attorney under section 3-9005 of the counties code (55 ILCS 5/3-9005);

(14) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using their firearms on such target ranges;

(15) Duly authorized military or civil organizations while parading, with the special permission of the governor;

(16) Licensed hunters or fishermen while engaged in hunting or fishing;

(17) Transportation of weapons broken down in a nonfunctioning state; or

(18) Persons who are defined in such other exceptions as may be approved by the state general assembly.

§ Sec. 70-300 Unlawful possession of firearms or ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size that may be concealed upon the person;

(2) He is under 21 years of age, has been convicted of an offense other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession;

(3) He has been convicted of a felony under the laws of this or any jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession;

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession;

(5) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession;

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

(7) He has in his possession any explosive bullet.

§ Sec. 70-303 Confiscation and disposition of weapons.

(a) Upon conviction of any violation of this article, any weapon seized shall be confiscated by the trial court.

(b) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons after the disposition of a criminal case and when no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for such weapons, the court may transfer such weapons to the chief of police who shall proceed to destroy them, or may in his discretion order such weapons preserved as property of the village whose police agency seized the weapons.

Maryville Code of Ordinances

Current through Ordinance No. 2018-58, passed December 19, 2018. (Supp. No. 29)

Title XIII. General Offenses

Chapter 137. Weapons

§ Sec. 137.01 Unlawful use of weapons.

(A) No person shall knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries:

(a) A Machine Gun, which shall be defined for the purposes of this division (A)(7) as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;

(b) Any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches;

(c) Any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles;

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this division (A)(11), explosive bullet means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. Cartridge means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap;

§ Sec. 137.03 Unlawful possession of firearms and firearm ammunition.

(A) person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his possession;

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession;

(4) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession;

(5) He is a person with an intellectual disability and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet. For the purposes of this section, **Explosive bullet** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **Cartridge** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under § 130.99. Unlawful possession of handguns is a felony punishable under appropriate state law. The possession of each firearm or firearm ammunition in violation of this section constitutes a single and separate violation.

(C) Nothing in division (A)(1) above prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

Maywood Code of Ordinances

Current through Ordinance No. (CO-2018-40, passed September 18, 2018. (Supp. No. 34)

Title XI. Business Regulations

Chapter 111. General Business Regulations

§ Sec. 111.34 Firearms and weapons sale.

(A) Firearm dealers prohibited. No person shall engage in the business of a dealer in firearms or ammunition in the Village, including exchange, loan, rental or other transfer for consideration.

(I) Reporting lost or stolen firearms. Any person who loses, destroys, transfers, or has their firearm stolen, is required to report the loss or destruction to the Maywood Police Department within 48 hours after he or she knew or reasonably should have known that the firearm had been transferred, stolen, lost, destroyed or otherwise misplaced. The report must include the make, model, and serial number of the firearm, along with the date and location of purchase. Individuals who fail to comply will be subject to a \$1,000 fine for the first violation. The fine will be \$1,500 for each firearm on the second offense and \$2,000 for each subsequent violation.

§ Sec. 111.35 Gunsmiths and gun shops.

Gunsmiths and gun shops prohibited. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm.

Title XIII. General Offenses
Chapter 130. General Offenses
Weapons

§ Sec. 130.80 Firearms.

(A) Definitions. For the purposes set forth in this § 130.80 (Firearms), § 130.81 (Weapons), § 111.34 (Weapons and Firearms Sale), and § 111.35 (Gunsmiths and Gun Shops) of the Village Code, the following words and phrases shall have the meanings, and are hereby defined, as follows.

Ammunition. Any self-contained cartridge, shot, bullet or projectile by whatever name known, which is designed to be used, or adaptable to use, in a weapon and shot or discharged therefrom.

Antique Firearm. Any firearm manufactured on or before 1898 or any replica thereof, if such replica is not designed or redesigned for using and discharging ammunition, and any other firearm which, although designed as a weapon, the Department of Law Enforcement of the State of Illinois finds, by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item that is not likely to be used as a weapon.

Assault Ammunition Feeding Device.

(a) Any magazine, belt, drum, feed strip or similar device that has a capacity of, or can be readily restored or converted to accept, more than 10 rounds of ammunition: or

(b) Any combination of parts from which a device described in the above clause can be assembled.

Assault Weapon.

(a) Any of the weapons (or types, replicas, or duplicates in any caliber of the weapons, regardless of manufacturer) known as:

1. A.A. Arms AP-9;
2. Algimec Agmi;
3. Armalite AR-180;
4. Australian Automatic Arms SAP Pistol;
5. Australian Automatic Arms SAR;
6. Auto-Ordinance Thompson type;
7. Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell and Poly Tech);
8. Barrett Light-Fifty model 82A1;
9. Beretta AR-70 (SC-70);
10. Beretta BM-59;
11. Bushmaster Auto Rifle and Auto Pistol;
12. Calico models M-900, M-950 and 100-P;
13. Chartered Industries of Singapore SR-88;
14. Claridge High Tech;
15. Colt AR-15 and Sporter;
16. Daewoo K-1, K-2, Max-1 and Max-2;
17. Encom MK-IV, MP-9 and MP-45;
18. Fabrique Nationale FN/FAL, FN/LAR or FN/FNC;
19. FAMAS MAS 223;
20. Feather AT-9 and Mini-AT;
21. Federal XC-900 and XC-450;
22. Franchi SPAS-12 and LAW-12;
23. Galil AR and ARM;
24. Heckler & Koch HK-91, HK-93, HK-94, PSG-1, SP-89;
25. Holmes Mp-83;
26. Intratec TEC-9, TEC-DC-9, TEC-22 and Scorpion;
27. Iver Johnson Enforce Model 3000;
28. Iver Johnson PM30 Paratrooper;
29. M14S type;
30. MAC 10, M-10, MAC-11 and MAC-11 Carbine type;
31. Ruger Mini-14/5F (folding stock only) and Mini-14/5RF;
32. Scarab Skorpion;
33. SIG 57 AMT, SIG 550SP, SIG 551SP, SIG PE-57 types and 500 series;
34. Spectre Auto Carbine and Auto Pistol;
35. Springfield Armory BM59, SAR-48 and G-3;
36. Sterling MK-6 and MK-7 and SAR types;
37. Stevr AUG;
38. Street Sweeper and Striker 12 revolving cylinder shotguns;
39. SWD M-10, M-11. M-11/9, M-12;
40. Valmet M63, M71S, M76 or M78;

- 41. USAS-12;
- 42. UZI Carbine, Mini-Carbine and Pistol;
- 43. Weaver Arms Nighthawk;
- 44. Wilkinson "Linda" Pistol.

(2) Any semi-automatic rifle that has a fixed magazine that can hold more than 8 rounds or an ability to accept a detachable magazine and has at least 2 of the following:

- (a) A folding or telescoping stock;
- (b) A pistol grip that protrudes beneath the action of the weapon and which is separate and apart from the stock;
- (c) A bayonet mount;
- (d) A flash suppressor;
- (e) A barrel with a threaded muzzle;
- (f) A grenade launcher.

(3) Any semi-automatic pistol that has an ability to accept a detachable magazine and has at least 2 of the following:

- (a) An ammunition magazine that attaches to the pistol outside of the pistol grip;
- (b) A barrel having a threaded muzzle;
- (c) A shroud that is attached to, or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the no-trigger hand without being burned;
- (d) A manufactured weight of 50 ounces or more when the pistol is unloaded;
- (e) A semi-automatic version of an automatic firearm.

(4) Any semi-automatic shotgun that has either a fixed magazine with a capacity in excess of 5 rounds or an ability to accept a detachable magazine and, in addition, has at least 1 of the following:

- (a) A folding or telescoping stock;
- (b) A pistol grip that protrudes beneath the action of the firearm and which is separate and apart from the stock.

Firearm Dealer. Any person engaged in the business of sale, rental or other transfer of firearms at wholesale or retail, including any person operating as a pawn broker.

Firearms. For the purpose of this Code, Firearms are: pistols, revolvers, guns and small arms of a size and character that may be concealed on or about the person, commonly known as handguns, assault weapons, rifles, shotguns and all other arms designed to discharge ammunition.

FOID. Firearm Owners Identification Card Act, 430 ILCS 65/13.1.

Licensed Firearm Collector. Any person licensed as a collector by the Secretary of the Treasury of the United States under and by virtue of Title 18, United States Code, Section 923: provided however, that a copy of said license is filed with the Chief of Police.

Peace Officer. Any person appointed by a governmental agency on a full time basis as a law enforcement official who is vested by law within the said governmental jurisdiction with all the powers possessed by police officers, including the power to make arrests on view of or under warrants for violations of state statutes and Village and county ordinances.

Person. Any individual, corporation, company, association, firm, partnership, club society, organization, or joint stock company.

Weapons. For the purpose of this Code weapons are: billy club, blackjack, bowie knife, dagger, dirk, derringer, metal knuckles, switchblade, knife, razor, slingshot, stiletto, or other things of deadly character that are not firearms.

(B) Unlawful to possess or carry: exceptions.

(1) Assault weapon ban. Within the Village, it shall be unlawful for any person to possess or carry, or for any person to permit another to possess or carry on his or her land, in any vehicle or in his or her place of business any assault weapon or assault ammunition feeding device: provided that this section shall not apply to persons identified under divisions (B)(2)(a) through (g) below.

(2) Within the Village, it shall be unlawful for any person to carry any firearm in any vehicle or permit same to be carried in any vehicle to which such person is the title owner of record or on or about his or her person, except that a person may carry any firearm when on his or her land or in his or her abode or fixed place of business: provided that this section shall not apply to:

(a) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense: provided, however, that this exemption shall apply to the carrying of a firearm only while one is engaged in the performance of his or her official duty or while commuting between his or her home and place of employment;

(c) Members of the armed services or reserve forces of the United States or the Illinois national guard or organized militia: provided, however, that this exemption shall apply to the carrying of a firearm only while one is engaged in the performance of his or her official duty;

(d) Special agents employed by a railroad or a public utility to perform police functions, watchmen, security guards and auxiliary police officers appointed under § 32.05 (Auxiliary Police Officers) of this Code; provided, however that this exemption shall apply to the carrying of a firearm only while one is actually engaged in the performance of the duties of his or her employment or while commuting between his or her home and place of employment; and provided further that said security guards are in full compliance with appropriate provisions of 720 ILCS 5/24-2(a)(4) and other applicable laws and that said auxiliary police officers are in full compliance with § 32.05 (Auxiliary Police Officers) of this Code and other applicable laws;

(e) Agents and investigators of the Illinois Crime Investigating Commission authorized by the Commission to carry firearms : provided, however, that this exemption shall apply to the carrying of a firearm only while one is on duty in the course of any investigation for the Commissioner;

(f) Manufacture, transportation or sale of firearms to persons authorized under law to possess such;

(g) Duly authorized military or civil organizations while parading, with the special permission of the Governor;

(h) Licensed hunters or fishermen while commuting to or from established game areas, provided that he or she complies with division (B)(2)(i) below;

(i) Transportation of firearms broken down in a nonfunctioning state or unloaded with neither the firearm nor any ammunition readily or directly accessible from the passenger compartment of the transporting vehicle: provided, that in the case of a vehicle without a compartment separate from the driver's compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console: provided, however, that the transportation of assault weapons must not originate or terminate within the Village to qualify as an exception to this section;

(j) Antique firearms;

(k) Licensed firearm collectors;

(l) Members of established theater organizations located in Maywood and performing a regular performance schedule to the public, utilizing only blank ammunition in the discharge of weapons only during rehearsals, classes or performances; provided further that said organization maintains possession and control over these firearms in a safe place with a designated member of the organization when the weapons are not in use.

(3) Any firearm carried pursuant to the exemptions of divisions (A)(2)(f) through (g) above shall be carried unloaded, and anyone possessing a firearm pursuant to exemptions of divisions (A)(2)(j), (k) and (l) above shall not possess or carry any ammunition therefor.

McCook Code of Ordinances

Current through Ordinance No. 05-09, enacted July 5, 2005. (Recodification)

Chapter 54. Offenses and Miscellaneous Provisions

Article VI. Weapons

§ Sec. 54-162 Weapons generally.

(b) No person shall sell, give or transfer any such weapon to any minor person.

Melrose Park Code of Ordinances

Current through Ordinance No. 2224, passed May 23, 2018. (Supp. No. 15)

Title 9. Public Peace, Morals and Welfare

Chapter 9.24. Weapons

§ Sec. 9.24.010 Prohibitions, generally.

No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, within the corporate limits of the village.

No person, firm or corporation shall engage in the business of selling or sell or give away to any person within the village, any pistol, revolver, derringer, bowie knife, dirk or other weapon, of light character which can be concealed on the person, and no person, firm or corporation having secured such a license, shall sell or give away any such weapon to any person within the village who has not secured a permit from the chief of police or president of the village to purchase such weapon in the manner hereinafter provided.

§ Sec. 9.24.020 License to sell firearms.

Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in Section 9.24.010 shall make application in writing to the president of the village, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation the name and residence of each of its members or officers. Such application shall also set out the location at which it is intended or desired to conduct such business. Upon the receipt of such application it shall be the duty of the president to issue a license to the applicant upon his or her payment to the village treasurer of an annual license fee of five hundred dollars (\$500.00).

§ Sec. 9.24.030 Other requirements.

A. In case the president of the village shall be satisfied that such application has violated any provisions of this chapter, then he or she may and shall revoke the license of such person, firm or corporation for the selling of such weapons, and the money paid for such license shall be forfeited to the village and no other such license shall be issued to such licensee for a period of three years thereafter.

B. It is unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the chief of police or the president of the village a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in the application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit. Such application shall also contain a recommendation that the permit shall issue, from two persons who shall be known to the chief of police or the president as persons of reputation and residents of the village at least one year, or who shall appear to be taxpayers residing within the village.

§ Sec. 9.24.040 Duties of chief of police or president.

It shall be the duty of the chief of police or the president of the village to refuse such permit to:

- A.** All persons having been convicted of any crime;
- B.** All vagabonds;
- C.** All minors.

Otherwise it shall be the duty of the chief of police and/or the president to grant such permit, upon the payment of a fee of one dollar (\$1.00).

§ Sec. 9.24.050 Violation, penalty.

Any person, firm or corporation violating any of the provisions of this chapter, shall be fined not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00), for each offense and any purchase, sale or gift of any weapon mentioned in this chapter shall be deemed a separate offense.

§ Sec. 9.24.060 Assault weapons.

A. Definitions. The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicated 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 (10) 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.
- 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)** AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
 - (ii)** AR-10;
 - (iii)** AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
 - (iv)** AR70;
 - (v)** Calico Liberty;
 - (vi)** Dragunov SVD Sniper Rifle or Dragunov SVU;
 - (vii)** Fabrique National FN/FAL, FN/LAR, or FNC;
 - (viii)** Hi-Point Carbine;
 - (ix)** HK-91, HK-93, HK-94, or HK-PSG-1;
 - (x)** Kel-Tec Sub Rifle;
 - (xi)** Saiga;
 - (xii)** SAR-8, SAR-4800;
 - (xiii)** SKS with detachable magazine;
 - (xiv)** SLG 95;
 - (xv)** SLR 95 or 96;
 - (xvi)** Steyr AUG;
 - (xvii)** Sturm, Ruger Mini-14;
 - (xviii)** Tavor;
 - (xix)** Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
 - (xx)** Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).
 - b.** The following 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.
 - c.** The following shotguns or copies or duplicates thereof:
 - (i)** Armscor 30 BG;
 - (ii)** SPAS 12 or LAW 12;
 - (iii)** Striker 12; or
 - (iv)** Streetsweeper.

"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.

"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 (10) 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 (10) 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.

B. Assault weapons and large capacity magazines; sales prohibited; exceptions.

1. No person shall manufacture or distribute, sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity magazine. This subsection shall not apply to:

a. The sale or transfer to, or possession by any officer, agent, or employee of the village, or of any other municipality, county, body politic or any other 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;

b. A licensee engaging in a "federal firearms transaction."

(i) A **"federal firearms transaction"** shall mean:

(A) A licensee's sale of a "specially exempted firearm" to a "federal firearms licensee;"

(B) A licensee's purchase of a "specially exempted firearm" from a "federal firearms licensee;" or

(C) A "federal firearms licensee's" possession of a "specially exempted firearm," for purposes of future sale.

(ii) For the purposes of this subsection, the following definitions shall apply:

(A) A **"Licensee"** shall mean a person authorized to acquire or possess a firearm, pursuant to the Firearm Owners Identification Card Act (430 ILCS 65/1 et seq.)

(B) A **"federal firearms licensee"** shall mean a licensee acting within the scope of the appropriate regulations established by the bureau of alcohol, tobacco, firearms and explosives, licensed pursuant to Section 923 of the Federal Gun Control Act of 1968 (18 U.S.C. 923), and licensed to do business in the village prior to June 1, 2013.

(C) A **"specially exempted firearm"** shall mean a semiautomatic pistol that has a fixed magazine that has the capacity to accept more than ten (10) rounds of ammunition, and/or a large capacity magazine.

(iii) No licensee availing itself under the exemption set forth above in this subsection B.1.b. shall have the right to manufacture or distribute, sell, offer or display for sale, give, lend, transfer ownership of, acquire, or possess any semiautomatic pistol that has a fixed magazine, that has the capacity to accept more than ten (10) rounds of ammunition, and/or a large capacity magazine in the village, except to effectuate a federal firearms transaction; or

c. 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.

2. Any assault weapon or large capacity magazine possessed, sold or transferred in violation of this section is hereby declared to be contraband and shall be seized and disposed of in accordance with the provisions of this section.

3. Any person 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 section shall have fourteen (14) days from the effective date of the ordinance from which this section is derived to do any of the following without being subject to prosecution hereunder:

4. To remove the assault weapon or large capacity magazine from within the limits of the village; or

- a. 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
- b. To surrender the assault weapon or large capacity magazine to the chief of police of the village or his designee for disposal as provided below.

C. Destruction of weapons confiscated.

1. Whenever any firearm or large capacity magazine is surrendered or confiscated pursuant to the terms of this section, the chief of police of the village or his designee shall ascertain whether such firearm or large capacity magazine is needed as evidence in any matter.
2. If such firearm or large capacity magazine is not required for evidence it shall be destroyed at the direction of the chief of police of the village or his designee. A record of the date and method of destruction and an inventory of the firearm or large capacity magazine so destroyed shall be maintained.

D. Penalty. Any person found in violation of Section 9.24.060 shall be sentenced to not more than six months imprisonment or fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00), or both.

§ Sec. 9.24.070 Destruction of weapons confiscated.

Whenever any firearm or ammunition is surrendered or confiscated pursuant to the terms of this chapter, the chief of police of the Melrose Park police department shall ascertain whether such firearm or ammunition is needed as evidence in any matter.

If such firearm or ammunition is not required for evidence it shall be destroyed at the direction of the chief of police of the Melrose Park police department. A record of the date and method of destruction and inventory of the firearm or ammunition so destroyed shall be maintained.

Monmouth Code of Ordinances

Current through Ordinance No. 09-023, passed September 9, 2009. (Supp. No. 5)

**Chapter 132. Offenses Against Public Peace and Safety
Weapons**

§ Sec. 132.39 Automatic firearms, sawed-off shotguns, and the like.

(A) It shall be unlawful for any person, firm, or corporation to own, purchase, acquire, carry, or possess any fully automatic firearms, sawed-off shotguns, or any weapon from which eight or more shots or bullets may be discharged by a single function of the firing device; any shotgun having one or more barrels less than 18 inches in length, or any weapon made from a shotgun, if such weapon has an overall length of less than 26 inches or a barrel length of less than 18 inches, or any bomb, bombshell, grenade, bottle, or other container containing an explosive substance of over one-quarter ounce for like substances, such as, but not limited to: black powder bombs, Molotov cocktails, or artillery projectiles.

(B) The provisions of this section do not apply to or affect any of the following:

- (1)** Peace officers;
- (2)** Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense;
- (3)** Members of the armed services or Reserve Force of the United States, or the Illinois National Guard, while in the performance of their official duties;
- (4)** The manufacture, transportation, or sale of machine guns to persons authorized under divisions (B)(1) through (B)(3) above to possess machine guns if the machine guns are broken down in a nonfunctioning state or not immediately accessible.

(C) The presence in an automobile other than a public omnibus of any weapon, instrument, or substance referred to in this section is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument, or substance is found, except under the following circumstances:

- (1)** If such weapon, instrument, or instrumentality is found upon the person of one of the occupants therein; or
- (2)** If such weapon, instrument, or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful, and proper pursuit of his or her trade, then such presumption shall not apply to the driver.

(D) Any complaint based upon a violation of this section need not negative any exemptions contained in this section. The defendant shall have the burden of proving such an exemption.

Montgomery Code of Ordinances

Current through Ordinance No. 1814, enacted June 25, 2018. (Supp. No. 25)

Chapter 12. Offenses, Miscellaneous

§ Sec. 12-17 Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons, which shall be a violation of this Code, when he knowingly:

- (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
- (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or

§ Sec. 12-18 Unlawful sale of firearms.

A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

- (a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or
- (b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or
- (c) Sells or gives any firearm to any narcotic addict; or
- (d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction; or
- (e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five years; or
- (f) Sells or gives any firearms to any person who is mentally retarded; or
- (g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this subsection shall not apply to:
 - (1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or
 - (2) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or
 - (3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or
 - (4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part.

§ Sec. 12-19 Unlawful possession of firearms and firearm ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

- (a) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or
- (b) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or
- (c) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or
- (d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or
- (e) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or
- (f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Morrison Code of Ordinances

Current through Ordinance No. 18-06, enacted March 12, 2018. (Supp. No. 6)

Chapter 36. Offenses and Miscellaneous Provisions
Article VIII. Offenses By and Against Minors
Division 1. Generally

§ Sec. 36-398 Possession of firearms by minors prohibited.

It is unlawful for any person to permit, suffer, or allow any minor to handle or have in his possession within the city any cannon, gun, pistol, or any toy gun or cannon, or toy pistol or air gun, or any other similar weapon, or any firearm of any description, which is a deadly weapon, or which, if discharged, is of sufficient force or power to inflict bodily injury. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece, or other firearm.

Mount Carmel Code of Ordinances

Current through Ordinance No. 1066, enacted December 19, 2016. (Supp. No. 6)

Chapter 16. Offenses and Miscellaneous Provisions
Article V. Weapons

§ Sec. 16-95 Unlawful possession of firearms and firearms ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition when he:

- (1) Is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or
- (2) Is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in this possession; or
- (3) Has been convicted of a felony under the laws of this or any other jurisdiction within five years from release from a penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or
- (4) Is a narcotic addict and has any firearms or firearm ammunition in his possession; or
- (5) Has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or
- (6) Is mentally retarded and has any firearms or firearm ammunition in his possession.

§ Sec. 16-97 Register of sales by dealer.

- (a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.
- (b) Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, description and number of the weapon, and the purpose for which it is purchased and obtained.
- (c) Such seller on demand of a peace officer shall produce, for inspection, the register and allow such peace officer to inspect such register and all stock on hand.

§ Sec. 16-98 Defacing identification marks of firearms.

- (a) It shall be unlawful for any person to change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm.
- (b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Mundelein Code of Ordinances

Current through Ordinance No. 18-01-03, passed January 8, 2018. (Supp. No. 22)

Title 9. Offenses, Peace, Morals and Safety
Chapter 9.72 Gun Safety

§ Sec. 9.72.010 Minors.

- (a) It shall be unlawful for any person to knowingly suffer or permit any minor child to violate any provision of Article VII, Chapter 9.60, as it relates to firearms.

(b) It is unlawful for any person to willfully, knowingly, or recklessly permit a minor to come into unsupervised possession of any of the following items:

(6) Any device or attachment of any kind designed, used or intended for use in silencing the report of a firearm;

(7) Machine gun as defined by 720 ILCS 5/24-1(a)(7);

(8) Any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs, molotov cocktails, pipe-bombs or artillery projectiles;

(9) Firearms, or the ammunition therefore, as defined by 430 ILCS 65/1.1.

§ Sec. 9.72.020 Exceptions.

It shall be an affirmative defense to Section 9.72.010 if a minor in possession of a firearm holds a valid hunting license or FOID card pursuant to 430 ILCS 65/1; and neither the minor, nor the person to be charged is otherwise in violation of any law related to the sale or possession of weapons, including, but not limited to: 720 ILCS 24-3.1(1); 24-3(a) or 24-3.3; and the minor is engaged in hunting, supervised target shooting, or the otherwise legal transportation of a firearm for such purposes. It is also an affirmative defense if the person had secured the weapon with a locking device which rendered the weapon incapable of being fired.

§ Sec. 9.72.030 Penalty.

Any person violating this chapter shall be fined not less than twenty-five dollars nor more than one thousand dollars for each violation.

New Lenox Code of Ordinances

Current through Ordinance No. 2736, enacted September 10, 2018. (Supp. No. 16)

Chapter 54. Offenses and Miscellaneous Provisions

Article VI. Weapons

Division 3. Sale of Firearms; Security Measures

§ Sec. 54-231 Definitions.

Definitions. For purposes of this division, the following definitions shall apply:

Firearms means the same as that term is defined in 430 ILCS 65/1.1.

Firearm ammunition means the same as that term is defined in 430 ILCS 65/1.1.

Firearms dealer means any person licensed as a dealer pursuant to 18 USC 923 excluding any person licensed solely as a collector pursuant to 18 USC 923(b).

§ Sec. 54-232 Firearms dealer business premises.

Any firearms dealer business premises located within the village shall meet the following minimum requirements:

(1) The exterior walls of the structure are to be of masonry construction. Alternative construction materials which afford equivalent protection may be permitted if approved by the village board upon the receipt of the recommendation of both the chief of police and the building inspector.

(2) All exterior entrance points and window points of the building shall be gated and or barred when the building is unoccupied. No gating, barring, or other security devices used shall be mounted to the exterior of the building. The use of gating and security devices on exit doors will need emergency override devices to allow for exit in case of an emergency inside the building. If the emergency override devices require electricity to operate, they shall be served by an alternate 12-hour power supply that automatically activates in the event of a power failure.

(3) The entire interior of the building (except bathrooms) must be covered with video surveillance cameras. The video surveillance camera recorders must be located in safe and locked at all times. Parking lots as well as any exterior wall breach, such as doorways or windows must be maintained under video surveillance as well. Lighting must be supplied to insure that the installed cameras are capable of recording all activity at such lumens that will allow easy identification of any persons coming into their view, and such light must be maintained 24 hours a day.

(4) No business shall have any firearms for sale without having the area of the place of business where such firearms are stored protected by a silent alarm that will immediately notify the police department, in working condition, which is capable of being manually triggered during business hours and automatically triggered when forcible entry into the business is attempted when the business is closed.

§ Sec. 54-233 Storage of firearms and firearms ammunition during business hours.

All firearms dealers shall, during business hours:

(1) Display all firearms in locked display cases that would need to be unlocked by an employee for handling by a potential buyer. Employees assisting in the sale of firearms must be supplied with a panic alarm that is tied into the building alarm system for immediate notification of the police department.

(2) Store firearms ammunition in a location that is not available without the assistance of an employee.

§ Sec. 54-234 Storage of firearms and firearms ammunition after hours.

(a) No firearms shall be displayed in any manner which would cause such exhibit or display to be visible to persons outside of the premises during hours the business is not open.

(b) A safe must be provided on site that is of sufficient size to accommodate all firearms on site at any given time. All firearms must be kept in the safe when the business is not open.

Niles Code of Ordinances

Current through Ordinance No. 2018-50, enacted August 28, 2018. (Supp. No. 79, Update 1)

Chapter 66. Offenses and Miscellaneous Provisions

Article IX. Weapons

§ Sec. 66-229 Dealers to keep register.

All persons dealing in firearms within the village shall keep a register of all such firearms sold or given away by them. Such register shall contain the date of the sale or gift; the name, address, age and occupation of the person to whom the firearm is sold or given; the price of the firearm; the kind, description and number of the firearm; and the purpose for which it is purchased or obtained. The register shall be in the following form:

(1) Date of purchase or gift;

(2) , address and age of purchaser or donee;

(3) Occupation of purchaser or donee;

(4) Kind, description and number of firearm;

(5) Purpose for which firearm was purchased or obtained; and

(6) Price of firearm.

§ Sec. 66-230 Affidavit to purchase firearms.

(a) It shall be unlawful for any person dealing in firearms to sell, barter, loan, or give away to any person within the village any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have filed with the dealer an affidavit affirming the requirements stated in this section, and it shall be the duty of the person dealing in firearms to receive and keep such affidavit in a permanent file for inspection purposes. Every such person dealing in firearms shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection all affidavits of purchasers and the register so required to be kept.

(b) The following persons are covered by this and not eligible to purchase a firearm:

(1) Any person convicted of a felony; and any person having been convicted of any misdemeanor contained in chapter 38, article 12 of the criminal code of 1961 (720 ILCS 5/12-1 et seq.), as amended;

(2) Any minor under the age of 18 years;

(3) An addict as defined by section 1-103 of the state alcoholism and other drug dependency act (20 ILCS 305/1-103), as amended;

(4) Any person convicted of the unlawful use or possession of a weapon;

(5) Any person who has been a patient in a mental treatment facility within the past five years or has been acquitted of a criminal offense by reason of insanity.

(c) The affidavit required by subsection (a) of this section must be on file with the dealer for not less than seven days before the sale is consummated and possession transferred.

§ Sec. 66-231 Selling; furnishing firearms to minors.

It shall be unlawful for any person to sell, give, loan or furnish to any minor under the age of 18 years any gun, pistol, rifle, revolver or other firearm within the corporate limits of the village.

§ Sec. 66-234 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:

Antique handgun means any firearm, including, but not limited to, any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, which is incapable of being fired or discharged; or any firearm manufactured before 1898 for which cartridge ammunition is not commercially available and is possessed as a curiosity or ornament or for its historical significance or value.

Assault weapon means:

- (1) Any semiautomatic action, centerfire rifle or carbine that accepts a detachable magazine with a capacity of 20 rounds or more.
- (2) Any semiautomatic shotgun with a magazine capacity of more than six rounds.
- (3) Any semiautomatic handgun that is:
 - a. A modification of a rifle described in this definition or a modification of an automatic firearm; or
 - b. Originally designed to accept a detachable magazine with a capacity of more than 20 rounds.
- (4) Any firearm which may be restored to an operable assault weapon.
- (5) Any part or combination of parts designed or intended to convert a firearm into an assault weapon which may be readily assembled if those parts are in the possession or under the control of the same person.
- (6) The term "assault weapon" does not include any of the following:
 - a. Any firearm that uses .22 caliber rimfire ammunition with a detachable magazine with a capacity of 18 rounds or less.
 - b. Any assault weapon which has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

Automatic or semiautomatic firearm means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

Firearm means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. The word firearm includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

Handgun means a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such firearm can be assembled.

Person means any individual, corporation, company, association, firm, partnership, club or society, including wholesale and retail gun dealers.

Rifle means a weapon designed or redesigned, made or remade and intended to be fired from the shoulder or designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Sale means the transfer of possession within the village for consideration.

Shotgun means a firearm, whether or not it is intended to be fired from the shoulder, that is designed or redesigned, made or remade to fire a fixed shotgun shell.

§ Sec. 66-235 Prohibitions.

- (a) No person shall sell, offer or display for sale, give, lease, lend or transfer ownership of any assault weapon.
- (b) This section shall not apply to federal, state and local law enforcement officials while engaged in the operation of their official duties.
- (c) The sale of handguns, except antique handguns, is prohibited. However, this prohibition shall not apply to sales to law enforcement officers on active duty, security personnel licensed by the state to carry firearms, and members of any other federal bureau or agency who are authorized to carry firearms.

§ Sec. 66-236 Seizure and destruction.

Any assault weapon offered for sale in violation of this division is hereby declared to be contraband and shall be seized and disposed of as authorized by law.

§ Sec. 66-237 Penalty for violation.

- (a) Any person who violates any provision of this section shall be guilty of a class B misdemeanor.
- (b) Each calendar day that any violation of this section is repeated or continued shall constitute a separate offense.

Norridge Code of Ordinances

Current through Ordinance No. 1931-18, enacted March 28, 2018. (Supp. No. 28)

Chapter 22. Businesses
Article VIII. Weapons Dealers

§ Sec. 22-361 Definitions.

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

Ammunition means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

1. Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required by the United States Coast Guard or the Interstate Commerce Commission;
2. Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Code means the Revised Municipal Code of the Village of Norridge, 2002, as may be amended from time to time.

Firearm means any device, by whatever name known, which is designed or may be readily converted to expel a projectile or projectiles by the action of an explosive or propellant, or by an expansion or escape of gas generated by the process of combustion or ignition, or the component parts of the foregoing, or any combination of component parts either designed or intended for use in converting any device into a firearm as described herein. The definition of firearm excludes:

1. Any safety device used exclusively for signaling or safety and required or recommended by the U.S. Coast Guard;
2. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar construction or industrial ammunition;
3. Model rockets designed to propel a model vehicle in a vertical direction;
4. Any air rifle, pneumatic gun, spring gun, paintball gun or BB gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors.

Licensee means a person granted a license as a weapons dealer by the village pursuant to the Code.

Person means any individual, corporation, company, limited liability company, association, firm, partnership, club, society, or joint stock company.

Weapons dealer means any person, including any person who is a pawnbroker, who:

1. Sells, rents, or transfers firearms or their component parts;
2. Engages in the business of manufacturing firearms or their component parts for remuneration;
3. Sells or transfers ammunition at wholesale or retail;
4. Engages in the business of repairing firearms or making or fitting special barrels, trigger mechanisms, stocks, or grips for firearms for remuneration; or
5. Sells, loans, rents, exchanges, gives away, or otherwise transfers for consideration:

C. Any firearm or ammunition as those terms are defined in chapter 22, section 22-361 of the Code as may be amended from time to time.

§ Sec. 22-362 Weapons dealers prohibited near sensitive places.

No weapons dealer may be located on property within 500 feet, measured from property line to property line, of any: a) public or private nursery, elementary, or secondary school; b) nonresidential childcare facility; or c) public park, playground, playing field, or other recreational area.

§ Sec. 22-363 License.

A. Required. No person may engage in the business of a weapons dealer as set forth in this article within the corporate limits of the village, without first having secured from the village a weapons dealer license.

B. Application.

- 1.** An application for a weapons dealer license shall be made in conformity with the general requirements of this Code relating to applications for licenses and this article.
- 2.** All applications shall be made on the forms provided by the village and shall include, at a minimum, the following information:
 - a.** The full name and address of the applicant, or, if a corporation, the name and address thereof and the names of its principal officers and their residence addresses, or, if a partnership or unincorporated association, the name and address thereof and the names and residence addresses of each partner or member thereof; if a limited liability company, the names and residence addresses of each member of the limited liability company.
 - b.** The location of the weapons dealer establishment at which the sale of dangerous weapons, firearms, and/or ammunition is proposed.
 - c.** Evidence that the applicant has a current and valid firearms license issued by the United States Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, along with the following information concerning the license:
 - i.** The federal firearms license number;
 - ii.** The class of such license; and
 - iii.** The expiration date of such license.
 - d.** A certification that no employee of the applicant actually involved in the sale or handling of the dangerous weapons, firearms, and/or ammunition has been convicted of a felony.
 - e.** A sworn statement that the applicant will abide by and comply with the local, state, and federal laws associated with the sale of firearms and deadly weapons.

C. Fee. The fee for a weapons dealer license shall be as established by the fee ordinance in chapter 22 of the Code.

D. License term. The term of a license issued pursuant to this article shall be for one year, subject to revocation as provided in chapter 22 of the Code.

E. Transfer restrictions. A weapons dealer license shall be purely a personal privilege and shall expire at the end of the standard license term occurring next after issuance unless sooner revoked. It shall not constitute property, shall not be subject to attachment, garnishment or execution, and shall not be alienable or voluntarily or involuntarily transferable.

§ Sec. 22-364 Conditions for issuance and maintenance of license.

A weapons dealer license shall not be issued to, or maintained by, a licensee unless the following conditions are met:

- A. Qualifications.** The licensee and all employees actually involved in the sale or handling of any inventory specified in this article herein must be (i) at least 21 years of age, (ii) certified by the village chief of police or his or her designee, as being reasonably knowledgeable about the use and operation of such weapons, and (iii) have successfully passed a criminal background investigation, and any other applicable requirements of the United States, the State of Illinois, village, and any other jurisdiction having authority over the premises where the licensee is conducting a weapons dealer business.
- B. Storage of inventory.** All inventory subject to this article shall be stored, maintained, and displayed in locked cases at all times.
- C. Separate register.** A separate register shall be provided and used for all transactions related to the inventory subject to this article.
- D. Certification required; FOID requirements.** The licensee shall require the purchaser of each firearm or ammunition to sign a statement certifying that the purchaser is familiar with, and reasonably knowledgeable about, the use and operation of such firearms and ammunition and is authorized to possess such firearms and ammunition as set forth in state and federal law, as may be amended from time to time.
- E. Inspections.** The licensee shall permit the village to inspect, during regular business hours, all records relating to the sale of firearms required to be maintained pursuant to the Federal Firearms Act, the Federal Gun Control Act, the State of Illinois, and any rules prescribed by the Department of Treasury, Bureau of Alcohol, Tobacco Firearms and Explosives.
- F. Alarm system.** The licensee shall maintain an operating 24-hour burglar and fire alarm system on the licensed premises, and the alarm must be registered with the village police department.
- G. Zoning.** A licensee hereunder may locate its business as a special use in the village's B-2, B-3, B-5, or C Zoning Districts, subject to the requirements of the zoning ordinance of the Village of Norridge, as amended.

H. No expansion. A licensee may not expand its operation beyond boundaries of the premises described in the license application.

§ Sec. 22-365 Report of sale.

Every weapons dealer licensed pursuant to this article shall make out and deliver to the village chief of police every day before the hours of 12:00 noon, a legible and correct report of every sale or gift made under authority of such license during the preceding 24 hours, which report shall contain the date of such sale or gift, the name of the purchaser or donee with his address and age, his nationality and citizenship, the number, kind, description, and price of such weapon, the number of the purchaser's permit and the purpose given by such person for the purchase of such weapon, which report shall be substantially in the following form:

Number of permit
Number of weapon
of purchaser
Address of purchaser
Citizen or alien
If alien, name of country subject of
Age of purchaser
Kind or description of weapon
For what purpose purchased
Price

If no such sale has been made during the preceding 24 hours, then it shall not be necessary to file the report for such period.

§ Sec. 22-366 Denial; revocation.

A license issued pursuant to this article may be temporarily suspended, revoked, or an application for issuance or renewal of a license may be refused by the village, if:

- A. The application for the license contains any false, fraudulent, or misleading material statement;
- B. The license applicant has made any false, fraudulent, or misleading material statement, or has been convicted of perpetrating a fraud upon any person, or has committed a felony;
- C. The license applicant has conducted any business in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public; or
- D. The licensee has violated any of the provisions of this article or of any other code, ordinance, resolution, rule, or regulation of the village.

An applicant or licensee aggrieved by the action of the village in refusing to issue any license, or in suspending or revoking any license already issued, shall have the right to appeal such decision in accordance with, and as provided by, section 22-367 below.

§ Sec. 22-367 Administrative appeal.

- A. Procedure. If any license issued hereunder shall have been suspended or revoked, the licensee shall be notified in writing of the reasons for such denial, suspension, or revocation by the village. Within ten days thereafter, the licensee may request an administrative hearing pursuant to chapter 2, article VII of the Code.
- B. Revocation. If the hearing officer is satisfied that such applicant or licensee has violated any provisions of this article, he or she may revoke the license of such person for the selling of such weapons. In such a case, the money paid for such license shall be forfeited to the village, and no other such license shall be issued to such licensee.

§ Sec. 22-368 Construction.

Nothing in this article shall be construed or applied to necessarily require or excuse noncompliance with any provision of the laws of the State of Illinois or to the laws of the United States. This article and the penalties prescribed for violation hereof, shall not supersede, but shall supplement all statutes of the State of Illinois or of the United States in which similar conduct may be prohibited or regulated.

§ Sec. 22-369.

If any provisions of this article or the application thereof to any person or circumstance is held invalid, the remainder of this article and the applicability of such provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

§ Sec. 22-370 Preemption.

This article shall preempt all Cook County licensing or other regulatory schemes for weapons dealers. As provided in Article VII, Section 6(c) of the State of Illinois Constitution of 1970, if a county ordinance conflicts with an ordinance of a municipality, the municipality's ordinance shall prevail within its jurisdiction.

North Chicago Code of Ordinances

Current through Ordinance No. 2018-18, adopted July 16, 2018. (Supp. No. 15, Update 2)

Title 10. Police Regulations

Chapter 10. Assault Weapons and Assault Ammunition

§ Sec. 8-10-1 Definitions.

As used in this chapter, the following terms shall have the following meanings:

Assault Ammunition: A detachable magazine capacity of which is more than sixteen (16) rounds center fire.

Assault Weapon: Any weapon which shoots, is designed to shoot, or can be readily stored to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger. The terms shall also include the frame or receiver of any such weapon, any part designed and intended for use in converting a weapon into a machine gun, any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person. This definition shall include, but is not limited the following assault rifles:

AK 47 type	86S type
AK 47 S type	86S7 type
AK 74 type	87S type
AKS type	Gali type
AKM type	Type 56 type
AKMS type	Type 565 type
84S1 type	Valmet M76 type
ARM type	Valmet M78 type
84S1 type	M76 counter sniper type
84S3 type	FAL type
HK91 type	L1A1A type
HK93 type	SAR 48 type
HK94 type	AUG type
G3SA type	FNC type
K1 type	Uzi carbine
K2 type	Algimec AGMI type
AR 100 type	AR 180 type
M24S type	MAS 223 type
SIG 550SP type	Beretta BM59 type
SIG 551SP type	Beretta AR70 type
Australian Automatic Arms SAR type	CIS SR88 type
Australian Automatic Arms SAR type	Ruger Mini 14/5F
SKS type with detachable magazine	Springfield Armory SAR-48
SKS type with detachable magazine	Springfield Armory BM-59
Federal SC-900 and SC450	Bushmaster Auto Rifle
Feather AT-9 Auto Carbine	Auto-Ordinance Thompson M1
Goncz High Tech Carbine	Auto-Ordinance Thompson 1927A1
Colt AR-15	TEC 9 type
Iver Johnson PM 30 P Paratrooper	

§ Sec. 8-10-2 Assault weapons or ammunition; sale prohibited; exceptions.

A. No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess, manufacture or distribute any assault weapon or assault ammunition within the corporate limits of the City. This subsection shall not apply to:

1. The sale, distribution or the possession for sale and distribution by any firearms dealer licensed pursuant to this article of an assault weapon or assault ammunition to any officer, agent or employee of the City or any other municipality, county, body politic 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, and peace officers to the extent that any such person is otherwise authorized to acquire or possess an assault weapon or assault ammunition and is acting within the scope of his or her duties;

2. The possession for sale and distribution or the sale to, or the acquisition or possession of assault ammunition by persons employed to provide security for armored carriers or mobile check cashing services while in the course of such duties, while commuting directly to or from the person's place of employment, and while at the person's home, if the assault ammunition is sold, acquired or possessed for use with a weapon that the person has been authorized to carry under Section 28 of the Illinois Private Detective, Private Alarm and Private Security Act of 1983.

3. Transportation of assault weapons if such weapons are broken down and in non-functioning state and are not immediately accessible to any person.

B. Any assault weapon or assault ammunition possessed, sold or transferred in violation of subsection 8-10-2A of this chapter is hereby declared to be contraband and shall be seized and disposed of in accordance with as provided in Section 8-10-3 of this chapter.

C. Any person found in violation of this chapter shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) and up to six (6) months in jail.

D. Any person who, prior to the effective date of the ordinance codified in this article, was legally in possession of an assault weapon or assault ammunition prohibited by this ordinance, shall have fourteen (14) days from the effective date of the ordinance codified herein to do any of the following without being subject to prosecution hereunder:

1. To remove the assault weapon or ammunition from within the limits of the City; or

2. To modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon; or

3. To surrender the assault weapon or ammunition to the chief of police of the City or said chief's designee for disposal as provided below.

§ Sec. 8-10-3 Destruction of weapons confiscated.

Whenever any firearm or ammunition is surrendered or confiscated pursuant to the terms of this article, the chief of police shall ascertain whether such firearm or ammunition is needed as evidence in any matter.

If such firearm or ammunition is not required for evidence, it shall be destroyed at the direction of the chief of police. A record of the date and method of destruction and inventory of the firearm or ammunition so destroyed shall be maintained.

North Riverside Code of Ordinances

Current through Ordinance No. 17-O-16, passed December 11, 2017. (Supp. No. 15)

Title 5. Business Licenses and Regulations

III. Businesses and Professions

Chapter 5.100. Firearms Dealers

§ Sec. 5.100.010 Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Applicant" means the person submitting the application to the village of North Riverside pursuant to the terms of this chapter.

"Firearm" or **"firearms"** shall have that meaning as set forth in 430 ILCS 65/1.1. Notwithstanding the foregoing, the term "firearm" or "firearms" shall not include any rifle, shotgun, or handgun manufactured prior to 1900.

"Firearms dealer" means any person licensed by the Federal Bureau of Alcohol, Tobacco and Firearms as a "dealer" pursuant to Section 923(a)(3)(B) or Section 923(a)(3)(C) of Title 18 of the United States Code and possessing a "Type 01" federal license; and excluding any person licensed solely as a "collector" pursuant to Section 923(b) of Title 18 of the United States Code and possessing only a "Type 03" federal license.

"Gun sales area" means that area used or designated by a firearms dealer, exclusively or in part, for the sale, swapping, bartering or exchange of firearms.

"Hand gun" means a firearm designed or intended to be held and fired by the use of a single hand and includes a combination of parts from which a firearm can be assembled.

"Person" means any individual, public or private corporation, partnership, firm, society or unincorporated association.

§ Sec. 5.100.020 Prohibition.

No firearms dealer shall engage in the sale, swapping, bartering or exchange of firearms without first obtaining a license from the village of North Riverside in accordance with the terms of this chapter.

§ Sec. 5.100.030 Eligibility.

No firearms dealer shall be eligible to obtain a license according to the terms of this chapter from the village unless all of the following conditions are satisfied:

- A.** The gun sales area is located within a retail store which retail store is owned, operated and maintained by the applicant or is located in a retail store which retail store is leased to the applicant pursuant to a lease which has a duration of not less than three years (the retail store described in this item shall be referred to herein as "store").
- B.** The applicant shall have already obtained from the village a valid, general retail merchandising license pursuant to Chapter 5.83 of the North Riverside Municipal Code or which general retail merchandising license will be issued by the village concurrently with the issuance of the license pursuant to this chapter.
- C.** The gun sales area does not exceed twenty percent of the total retail floor area of the store.
- D.** The store must be in compliance with all applicable ordinances, rules and regulations of the village including, but not limited to the Building Code and Zoning Ordinance.
- E.** The only proposed firearms sales allowed in the gun sales area shall be those firearms designed or customarily used for hunting or target shooting and shall not, in any event, include the sale of hand guns.
- F.** The store must be located in an area having a business district zoning classification.

§ Sec. 5.100.040 Application for a license.

The applicant shall complete, execute and deliver to the village an application form as prepared by the village together with any and all supporting information or documents required from time to time by the village. The applicant shall allow the police chief of the village or any other representative of the village to inspect the proposed gun sales area. At the time of the filing of the application with the village, the applicant shall provide proof of a valid federal firearms dealers license and a valid firearms owner identification card issued by the state.

§ Sec. 5.100.050 License, fee.

Concurrently with the filing of the license application, the applicant shall pay to the village an initial application fee of three hundred ninety-three dollars and twenty-five cents. In the event a license is issued by the village pursuant to this chapter, the license shall automatically expire on the thirty-first day of December of the year in which the license was issued. In the event the applicant desires to renew the license for the next or additional calendar year, the applicant shall pay to the village a fee of three hundred ninety-three dollars and twenty-five cents. Any person licensed under federal laws as a firearms dealer must obtain a license from the village for each individual location within the village. A separate application license fee is required for each location. No license issued pursuant to this chapter shall be transferable or assignable to any other person or any other location. In no event shall any rebate or refund be made, in whole or in part, of any fee paid by an applicant or a license for any reason including nonuse of the license, the refusal of the village to issue a license, and/or discontinuance of the operation or conduct of the regulated business.

§ Sec. 5.100.060 Exclusion.

The terms of this chapter shall not apply to a firearms dealer who sells, swaps, barter or exchanges two or fewer firearms during any calendar year.

§ Sec. 5.100.070 Continuing compliance.

The licensee who receives a license pursuant to this chapter shall comply with the conditions described in Section 5.100.030 above including, but not limited to, the condition that the only types of firearms which may be sold, transferred, exchanged, bartered or swapped in the gun sales area are those firearms designed or customarily used for hunting or target shooting and shall not, in any event, include the sale of hand guns.

§ Sec. 5.100.080 Penalty.

Any person convicted of a violation of the provisions of this chapter shall be fined not less than two hundred fifty dollars nor more than five hundred dollars and/or a term of incarceration of not more than six months. Each day a violation of the provisions of this chapter continues shall constitute a separate offense. Additionally, the village shall have the right to revoke the general retail merchandise license issued by the village for the store wherein the gun sales area is located.

Northbrook Code of Ordinances

Current through Ordinance No. 2018-13, adopted March 20, 2018. (Supp. No. 45)

Chapter 15. Permits and Miscellaneous Business Regulations
Article XXII. Retail Sales of Firearms
Division 1. Generally

§ Sec. 15-780 Definitions.

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

Ammunition shall have the meaning ascribed to it in section 921 of the Federal Firearms Act, 18 U.S.C. section 921, as the same may, from time to time, be amended.

Category I Firearm means and includes:

- (1) Any firearm used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the interstate commerce commission;
- (2) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial fastener; and
- (3) Model rockets used to propel a model vehicle in a vertical direction.

Category II Firearm means and includes:

- (1) Handguns, as defined in section 921 of the Federal Firearms Act, 18 U.S.C. section 921, as the same may, from time to time, be amended;
- (2) Any firearm that is prohibited to be sold or delivered to any person under any applicable state or federal law now or hereinafter enacted;
- (3) BB guns; and
- (4) Pellet guns.

Category III Firearm means and includes all firearms that are not Category I Firearms or Category II Firearms.

Category III Firearm Sales License means a license for the sale of Category III Firearms and ammunition issued by the village pursuant to, and in accordance with the requirements set forth in, Division 3 of this article.

Firearm shall have the meaning ascribed to it in section 921 of the Federal Firearms Act, 18 U.S.C. section 921, as the same may, from time to time, be amended.

Retail Sales Establishment means a retail store whose activities consist of buying, selling, storing, handling, or dealing to or with the public in one (1) or more of a variety of goods. For purposes of clarification, but not by way of limitation, the definition of "retail sales establishment" shall include (a) all uses classified as "retail and services uses" pursuant to the Northbrook Zoning Code, as the same has been and may, from time to time hereafter, be amended and (b) all establishments now or hereafter located within any commercial district, as defined in the Northbrook Zoning Code.

Division 2. Prohibition of the Sale of Category II Firearms

§ Sec. 15-786 Prohibition of Sale.

The sale of any category II firearm, or ammunition used exclusively therefor, by any retail sales establishment in the village, shall be, and is hereby, prohibited.

Division 3. Licenses Required for the Sale of Category III Firearms and Ammunition

§ Sec. 15-791 Permitted sales with license.

The sale, rental, or other disposition of any category III firearm or ammunition by any retail sales establishment within the corporate limits of the village, without first having secured from the village a category III firearm sales license, shall be, and is hereby, prohibited. No retail sales establishment within the corporate limits of the village shall engage in the sale, rental, or other disposition of a category III firearm or ammunition without a validly issued and current category III firearm sales license.

§ Sec. 15-792 Maximum number of licenses.

The maximum number of category III firearm sales licenses shall be as established by the annual fee ordinance.

§ Sec. 15-793 License fee.

The fee for a Category III Firearm sales license shall be as established by the annual fee ordinance.

§ Sec. 15-794 Application requirements.

(a) All applications for a Category III Firearm sales license shall be made in accordance with the requirements of this article and Chapter 15 of this Code.

(b) All applications shall be made on the forms provided by the village and shall include, at a minimum, the following information:

(1) The full name and address of the applicant, or, if a corporation, the name and address thereof and the names of its principal officers and their residence addresses, or, if a partnership or unincorporated association, the name and address thereof and the names and residence addresses of each partner or member thereof.

(2) The location of the retail sales establishment at which the sale of category III firearms and/or ammunition is proposed.

(3) Evidence that the applicant has a current and valid firearms license issued by the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, along with the following information concerning the license:

- a. The federal firearms license number;
- b. The class of such license; and
- c. The expiration date of such license.

(4) A certification that no employee of the applicant actually involved in the sale or handling of category III firearms and/or ammunition has been convicted of a felony.

(5) A properly executed agreement to indemnify, save and hold harmless the village from any and all loss, cost, damage, expense, liability or other claim whatsoever related to any claim filed in connection with the sale or use of a category III firearm or the issuance of the category III firearm sales license by the village.

(6) A sworn statement that the applicant will abide by and comply with the local, state and federal laws associated with the sale of firearms.

§ Sec. 15-795 Conditions for issuance and maintenance of license.

No Category III Firearm sales license shall be issued to, or maintained by, a retail sales establishment that does not meet the following conditions:

(1) Employees actually involved in the sale or handling of category III firearms must be (i) at least twenty-one (21) years of age and (ii) certified by the chief of police as being reasonably knowledgeable about the use and operation of category III firearms;

(2) All Category III Firearms and ammunition shall be stored, maintained and displayed in locked cases at all times;

(3) A separate register shall be provided and used for all transactions related to the sale or rental of Category III Firearms and ammunition;

(4) No property line of the lot on which the retail sales establishment is located shall be within one thousand five hundred (1,500) feet of the property line of (i) any property owned by the Northbrook Park District or (ii) any property used for a public or private elementary or secondary school;

(5) No property line of the lot which the retail sales establishment is located shall be within one thousand five hundred (1,500) feet of the property line of any other retail sales establishment to which a category III firearm sales license has previously been issued and is currently in effect (for purposes of this requirement, applications for renewal of a category III sales license shall be deemed to have priority over applications for an initial category III firearms sales license);

(6) The retail sales establishment shall require the purchaser of each Category III Firearm to sign a release statement certifying that the purchaser is familiar with, and reasonably knowledgeable about, the use and operation of category III firearms; and

(7) The retail sales establishment shall permit the village manager to inspect, during regular business hours, all records relating to the sale of firearms required to be maintained pursuant to the Federal Firearms Act, the Federal Gun Control Act, the State of Illinois Firearms Act, and any rules prescribed by the department of treasury, bureau of alcohol, tobacco and firearms.

§ Sec. 15-796 Issuance.

Upon (a) receipt of a completed application for a Category III Firearms sales license, with the approval of both the chief of police and the village manager endorsed thereon, and (b) payment of the applicable license fee, the village clerk shall issue the Category III Firearm sales license.

§ Sec. 15-797 License term.

The term of the Category III Firearm sales license shall be as established by the annual fee ordinance.

§ Sec. 15-798 Renewal.

A retail sales establishment licensed hereunder may apply to renew its Category III Firearm sales license prior to the end of the license term. The right to apply for renewal provided herein shall not be construed as a vested right to renewal.

§ Sec. 15-799 Transfer restrictions.

A Category III Firearms sales license shall be purely a personal privilege and shall expire at the end of the standard license term occurring next after issuance unless sooner revoked. It shall not constitute property, shall not be subject to attachment, garnishment or execution, and shall not be alienable or transferable, voluntarily or involuntarily, and shall be subject to being encumbered or hypothecated. For the purposes of this section, to "**alienate**" or "**transfer**" a license shall mean to give, sell or convey a license or fifty (50) percent or more of the total number of shares of stock or securities convertible into stock of a corporation or entity that holds a license.

§ Sec. 15-800 Denial; revocation.

A Category III sales license may be temporarily suspended, or revoked, or an application for issuance or renewal of a category III sales license may be refused, by the village manager if he or she determines that:

- (1) The application for the license contains any false, fraudulent or misleading material statement; or
- (2) The license applicant has made any false, fraudulent or misleading material statement, or has been convicted of perpetrating a fraud upon any person or has committed a felony; or
- (3) The license applicant has conducted any business in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public; or
- (4) The licensee has violated any of the provisions of this chapter or of any other code, ordinance, resolution, rule or regulation of the village.

An applicant or licensee aggrieved by the action of the village manager in refusing to issue any license or in suspending or revoking any license already issued shall have the right to appeal such decision to the village board of trustees in accordance with, and as provided by, section 15-801 below.

§ Sec. 15-801 Administrative appeal.

If any application for a license under this section is denied, or if any license already issued shall have been suspended or revoked, the retail sales establishment shall be notified in writing of the reasons for such denial, suspension or revocation by the village manager. Within ten (10) days thereafter, the retail sales establishment may request a hearing before the village board of trustees to appeal the denial, suspension or revocation. The retail sales establishment shall be given five (5) days advance notice of the hearing date. At the hearing, the retail sales establishment may be present and submit evidence and witnesses to rebut the reasons cited for denial, suspension or revocation of the license.

Division 4. Exemption of Category I Firearms

§ Sec. 15-806 Category I Firearms.

The restrictions and regulations of this article shall not apply to the sale of Category I Firearms or ammunition used exclusively therefor.

Division 5. Penalties and Severability

§ Sec. 15-807 Fine upon conviction.

Any person who violates any of the sections of this Article XXII shall, upon conviction thereof, be punished by a fine in an amount not less than the amount stated in the annual fee ordinance.

§ Sec. 15-808.

If any provisions of this Article XXII or the application thereof to any person or circumstance is held invalid, the remainder of this article and the applicability of such provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

**Chapter 17 Offenses, Miscellaneous
Article III. Offenses Against Public Safety**

§ Sec. 17-40 Possession of weapons by persons under eighteen years of age.

(5) It shall be unlawful for any person under eighteen (18) years of age, within the village limits, to possess any:Firearms or ammunition, as defined in Article XXII of Chapter 15 of this Code, except when such person is under the direct supervision of an adult that is (a) that person's parent, guardian, or other individual having charge of that person and (b) a holder of a valid and current firearm owner's identification card issued by the State of Illinois;

§ Sec. 17-49 Firearm storage responsibility.

(a) It shall be unlawful for the owner of a firearm, as defined in Article XXII of Chapter 15 of this Code, to allow any person under the age of eighteen (18) to gain access to a firearm without the lawful permission and supervision of that person's parent, guardian, or other individual having charge of the person.

(b) Subsection (a) shall not apply where the person under eighteen (18) years of age:

(1) Gains access to the firearm and uses it in a lawful act of self-defense or defense of another; or

(2) Gains access to the firearm after that person unlawfully enters the premises or vehicle within which the firearm is stored.

Oak Park Village Code

Current through Ordinance No. 18-383, passed June 9, 2018.

Chapter 27. Weapons

Article I. Firearm Sale or Rental

§ Sec. 27-1-1 Definitions.

For the purposes set forth in Chapter 27 of the Village Code, the following words and phrases shall have the meanings, and are hereby defined, as follows:

Ammunition: Any self-contained cartridge, shot, bullet or projectile by whatever name known, which is designed to be used, or adaptable to use, in a weapon and shot or discharged therefrom.

Antique Firearm: Any firearm manufactured on or before 1898 or any replica thereof, if such replica is not designed or redesigned for using and discharging ammunition, and any other firearm which, although designed as a weapon, the Department of Law Enforcement of the State of Illinois finds, by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item that is not likely to be used as a weapon.

Assault Ammunition Feeding Device:

A. Any magazine, belt, drum, feed strip or similar device that has a capacity of, or can be readily restored or converted to accept, more than ten (10) rounds of ammunition; or

B. Any combination of parts from which a device described in the above clause can be assembled.

Assault Weapon:

A. Any of the weapons (or types, replicas, or duplicates in any caliber of the weapons, regardless of manufacturer) known as:

A.A. Arms AP-9

Algimec Agmi

Armalite AR-180

Australian Automatic Arms SAP Pistol

Australian Automatic Arms SAR

Auto-Ordinance Thompson type

Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell and Poly Tech)

Barrett Light-Fifty model 82A1

Beretta AR-70 (SC-70)

Beretta BM-59

Bushmaster Auto Rifle and Auto Pistol

Calico models M-900, M-950 and 100-P

Chartered Industries of Singapore SR-88

Claridge High Tech

Colt AR-15 and Sporter

Daewoo K-1, K-2, Max-1 and Max-2

Encom MK-IV, MP-9 and MP-45

Fabrique Nationale FN/FAL, FN/LAR or FN/FNC

FAMAS MAS 223

Feather AT-9 and Mini-AT

Federal XC-900 and XC-450

Franchi SPAS-12 and LAW-12

Galil AR and ARM

Heckler & Koch HK-91, HK-93, HK-94, PSG-1, SP-89

Holmes Mp-83

Intratec TEC-9, TEC-DC-9, TEC-22 and Scorpion

Iver Johnson Enforce Model 3000

Iver Johnson PM30 Paratrooper

M14S type

MAC 10, M-10, MAC-11 and MAC-11 Carbine type

Ruger Mini-14/5F (folding stock only) and Mini-14/5RF
Scarab Skorpion
SIG 57 AMT, SIG 550SP, SIG 551SP, SIG PE-57 types and 500 series
Spectre Auto Carbine and Auto Pistol
Springfield Armory BM59, SAR-48 and G-3
Sterling MK-6 and MK-7 and SAR types
Stevr AUG
Street Sweeper and Striker 12 revolving cylinder shotguns
SWD M-10, M-11, M-11/9, M-12
Valmet M63, M71S, M76 or M78
USAS-12
UZI Carbine, Mini-Carbine and Pistol
Weaver Arms Nighthawk
Wilkinson "Linda" Pistol

B. Any semi-automatic rifle that has a fixed magazine that can hold more than eight (8) rounds or an ability to accept a detachable magazine and has at least two (2) of the following:

1. A folding or telescoping stock;
2. A pistol grip that protrudes beneath the action of the weapon and which is separate and apart from the stock;
3. A bayonet mount;
4. A flash suppressor;
5. A barrel with a threaded muzzle;
6. A grenade launcher.

C. Any semi-automatic pistol that has an ability to accept a detachable magazine and has at least two (2) of the following:

1. An ammunition magazine that attaches to the pistol outside of the pistol grip;
2. A barrel having a threaded muzzle;
3. A shroud that is attached to, or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the no-trigger hand without being burned;
4. A manufactured weight of fifty (50) ounces or more when the pistol is unloaded;
5. A semi-automatic version of an automatic firearm.

D. Any semi-automatic shotgun that has either a fixed magazine with a capacity in excess of five (5) rounds or an ability to accept a detachable magazine and, in addition, has at least one of the following:

1. A folding or telescoping stock;
2. A pistol grip that protrudes beneath the action of the firearm and which is separate and apart from the stock.

Firearms: For the purpose of this Article firearms are: pistols, revolvers, guns and small arms of a size and character that may be concealed on or about the person, commonly known as handguns.

Licensed Firearm Collector: Any person licensed as a collector by the Secretary of the Treasury of the United States under and by virtue of title 18, United States Code, section 923; provided however, that a copy of said license is filed with the Chief of Police.

Licensed Gun Dealer: Any person engaged in the business of selling or renting firearms who is licensed as such pursuant to Section 27-1-5 of this Article.

Peace Officer: Any person appointed by a governmental agency on a full time basis as a law enforcement official who is vested by law within the said governmental jurisdiction with all the powers possessed by police officers, including the power to make arrests on view of or under warrants for violations of State statutes and Village and County ordinances.

Weapons: For the purpose of this Article weapons are: firearms, assault weapons, rifles, shotguns or other arms designed to discharge ammunition. (Ord. 1994-0-66, 10-17-94; amd. Ord. 1995-0-21, 4-3-95)

§ Sec. 27-1-2 Sale or rental of firearms.

It shall be unlawful to sell, loan, rent or give away any firearms, assault weapons or assault ammunition feeding devices in the Village, except to the following:

A. Peace officers;

B. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of a criminal offense;

C. Sheriffs and deputy sheriffs;

D. Members of the organized militia.

§ Sec. 27-1-3 License to deal in firearms; required.

It shall be unlawful for any person to engage in the business of selling or renting, or for any dealer to sell, exchange, rent, loan or give away, or for any individual to sell, exchange, rent or loan to any person, any "firearm" as defined in Section 27-1-1 of this Code, without securing a license for said dealings.

§ Sec. 27-1-4 License to deal in firearms; application.

Any dealer, desiring a license to sell or rent firearms, shall make annual application to the Village Clerk providing the following information:

A. The full name and address of the applicant; or if a corporation, the name thereof and its principal officers and their addresses;

B. The location(s) at which business shall be conducted;

C. The Federal firearms license number issued to said dealer;

27-1-5 License to deal in firearms; fee and issuance. Upon receipt of a completed application for license to deal in firearms, and with the approval of both the Chief of Police and the Village Manager endorsed thereon, it shall be the duty of the Village Clerk to issue a license to the applicant dealer or private citizen authorized by law to possess a firearm upon payment to the Clerk of a license fee as provided in Chapter 8 for either a person engaged in the business of selling or renting firearms, or a single, one time sale transaction to a person authorized by law to possess a firearm.

§ Sec. 27-1-6 Register of sales and rentals.

Each dealer in firearms shall be required to furnish a report to the Chief of Police of the Village each week, of the sales, rentals or other disposition of each firearm made by such dealer. Said report shall contain at least the following information:

A. Date of sale, rental or other disposition;

B. Name, address and age of purchaser or recipient;

C. Occupation of purchaser or recipient;

D. Kind, description and serial number of firearms;

E. Purpose for which firearm was purchased or obtained;

F. Purchase price or rental rate of the firearms;

G. Evidence that the purchaser of the firearm is authorized to make such purchase pursuant to Section 27-1-2 of this Article.

A duplicate of each such report filed shall be retained by the dealer.

Article 2. Possession and Carrying of Weapons

§ Sec. 27-2-1 Unlawful to possess or carry; exceptions.

It shall be unlawful for any person to possess or carry, or for any person to permit another to possess or carry on his/her land or in his/her place of business any assault weapon or assault ammunition feeding device, and it shall be unlawful for any person to carry any rifle, shotgun, firearm, or assault weapon or assault ammunition feeding device in any vehicle or permit same to be carried in any vehicle to which such person is the title owner of record or about his/her person, except that a person may carry any rifle, shotgun or firearm when on his/her land or in his/her abode or fixed place of business; provided that this section shall not apply to:

A. Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he/she is actually engaged in assisting such officer;

B. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense; provided, however, that this exemption shall apply to the carrying of a weapon only while one is engaged in the performance of his/her official duty or while commuting between his/her home and place of employment;

- C.** Members of the armed services or reserve forces of the United States or the Illinois national guard or organized militia; provided, however, that this exemption shall apply to the carrying of a weapon only while one is engaged in the performance of his/her official duty;
- D.** Special agents employed by a railroad or a public utility to perform police functions, watchmen, security guards and "special police" appointed under section 19-2-2 of this code; provided, however, that this exemption shall apply to the carrying of a weapon only while one is actually engaged in the performance of the duties of his/her employment or while commuting between his/her home and place of employment; and provided further that said security guards are in full compliance with appropriate provisions of subsection (a)(4) of section 24-2 of the Illinois criminal code and other applicable laws and that said "special police" are in full compliance with sections 19-2-1 through 19-2-4 of this code and other applicable laws;
- E.** Agents and investigators of the Illinois crime investigating commission authorized by the commission to carry weapons; provided, however, that this exemption shall apply to the carrying of a weapon only while one is on duty in the course of any investigation for the commissioner;
- F.** Manufacture, transportation or sale of weapons to persons authorized under law to possess such;
- G.** Duly authorized military or civil organizations while parading, with the special permission of the Governor;
- H.** Licensed hunters or fishermen while commuting to or from established game areas; provided, however, that this exemption shall not apply to the possession or carrying of "firearms" as defined in section 27-1-1 of this chapter;
- I.** Transportation of weapons broken down in a nonfunctioning state or unloaded with neither the weapon nor any ammunition readily or directly accessible from the passenger compartment of the transporting vehicle; provided, that in the case of a vehicle without a compartment separate from the driver's compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console; provided, however, that the transportation of assault weapons must not originate or terminate within the Village to qualify as an exception to this section;
- J.** Antique firearms;
- K.** Licensed firearm collectors;
- L.** Members of established theater organizations located in Oak Park and performing a regular performance schedule to the public, utilizing only blank ammunition in the discharge of weapons only during rehearsals, classes or performances; provided further that said organization maintains possession and control over these weapons in a safe place with a designated member of the organization when the weapons are not in use.
- Any weapon carried pursuant to the exemptions of subsections 27-2-1F through I of this section shall be carried unloaded, and anyone possessing a firearm pursuant to exemptions of subsections 27-2-1J and L of this section shall not possess or carry any ammunition therefor.

Oregon Code of Ordinances

Current through Ordinance No. 2015-108, adopted November 24, 2015. (Supp. No. 53)

Chapter 6. Offenses Article IV. Offenses Generally

§ Sec. 6-86 Unlawful use and possession of weapons and ammunition.

(a) It shall be an unlawful Level 1 city misdemeanor to knowingly:

- (7)** Sell, manufacture, purchase, possess or carry any explosive bullet, meaning the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal; or
- (8)** Possess or use a firearm in any of the following circumstances:
- b.** When any firearm is possessed or carried onto any school or park district property, as defined in section 6-79(a)(4), except for the purpose of showing, demonstrating or lecturing about firearms and/or their use, and the firearms are not loaded; or
 - c.** When the person is under eighteen (18) years of age and the firearm is of a size which may be concealed upon the person; or
 - d.** When the person is under twenty-one (21) years of age and either has been adjudged delinquent or has been convicted of any misdemeanor other than a traffic offense; or
 - e.** When the person is a narcotic addict.

(b) Exemptions. All exemptions listed in the Illinois Statutes at 720 ILCS 5/24-2, as amended, shall apply to this section, specifically including all members of the Oregon City Police Department and the Ogle County Sheriff's Department while in the performance of their duties.

Orland Hills Code of Ordinances

Current through Ordinance No. 2018-002, passed February 21, 2018. (Supp. No. 21)

Chapter 6 Offenses

Article IV. Offenses Generally

§ Sec. 130.07 Unlawful possession of weapons.

(A) It is declared unlawful for any person under the age of 18 years to be in possession of any of the following items:

- (6)** Any device or attachment of any kind designed, used, or intended for use in silencing the report of a firearm;
- (7)** Machine gun as defined in ILCS Ch. 720, Act 5 § 24-1;
- (8)** Any bomb, bomb-shell, grenade, bottle, or container containing an explosive of over one- quarter ounce for like purposes, such as, but not limited to, black powder bombs, molotov cocktails, pipebombs, or artillery projectiles;
- (9)** Firearms , or the ammunition therefore, as defined by ILCS Ch. 430, Act 65 § 1.1, except when such person is engaged in lawful hunting, supervised target shooting, or the otherwise legal transportation of such device;

Park Ridge Code of Ordinances

Current through Ordinance No. 2018-32, adopted August 20, 2018. (Supp. No. 6)

Chapter 3. Dangerous Conditions and Conduct

§ Sec. 14-3-6 Storing firearms.

It shall be unlawful for any person to keep or store or to permit to be kept or stored in any place readily accessible to a person under the age of 18 any firearm unless the firearm is secured by a trigger lock or placed within a locked container.

Peoria Code of Ordinances

Current through Ordinance No. 17612, adopted September 11, 2018.

Chapter 20. Offenses and Miscellaneous Provisions

Article III. Minors

Division 1. Generally

§ Sec. 20-51 Selling, etc., weapons to prohibited.

No person shall sell, give, loan, hire, barter, furnish or offer to sell, give, loan, hire, barter or furnish, to any minor within the city, any gun, pistol, revolver, fowling piece or toy firearm, in which any explosive substance can be used; or any Bowie knife, dirk, dagger or other deadly weapon of a like character.

Peru Code of Ordinances

Current through Ordinance No. 6280, enacted March 5, 2018. (Supp. No. 28)

Chapter 70. Offenses and Miscellaneous Provisions

Article VI. Weapons

§ Sec. 70-281 Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons, except in those instances and circumstances when a violation is declared to be a felony under 720 ILCS 5/24-1, when he knowingly:

- (7)** Sells, manufactures or purchases any explosive bullet. For purposes of this subsection, the term "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. The term "cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) of this section is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances: (i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

§ Sec. 70-2821 Unlawful possession of firearms and ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition when he:

- (1) Is under 18 years of age and has in his possession any firearm, other than a handgun, of a size which may be concealed upon the person;
- (2) Is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearm, other than a handgun, or firearm ammunition in his possession;
- (3) Is a narcotic addict and has any firearm, other than a handgun, or firearm ammunition in his possession;
- (4) Has been a patient in a mental hospital within the past five years and has any firearm, other than a handgun, or firearm ammunition in his possession;
- (5) Is mentally retarded and has any firearm, other than a handgun, or firearm ammunition in his possession; or
- (6) Has in his possession any explosive bullet. For purposes of this subsection, the term "**explosive bullet**" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. The term "**cartridge**" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

Phoenix Code of Ordinances

Current through Ordinance No. 090908, adopted October 9, 2008. (Supp. No. 1)

Chapter 62. Offenses and Miscellaneous Provisions

Article X. Weapons

§ Sec. 62-280 Definitions.

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

Ammunition.

- (1) The term "ammunition" means any self-contained cartridge, shot, bullet, projectile or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm.
- (2) The term excludes, however:
 - a. Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
 - b. Any ammunition, designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Antique Firearm means:

- (1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap or, similar type of ignition system) manufactured in or before 1898; and
- (2) Any replica of any firearm described in subsection (1) of this definition if such replica is not designed or redesigned for using ammunition.

Firearm.

- (1) The term "firearm" means any device including, but not limited to, pistols, handguns, airguns, air rifles, air pistols or short barrel rifles, shotguns, rifles, pneumatic guns, spring guns, BB guns, pellet guns, machine guns, rockets and any other device by whatever name known, which is designed to expel a projectile by the action of an explosion, expansion of gas or escape of gas.
- (2) The term excludes, however:
 - a. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
 - b. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
 - c. An antique firearm which, although designed as a weapon, the state department of law enforcement finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon; or
 - d. Model rockets designed to propel a model vehicle in a vertical direction.

Minor means any individual under the age of 18 years.

Sell.

- (1)** The term "sell" means any sale, gift, exchange, loan, rental or other transfer of firearms or ammunition or both.
- (2)** The term "sell" does not include any of the following:
 - a.** Acquisition of a firearm or ammunition or both as the executor, administrator or other legal representative of a decedent's estate;
 - b.** Transfer of a firearm or ammunition or both by bequest or intestate succession;
 - c.** Acquisition or transfer of a firearm or ammunition or both by a trustee in bankruptcy in the administration of a bankrupt's estate;
 - d.** Return of a firearm or ammunition or both to a person from whom it was received;
 - e.** Transfer of a firearm or ammunition, or both, where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction;
 - f.** Transfer of a firearm or ammunition, or both, to any federal, state or local government, or any, department, agency, bureau, institution or commission thereof;
 - g.** Transfer of a firearm or ammunition, or both, to a private museum, society, institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes; or
 - h.** Loan or rental of a firearm solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

Weapon means any firearm, knife, air rifle or pistol, slingshot, bow and arrow, spear or other device used or intended to be used to cause damage, injury, or death to any person or animal.

§ Sec. 62-281 Unlawful use.

- (a)** A person, who is not authorized by law, commits the offense of unlawful use of weapons when he knowingly:
 - (6)** Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;
 - (7)** Sells, manufactures, purchases, possesses or carries a machine gun. For purposes of this subsection, the term "machine gun" means any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person, or any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles;
 - (11)** Sells, manufactures or purchases any explosive bullet. For purposes of this section, the term "explosive bullet" means the projectile portion of an ammunition cartridge that contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. The term "cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

§ Sec. 62-284 Unlawful possession of firearms or ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition when:

- (1)** He is under 18 years of age and has in his possession any firearm of a size that may be concealed upon the person;
- (2)** He is under 21 years of age, has been convicted of an offense other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession;
- (3)** He has been convicted of a felony under the laws of this or any jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession;
- (4)** He is a narcotic addict and has any firearms or firearm ammunition in his possession;

(5) He has been a patient in a mental hospital within the past five years and has any firearms or fire arm ammunition in his possession;

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

(7) He has in his possession any explosive bullet.

§ Sec. 62-287 Confiscation and disposition of weapons.

(a) Upon conviction of any violation of this article, any weapon seized shall be confiscated by the trial court.

(b) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons after the disposition of a criminal case and when no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for such weapons, the court may transfer such weapons to the chief of police who shall proceed to destroy them, or may in its discretion order such weapons preserved as property of the village whose police agency seized the weapons.

Pittsfield Code of Ordinances

Current through Ordinance No. 1575, passed January 17, 2017. (Supp. No. 18)

Title XIII. General Offenses

Chapter 137. Weapons

Weapons

§ Sec. 137.01 Unlawful use of weapons.

(A) No person shall knowingly:

(6) Sell, manufacture, or purchase any explosive bullet. **Explosive bullet** shall mean the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **Cartridge** means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in the tube between the projectile and the cap;

§ Sec. 137.03 Unlawful possession of firearms and firearm ammunition.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his possession;

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession;

(4) He has been a patient in a mental institution within the past five years and has any firearms or firearm ammunition in his possession. For purposes of this division (A)(4), **Mental institution** means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness. **Patient in a mental institution** means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

(5) He is a person with an intellectual disability and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet. For the purposes of this section, **Explosive bullet** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **Cartridge** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under § 130.99. The possession of each firearm or firearm ammunition in violation of this section constitutes a single and separate violation. Unlawful possession of handguns is a felony punishable under appropriate state law.

(C) Nothing in division (A)(1) above prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

Plainfield Code of Ordinances

Current through Ordinance No. 3355, enacted May 21, 2018. (Supp. No. 104)

Chapter 6. Offenses and Miscellaneous Provisions
Article I. In General

§ Sec. 6-13 Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(8) Sells, manufactures or purchases any explosive bullet.

(b) As used in this section:

Cartridge means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

Explosive bullet means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal.

Rockford Code of Ordinances

Current through Ordinance No. 2016-72-O, enacted May 2, 2016.

Part I. General Ordinances

Chapter 5. Business Permits, Taxes and Licenses

Article III. Miscellaneous Business Regulations, Division 9. Weapons Dealers

§ Sec. 5-489 License required.

It shall be unlawful for any individual, firm, corporation, company or association to engage in the business of repairing or selling, or to repair, sell or give away to any person within the city, a new or used handgun without first having secured a license from the city. The term "engaged in the business" means devoting time, attention and labor to engaging in such activity as a regular course of trade or business with the principal objective of profit.

§ Sec. 5-490 Record required; inspection.

(a) It shall be the duty of every licensee hereunder to keep a permanent register of all weapons sold, repaired or given away by such licensee for a period of ten years from the date of transaction, the register to be in substantially the following form:

- (1) The date of the transaction;
- (2) The serial number of the weapon;
- (3) To whom sold or given;
- (4) The age and residence of the purchaser;
- (5) The kind and description of the weapon; and
- (6) The number of the purchaser's firearm owner's identification card.

(b) Entries in this register shall be made at the time of the sale, repair, or gift, and the register shall be kept open for inspection by any member of the police department at all reasonable times.

§ Sec. 5-491 Report required. Any licensee making any sale, repair or gift of any weapon referred to in § 5-489 shall report such sale or gift by mailing or delivering the report to the chief of police within seven calendar days thereafter, upon a form to be furnished by the city, the report to contain the following information:

- (1) The date of the transaction;
- (2) The serial number of the weapon;
- (3) To whom sold or given;
- (4) For whom repaired;
- (5) The age and residence of the purchaser;
- (6) The residence of the person requesting the weapon to be repaired;
- (7) The kind and description of the weapon; and
- (8) The number of the purchaser's firearm owner's identification card.

Chapter 19. Offenses, Miscellaneous
Article II. Weapons

§ Sec. 19-52 Furnishing bullets, pellets, arrows, etc., to minors.

It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile to any person under the age of 18 years and it shall be unlawful for any person under the age of 18 years to obtain any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile by purchase, sale or gift, or in any other manner.

**Chapter 23. Secondhand and Salvage Dealers and Goods
Article II. Auctions and Auctioneers**

§ Sec. 23-26 Sale of weapons.

Whoever being licensed under the provisions of this article shall sell or offer for sale at retail any pistols, revolvers, derringers, bowie knives, dirks or other deadly weapons of similar character shall be required to obtain a license as required in chapter 5, article III, division 12 for dealers in weapons, and shall be governed by all the regulations and provisions of said division.

Rolling Meadows Code of Ordinances
Current through Ordinance No. 18-27, enacted July 10, 2018. (Supp. No. 32)

**Chapter 22. Business
Article III. Other Businesses
Division 10. Guns and Gunsmiths**

§ Sec. 22-501 License required.

It is unlawful for any person to engage in the business of making, selling, or repairing firearms of any type, size or description without first having obtained a license therefor.

§ Sec. 22-502 Permit to purchase.

It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the city firearms of any type, size or description, unless such person so purchasing or receiving such firearm shall have secured a gun owner's permit from the state for the purchase of such firearm. Persons dealing in firearms shall keep such records of these sales and transfers as the chief of police shall direct.

§ Sec. 22-503 Age limits on sale of firearms and ammunition.

(a) It shall be unlawful for any person of less than 18 years of age to sell any firearm or any firearm ammunition.

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to permit the sale of any firearm or any firearm ammunition by any person of less than 18 years of age.

§ Sec. 22-504 Requisites for transfer of firearms or ammunition.

(a) No person within the city may knowingly transfer or cause to be transferred any firearm or any firearm ammunition to any person within the city unless the transferee with whom he deals displays a currently valid firearm owner's identification card which has previously been issued in his name by the department of law enforcement under the applicable provisions of state law.

(b) Any person within the city who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of ten years from the date of transfer. Such record shall contain the date of the transfer, the description or serial number or other information identifying the firearm if no serial number is available, and the transferee's firearm owner's identification card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer.

(c) Any person within the city who transfers or causes to be transferred any firearm ammunition shall keep a record of such transfer for a period of ten years from the date of transfer. Such record shall contain the date of transfer; the description, serial number, lot number or other information identifying the ammunition if no serial number or lot number is available; and the transferee's firearm owner's identification card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer.

**Chapter 70. Offenses and Miscellaneous Provisions
Article VI. Weapons**

§ Sec. 70-262 Handling or possession by minors.

(a) Prohibited. It shall be unlawful for any parent or guardian of any child under the age of 17 to permit, suffer or allow any such child to handle or have in his possession within the city any cannon, gun, pistol or any toy gun, toy cannon, toy pistol, airgun or any other similar weapon which if discharged is of sufficient force or power to inflict bodily injury.

(b) Penalty. Any person violating this section shall be punished as provided in section 1-8.

Roscoe Code of Ordinances

Current through Ordinance No. 2017-33, passed December 5, 2017. (Supp No. 9)

**Title XIII. General Offenses
Chapter 135. Firearms and Weapons**

§ Sec. 135.03 Unlawful sale of firearms.

(A) A person commits the offense of unlawful sale of firearms when he or she knowingly:

- (1)** Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age;
- (2)** Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;
- (3)** Sells or gives any firearm to any narcotic addict;
- (4)** Sells or gives any firearm to any person who has been convicted of a felony under the laws of this state or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if a penitentiary sentence has not been imposed;
- (5)** Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years;
- (6)** Sells or gives any firearms to any person who is mentally retarded;
- (7)** Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of the firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun, or other long gun, incidental to a sale, without withholding delivery of the rifle, shotgun, or other long gun for at least 24 hours after application for its purchase has been made. However, this division shall not apply to:
 - (a)** The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard or other similar employment;
 - (b)** A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois;
 - (c)** The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the State Department of Law Enforcement; or
 - (d)** The sale of a firearm to a dealer licensed under the Federal Firearms Act.
- (8)** While holding any license under the Federal Gun Control Act of 1968, as amended (18 U.S.C. §§ 921 et seq.; 26 U.S.C. §§ 5801 et seq.), as a dealer, importer, manufacturer or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800° Fahrenheit.

(B) For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Firearm.** Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding, however:
 - (a)** Any pneumatic gun, spring gun, or BB gun which expels a single globular projectile not exceeding 0.18 inch in diameter;
 - (b)** Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
 - (c)** Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
 - (d)** An antique firearm (other than a machine gun) which, although designed as a weapon, the State Department of Law Enforcement finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.
- (2) Handgun.** A firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

§ Sec. 135.04 Defacing identification marks of firearms.

(A) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any firearm.

(B) Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

Round Lake Code of Ordinances

Current through Ordinance No. 17-O-44, enacted November 20, 2017. (Supp. No. 27, Update 1)

Title 9. Public Peace, Morals and Welfare Chapter 9.28 Weapons

§ Sec. 9.28.010 Unlawful use of weapons.

A. A person commits the offense of unlawful use of weapons when he or she knowingly:

- 6.** Possesses a device or any attachment of any kind designed, used or intended for use in silencing the report of any firearm, except as otherwise permitted pursuant to state law;
- 7.** Sells, manufactures, purchases, possesses or carries any type of firearm, gun, or machine gun in violation of any state or federal law, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance such as but not limited to black powder bombs and Molotov cocktails;

Round Lake Beach Code of Ordinances

Current through Ordinance No. 18-06-02, enacted June 11, 2018. (Supp. No. 46)

Title 4. Police Regulations Chapter 7. Misdemeanors

§ Sec. 4-7-9-1 Unlawful use of weapons.

A. A person commits the offense of unlawful use of weapons when he knowingly:

- 6.** Possesses any device or any attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
- 7.** Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance such as but not limited to black powder bombs and Molotov cocktails; or

§ Sec. 4-7-9-2 Exemption.

C. Subsection 4-7-9-1A.7. does not apply to or effect any of the following:

- 1.** Peace officers.
- 2.** Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.
- 3.** Members of the armed services or reserve forces of the United States or the Illinois National Guard, while in the performance of their official duty.
- 4.** Manufacture, transportation, or sale of machine guns to persons authorized under subsections C.1. through C.3. of this section to possess machine guns, if the machine guns are broken down in a nonfunctioning state or not immediately accessible.

F. Any complaint based upon a violation of any subsection of this section need not negate any exemptions contained in this section. The defendant shall have the burden of proving such an exemption.

Round Lake Park Code of Ordinances

Current through Ordinance No. 17-O-12, adopted December 19, 2017. (Supp. No. 25, 2-18)

Title XIII. General Offenses Chapter 137. Weapons Weapons

§ Sec. 137.01 Unlawful use of weapons.

(A) No person shall knowingly:

- (8)** Sell, manufacture, or purchase any explosive bullet. **Explosive bullet** shall mean the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **Cartridge** means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in the tube between the projectile and the cap.

§ Sec. 137.01 Exemptions.

(F) Sections 137.01(A)(7) and 137.03(A)(8) do not apply to:

- (1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
- (2) Bona fide collectors of antique or surplus military ordinance.
- (3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordnance.
- (4) Commerce, preparation, assembly, or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by division (F)(1) above, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(G) An information or indictment based upon a violation of any provision of this subchapter need not negative any exemptions contained in this subchapter. The defendant shall have the burden of proving such an exemption.

(H) Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license with the state or the federal government where such transportation, carrying, or possession is incident to the lawful transportation in which the common carrier is engaged. Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm not the subject of and regulated by Ill. Rev. Stat., Ch. 38, 24-1(a)(7) or division (C) of this section above, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by the possessor of a valid firearm owner's identification card.

§ Sec. 137.03 Unlawful possession of firearms and ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition when:

- (A) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;
- (B) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his possession;
- (C) He has been convicted of a felony under the laws of this or any other jurisdiction and has any firearms or firearm ammunition in his possession;
- (D) He is a narcotic addict and has any firearms or firearm ammunition in his possession;
- (E) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or
- (F) He is mentally retarded and has any firearms or firearm ammunition in his possession.
- (G) He has in his possession any explosive bullet. For the purposes of this section **Explosive bullet** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **Cartridge** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

§ Sec. 137.04 Defacing identification marks of firearms.

- (A) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any firearm.
- (B) Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

§ Sec. 137.05 confiscation and disposition of weapons.

Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized may be confiscated by the trial court for further disposition consistent with state law.

§ Sec. 116.02 Applicability.

(A) It is intended that this chapter shall preempt all Cook County licensing or other regulatory schemes for firearms, firearms, dealers and assault weapons. As provided in Article VII, Section 6(c) of the State of Illinois Constitution of 1970, if a county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(B) It is specifically intended that this chapter shall preempt the Cook County firearms dealer's license and assault weapons and ammunition ban chapter as now in effect or as may be hereinafter amended.

(C) Licenses issued pursuant to this chapter shall be issued separate and apart from any general business license issued by the Village of Sauk Village.

Firearms Dealer's Licensing

§ Sec. 116.15 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Chief. The chief of police of the Village of Sauk Village.

Department. The police department of the Village of Sauk Village.

Engaged in the business. As defined in 18 USC 921(a)(21).

Firearms. Any device by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding however,

- (1)** Any pneumatic gun spring gun paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter or breakable paint ball containing washable marking colors;
- (2)** Any device used exclusively for signaling or safety and required or recommended by the United States coast guard or the interstate commerce commission;
- (3)** Any device used exclusively for the firing of stud cartridges, explosive rivets of similar industrial ammunition;
- (4)** An antique firearm (other than an assault weapon), which although designed as a weapon, the department of state police finds by reason of the date of its manufacture, value, design, or other characteristic is primarily a collector's item and is not likely to be used as a weapon.

Firearm ammunition. Any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding however,

- (1)** Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or commended by the United States Coast Guard or the Interstate Commerce Commission; or
- (2)** Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Firearms dealer. Any federally licensed firearms dealer, excluding any person licensed solely as a collector pursuant to 18 USC 923(b) and possessing only a Type 03 federal license.

Gun shop. The premises of any federally licensed firearms dealer where the business or commercial enterprise conducted on the premises is the purchase or sale of firearms or firearm ammunition.

Mayor. The mayor of the Village of Sauk Village.

Person. Any individual public or private corporation, partnership, firm, society, or unincorporated association.

Village. The Village of Sauk Village, Cook and Will Counties.

§ Sec. 116.16 License Required.

(A) It shall be unlawful for any person to engage in the business of dealing in firearms at an address within the corporate limits of the village without having applied for or obtained a village firearms dealer's license pursuant to this chapter by January 14, 1994. A village firearms dealer's license shall be required in addition to any other village license required by law. All applicants for a village firearms dealer's license must possess a valid federal firearms dealer's license. Possession of a valid federal firearms dealer's license shall be deemed proof of being engaged in the business of dealing in firearms in the village and thus requiring a village firearms dealer's license. An applicant for a village firearms dealer's license shall meet all other applicable village ordinances and regulations.

(B) Any person who becomes a federally licensed firearms dealer after January 14, 1994, and is required under this ordinance to obtain a village firearms dealer's license, shall apply for such license within 45 days of receipt of the federal firearms dealer's license.

(C) Any person licensed under federal law at more than one location within the corporate limits of the village must obtain a village firearms dealer's license for each individual location. A separate application and license fee is required for each location.

(D) No license shall be transferable or assignable to any other person or any other location. No license issued pursuant to this chapter to any person engaged in the business of dealing in firearms at an address within any portion of the corporate limits of the village which are designated as single-family districts (R-1) or general residence districts (R-2) pursuant to the zoning code, as amended or any other comprehensive zoning ordinance of the village.

§ Sec. 116.17 License administration.

(A) The chief of the police department shall administer the licensing of firearms dealers, and shall approve or deny all applications for licenses and revoke existing licenses pursuant to this chapter.

(B) Rules and regulations.

(1) The chief shall promulgate reasonable rules, definitions and regulations necessary to carry out the duties imposed by this chapter; including, but not limited to, developing reasonable procedures consistent with existing practices of licensing persons engaged in the business of dealing in firearms, and including seeking the assistance of the village police department or other law enforcement agencies as necessary to conduct investigations or inspections in connection with licensing.

(2) Any rules or regulations promulgated under the chapter shall be filed in the police department's principal office and in the office of the village clerk and shall be made available for public inspection. Copies shall be made available upon request and payment of a reasonable fee as determined by the department or the village clerk to cover the cost of providing the copy.

§ Sec. 116.18 License fee.

The annual fee for a village firearms dealer's license shall be \$100.00.

§ Sec. 116.19 License application; issuance.

(A) All applicants for a license under this chapter shall be made in writing to the chief of police on a form provided for that purpose. In addition to any other information required by the chief, each application for a license shall contain:

(1) The applicant's full name, residence and the address and telephone number where the person is engaged in the business of dealing in firearms;

(2) If the applicant is a corporation, the corporate name, business, and principal place of business of the applicant the date and state of incorporation; and the names and residence address of the corporate officers and its registered agent;

(3) If the applicant is a partnership, the name and business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners; the name, address, and telephone number of a person authorized to receive notices issued pursuant to this chapter.

(B) The chief shall not issue a village firearms dealer's license to any person who fails to provide proof of a valid federal firearms dealer's license and a valid firearms owners identification card issued by the state.

§ Sec. 116.20 License denied or revoked.

(A) The chief may deny an application for a license if the applicant fails to provide the information required by, or is otherwise not in compliance with, any provisions of this chapter or any applicable rules or regulations. Such denial shall be in writing and shall state the reasons for the denial. Any person seeking to appeal the denial may do so by filing a written request for a hearing with the mayor, with a copy to the chief. Such request must be filed within 30 days of the denial, and a hearing must be held within 30 days of receipt of the request. The hearing shall be conducted in accordance with the procedures provided herein.

(B) The chief may revoke or suspend the license of any person who violates any provision of this chapter or rules or regulations adopted pursuant to this chapter. Before any such revocation or suspension is effective, the licensee shall be notified by certified mail or personal delivery of the specific basis for the suspension or revocation and the date for a hearing on the matter. Such hearing shall occur not fewer than seven days and not more than 14 days after the mailing of the notice. The hearing shall be conducted in accordance with the procedures provided herein.

§ Sec. 116.21 Hearing procedures.

(A) If a person wishes to appeal the denial of a village firearms dealer's license, or in the event of a revocation of a village firearms dealer's license the mayor shall appoint a hearing officer who shall conduct the hearing. The hearing officer is authorized to conduct hearings concerning any matter covered by this chapter and may determine factual and legal matters raised by the parties to the hearing.

(B) The hearing officer may:

- (1)** Examine any books, papers, records or memoranda bearing upon the business or activities of the licensee;
- (2)** Request the circuit court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;
- (3)** Request the circuit court to issue subpoenas duces tecum for the production of books, records, papers, or memoranda;
- (4)** Administer oaths;
- (5)** Take testimony;
- (6)** Make rulings as to the admissibility of evidence; and
- (7)** Take any other action as may be required for the expeditious conduct of the hearing.

(C) The hearing officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer or final administrative decision of the mayor.

(D) The department's books, papers, records and memoranda or parts thereof may be proved in any hearing or legal proceeding by the original documents or by reproduced copy under the certificate of the chief. Without further proof, the original documents or reproduced copy shall be admissible into evidence at any hearing.

(E) If the circuit court issues a subpoena duces tecum, the following rules shall apply:

- (1)** Service shall be made as provided by the Illinois Civil Practice Law, 735 ILCS 5/2-201 et seq.;
- (2)** Fees of witnesses for attendance and travels shall be the same as the fees of witnesses before the Circuit Court of Cook County and shall be paid after the witness is excused from further attendance;
- (3)** When a subpoena duces tecum is issued at the instance of either party, the hearing officer may require that party to bear the cost of services and witness fees. The hearing officer may require a deposit to cover the cost of service and witness fees.

(F) Any party to a hearing may apply to any judge of the circuit court of this state for enforcement of any subpoena or subpoena duces tecum issued by a hearing officer holding a hearing authorized by this chapter.

(G) At any hearing held under this chapter, the chief's initial decision to deny or revoke a license shall be presumed prima facie correct and the person contesting the decision shall have the burden of proving with books, records and other documentary or testimonial evidence that it is incorrect.

(H) At the conclusion of the hearing, the hearing officer shall make a recommendation to the mayor. The mayor shall adopt, reject or modify the recommendation based on a review of the record within seven days of receiving the hearing officer's recommendation and shall issue a final decision. The mayor shall give written notification to the licensee of the decision and the reasons for such decision. The mayor's decision shall be a final decision reviewable under Section 3-101 of the Illinois Administrative Review Law, 735 ILCS 5/3-101.

(I) A person seeking judicial review of the mayor's final decision shall bear the cost of certification.

(J) Items constituting the record may include notices and demands; the initial decision; the written protest and petition for hearing; all relevant pleadings, brief and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing; the recommendation of the hearing officer; and the final decision of the mayor.

Assault Weapons and Assault Ammunition Prohibited

§ Sec. 116.30 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Assault weapon. Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading by a single function of the trigger. The term shall also include the frame or receive of any such weapon, any part designed and intended, for use in converting a weapon into a machine-gun, any combination of parts from which a machine-gun can be assembled if such parts are in the possession or under the control of a person.

Assault ammunition. A detachable magazine box capacity of which is more than 35 rounds centerfire.

§ Sec. 116.31 Assault weapons or ammunition; sale prohibited; exceptions.

(A) No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess, manufacture or distribute any assault weapon or assault ammunition within the corporate limits of the village. This subsection shall not apply to:

(1) The sale distribution or the possession for sale and distribution by any firearms dealer licensed pursuant to this chapter of an assault weapon or assault ammunition to any sworn police officer of the village or any other municipality, county, body politic 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 and other peace officers to the extent that any such person is otherwise authorized to acquire or possess an assault weapon or assault ammunition and is acting within the scope of his or her duties;

(2) The possession for sale and distribution or the sale to or the acquisition or possession of assault ammunition by persons employed to provide security for armored carriers or mobile check cashing services while in the course of such duties, while commuting directly to or from the person's place of employment and while at the person's home, if the assault ammunition is sold, acquired or possessed for use with a weapon that the person has been authorized to carry under section 28 or the Illinois Private Detective, Private Alarm and Private Security Act of 1983.

(3) Transportation of assault weapons if such weapons are broken down and in a non-functioning state and are not immediately accessible to any person.

(B) Any assault weapon or assault ammunition possessed, sold or transferred in violation of subsection (A) is hereby declared to be contraband and shall be seized and disposed of in accordance with the provisions in section 116.32 of this chapter.

(C) Any person who, prior to the effective date of this chapter was legally in possession of an assault weapon or assault ammunition prohibited by this section shall have 14 days from the effective date of this chapter to do any of the following without being subject to prosecution hereunder;

(1) To remove the assault weapon or ammunition from within the limits of the village; or

(2) To modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer deemed as an assault weapon; or

(3) To surrender the assault weapon or ammunition to the chief of police or his designee for disposal as provided below.

§ Sec. 116.32 Destruction of weapons confiscated.

(A) Whenever any firearm or ammunition is surrendered or confiscated pursuant to the terms of this chapter, the chief of police shall ascertain whether such firearm or ammunition is needed as evidence in any matter.

(B) If such firearm or ammunition is not required for evidence it shall be destroyed at the direction of the chief of police. A record of the date and method of destruction and inventory of the firearm or ammunition so destroyed shall be maintained.

§ Sec. 116.99 Penalty.

(A) Failure to comply with the provisions of this chapter shall result in a fine of not less than \$250.00 up to \$500.00 per day. Each day of operation in violation of section 116.16 of this chapter shall constitute a separate and distinct violation.

(B) Any person found in violation of section 116.31 shall be fined not less than \$250.00 and not more than \$500.00.

Chapter 137. Deadly Weapons

§ Sec. 137.01 Unlawful use of weapons.

(A) No person shall knowingly:

(6) Sell, manufacture, or purchase any explosive bullet. "**Explosive bullet**" shall mean the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "**Cartridge**" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in the tube between the projectile and the cap.

§ Sec. 137.02 Exemptions.

(D) Section 137.01(A)(6) does not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bona fide collectors of antique or surplus military ordinance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

(4) Commerce, preparation, assembly, or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subsection (F)(1) above, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(E) An information or indictment based upon a violation of any provision of this subchapter need not negative any exemptions contained in this subchapter. The defendant shall have the burden of proving such an exemption.

(F) Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license with the state or the federal government where such transportation, carrying, or possession is incident to the lawful transportation in which the common carrier is engaged. Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm not the subject of and regulated by 720 ILCS 5/24-1(a)(7) or subsection (B) of this section, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by the possessor of a valid firearm owner's identification card.

§ Sec. 137.03 Unlawful possession of firearms and firearm ammunition.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his possession;

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession;

(4) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession;

(5) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet. For the purposes of this section, **explosive bullet** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **Cartridge** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under section 130.99. Unlawful possession of handguns is a felony punishable under appropriate state law.

§ Sec. 137.03 Confiscation and disposition of weapons.

Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized may be confiscated by the trial court for further disposition consistent with state law.

Schaumburg Code of Ordinances

Current through Ordinance No. R-18-085, enacted August 28, 2018. (Supp. No. 29)

Title II. Business Regulations

Chapter 128. Firearms Control

§ Sec. 128.01 Applicability.

(A) It is intended that this chapter shall preempt all Cook County licensing or other regulatory schemes for firearms, and firearms dealers. As provided in Article VII, Section 6(c) of the State of Illinois Constitution of 1970, if a county ordinance conflicts with an ordinance of a municipality, the municipality ordinance shall prevail within its jurisdiction.

(B) It is specifically intended that this chapter shall preempt the Cook County Firearms Dealer-s License Ordinance as now in effect or as may be hereafter amended, but shall not preempt the Cook County Assault Weapons and Assault Ammunition Ban Ordinance.

(C) Licenses issued pursuant to this chapter shall be issued separate and apart from any general business license issued by the Village of Schaumburg.

§ Sec. 128.02 Definitions.

As used in this chapter the following terms shall have the following meaning:

Chief. The Chief of the Police Department of the Village of Schaumburg.

Department. The Police Department of the Village of Schaumburg.

Engaged In The Business has the same meaning as in 18 U.S.C. Section 921(a)(21).

Firearm. Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding, however:

- (1) Any pneumatic gun, spring gun, paint ball or B-B gun which either expels a single globular projectile not exceeding eighteen one-hundredths inch in diameter or breakable paint balls containing washable marking colors;
- (2) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
- (4) An antique firearm (other than an assault weapon) which although designed as a weapon, the Department of State Police finds by reasons of the date of its manufacture, value, design, or other characteristic is primarily a collector-s item and is not likely to be used as a weapon.

Firearm Ammunition. Any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

- (1) Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- (2) Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Firearms Dealer. Any federally licensed firearms dealer, excluding any person licensed solely as a "collector" pursuant to Section 923(b) of Title 18 of the United States Code and possessing only a Type 03 federal license.

Gun Shop. The premises of any federally licensed firearms dealer.

President. The President of the Village of Schaumburg.

Village. The Village of Cook/DuPage County, Illinois.

§ Sec. 128.03 License required.

(A) It shall be unlawful for any person to engage in the business of dealing in firearms at an address within the corporate limits of the village without having applied for or obtained a village firearms dealer-s license pursuant to this chapter. A village firearms dealer-s license shall be required in addition to any other license required by law. All applicants for a village firearms dealer-s license must possess a valid federal firearms dealer-s license. Possession of a valid federal firearms dealer-s license shall be deemed proof of being engaged in the business of dealing in firearms in the village and thus requiring a village firearms dealer-s license. An applicant for a village firearms dealer-s license shall meet all other applicable village ordinances and regulations.

(B) Any person who becomes a federally licensed firearms dealer after November 1, 1998, required under this chapter to obtain a village firearms dealer-s license, shall apply for such license within 45 days of receipt of the federal firearm dealer-s license. If any person has been issued a license as a federally licensed dealer at the time of adoption of the ordinance codified in this chapter, such person shall apply for the village license required hereby within 45 days from the effective date of the ordinance codified in this chapter.

(C) Any person licensed under federal law at more than one location within the corporate limits of the village must obtain a village firearms dealer-s license for each individual location. A separate application and license fee is required for each location.

(D) In order to be eligible to receive a village dealer-s license, the location and address to which license will be issued must be one which is zoned for business use only, in which such a use is a "special use" under the business zone in which the premises are located. Said premises and the business operation contemplated must also meet all other requirements for the issuance of a village business license and occupancy certificate.

(E) No license issued under this chapter shall be transferable or assignable to any other person or any other location.

§ Sec. 128.04 License administration.

(A) Generally. The Chief of the Police Department shall administer the licensing of firearms dealers, and shall approve or deny all applications for licenses and revoke existing licenses pursuant to this chapter.

(B) Promulgation of Rules and Regulations.

(1) The chief shall promulgate reasonable rules, definitions and regulations necessary to carry out the duties imposed by this chapter; including, but not limited to, developing reasonable procedures consistent with existing practices of licensing persons engaged in the business of dealing in firearms, and including seeking the assistance of the Village Police Department or other law enforcement agencies as necessary to conduct investigations or inspections in connection with licensing.

(2) Any rules or regulations promulgated under this chapter shall be filed in the Police Department-s principal office and in the office of the Village Clerk, and shall be made available for public inspection. Copies shall be made available upon request and payment of a reasonable fee as determined by the department or the village to cover the cost of providing the copy.

(3) When necessary to establish the identity of any applicant or to verify criminal history, an applicant may be required to submit to fingerprinting in accordance with the rules and regulations promulgated.

§ Sec. 128.05 License application; issuance.

(A) All applications for a license under this chapter shall be made in writing to the Chief of Police on a form provided for that purpose. In addition to any other information required by the Chief, each application for a license shall contain:

(1) The applicant-s full name, residence, (1) and the address and telephone number where the person is engaged in the business of dealing in firearms;

(2) If the applicant is a corporation, the corporate name, business and principal place of business of the applicant; the date and state of incorporation; and the names and residence addresses of the corporate officers and its registered agent;

(3) If the applicant is a partnership, the name and business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners; the name, address and telephone number of a person authorized to receive notices issued pursuant to this chapter.

(B) The Chief shall not issue a village firearm dealer-s license to any person who fails to provide proof of a valid federal firearms dealer-s license and a valid firearm owners identification card issued by the State of Illinois.

§ Sec. 128.06 Prohibition of sale of used firearms.

No firearms dealers as duly licensed by the Village of Schaumburg shall be allowed or permitted to purchase, trade or sell used firearms in a gun shop within the corporate limits of the Village of Schaumburg.

§ Sec. 128.09 Firearm ammunition.

Firearm ammunition offered for sale or displayed shall be in a secure area or display which only employees of the licensed dealer have access. The actual sale of ammunition shall be a hand to hand sale with the dealer or his employee directly conveying the ammunition to the purchasing party.

**Title 13. General Offenses
Chapter 1268. Weapons Offenses**

§ Sec. 136.04 Registration requirements.

(A) All persons dealing at retail within the village in one (1) or more of the following firearms shall keep a register of all such firearms sold or given away by them:

(1) Firearms of a size which may be concealed upon the person;

(2) Shotguns;

(3) Rifles;

(4) Firearms of any description not above-enumerated;

(B) The register shall be in the following form:

(1) Date of purchase or gift;

(2) , address and age of purchaser or donee;

(3) Occupation of purchaser or donee;

(4) Kind, description and number of firearm;

(5) Purpose for which firearm is purchased or obtained;

(6) Price of firearm;

(7) Firearm owner's identification number.

§ Sec. 136.05 Permit required.

It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the village, any pistol, revolver or any other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a valid firearm owner's identification card from the Department of Public Safety of the State of Illinois. Every such person dealing in firearms shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the register so required to be kept.

§ Sec. 136.06 Minors.

It shall be unlawful for any person to sell or give to any minor, any pistol, revolver or other firearm that may be concealed upon the person within the corporate limits of the village.

§ Sec. 136.08 Nonresidents.

The provisions of this chapter requiring a State of Illinois firearm owner's identification card and number do not apply to nonresidents who are currently licensed or registered to possess a firearm in their resident state.

§ Sec. 136.09 Confiscation of weapons used in violation.

In addition to any other penalty that may be imposed for violation of this chapter weapons used in violation of this chapter shall be forfeited to and confiscated by the village.

Silvis Code of Ordinances

Current through Ordinance No. 2018-40, enacted August 7, 2018. (Supp. No. 12)

Chapter 23. Business

Article III. Gun Shops

§ Sec. 23-76 Security regulations for gun shops.

- (1) Gun shops are required to have security cameras at all entrances and located inside the building in locations that provide the most coverage of the premises.
- (2) All weapons no matter what caliber or size shall be required to be placed in a vault or safe during non-business hours.
- (3) Gun shops must have a security system in place that will alert the police in the event of a break-in through Brinks, Sentry, Per Mar, etc.

Chapter 58. Offenses and Miscellaneous Provisions

Article III. Weapons

§ Sec. 58-62 Unlawful use of weapons.

A person commits the offense of unlawful use of weapons when he knowingly:

- (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
- (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel of less than 18 inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or

Skokie Code of Ordinances

Current through Ordinance No. 18-7-C-4402, enacted July 16, 2018. (Supp. No. 157)

Chapter 70. Offenses and Miscellaneous Provisions

Article V. Offenses Affecting Public Safety

Division 2. Firearms

§ Sec. 70-184 Register of sales by firearms dealers.

(a) All persons dealing at retail within the Village in one or more of the following firearms: (i) firearms of a size which may be concealed upon the person, (ii) shotguns, (iii) rifles, or (iv) firearms of any description not enumerated in this section, shall keep a register of all such firearms sold or given away by them.

(b) The register shall contain the following:

- (1) The date of purchase of the firearm.

- (2) The name, address and age of the purchaser or donee.
- (3) The occupation of the purchaser or donee.
- (4) The kind, description and number of the firearm.
- (5) The purpose for which the firearm was purchased or obtained.
- (6) The price of the firearm.

§ Sec. 70-185 Permit for purchase of firearm.

It shall be unlawful for any person dealing in firearms without proper statutory licensing and review by the State and federal licensing, which may be amended from time to time, to sell, barter, loan or give away to any person within the Village any pistol, revolver, or other firearm of like character. Every such person dealing in firearms shall, on demand, allow any police officer, Sheriff or Deputy Sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection all written permits or licenses for the sale of such firearms. It shall be the duty of those selling firearms to refuse to sell to all persons having been convicted of any crime, all minors, and all persons not in possession of a firearms owner's card issued by the State and all those not cleared through State review.

§ Sec. 70-186 Selling or furnishing firearms to person under 18 years of age; allowing entry to firearm range.

(a) It shall be unlawful for any person to sell, loan, rent or furnish to any person under 18 years of age any gun, pistol, rifle, revolver or other firearm within the Village.

§ Sec. 70-188 Definitions.

The following terms as they appear in this Article division, shall have the meaning ascribed below:

(a) Assault Weapon Category 1 shall mean and include the following firearms and parts:

- (1) Semi-automatic action, rifles with a detachable or fixed magazine with a capacity of fifteen (15) or more rounds.
- (2) Semi-automatic shotguns with a folding stock or a magazine capacity of more than six (6) rounds.
- (3) Firearms which have been modified to be operable as an assault weapon as defined above.
- (4) Parts designed to modify a firearm so it can operate as an assault weapon as defined above, including a detachable magazine with a capacity of fifteen (15) or more rounds.

(b) Assault Weapon Category 2 shall mean and include the following firearms and parts:

- (1) Semi-automatic action rifles with any detachable or fixed magazine or shroud around the barrel or grip that can be held by the non-trigger hand.
- (2) Semi-automatic shotguns with a folding stock or a detachable or fixed magazine or shroud around the barrel or grip that can be held by the non-trigger hand.
- (3) Semi-automatic pistols with any detachable or fixed magazine or capable of attaching a magazine other than in the pistol grip.
- (4) Firearms which have been modified to be operable as an assault weapon as defined above.
- (5) Parts designed to modify a firearm so it can operate as an assault weapon as defined above, including a detachable magazine with a capacity of fifteen (15) or more rounds.

(c) Magazine shall mean and include any container such as a box, clip or drum which attaches to, holds and feeds ammunition into a semi-automatic rifle.

(d) Rifle shall mean and include a firearm designed, made or retrofitted (1) to be fired from the shoulder or hip; and (2) uses the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger and shall include any such weapon which may be readily assembled, altered or restored to fire a fixed cartridge.

(e) Semi-automatic shall mean and include a firearm which fires a single projectile for each single pull of the trigger which automatically inserts the next round for firing into the firearm chamber using a magazine.

(f) Shotgun shall mean and include a firearm designed, made or retrofitted (1) to be fired from the shoulder or hip; and (2) uses the energy of the explosive in a fixed shotgun shell to fire a number of projectiles or a single projectile for each pull of the trigger and shall include any such weapon which may be readily assembled, altered or restored to fire a fixed shotgun shell.

§ Sec. 70-189 Unlawful possession of assault weapons.

(a) It shall be unlawful to own or possess within the Village of Skokie a weapon or weapon part defined by Section 70-188(a).

(b) It shall be unlawful to own or possess within the Village of Skokie a magazine defined by Section 70-188(a) which can hold or may be modified to hold fifteen (15) or more rounds.

§ Sec. 70-190 Safe storage of allowed assault weapons.

It shall be unlawful to store, transport or keep any firearm defined by Section 70-188(b) in the Village of Skokie, unless such firearm is secured in a locked container or safe, or equipped with a tamper-resistant mechanical lock, trigger lock, gun lock or other mechanical or electronic safety device, engaged so as to keep the firearm inoperable when not in actual use.

§ Sec. 70-191 Exceptions.

The provisions of Sections 70-189 through 70-190 do not apply to (i) any law enforcement officer, agent or employee of any municipality of the State of Illinois (ii) any law enforcement officer, agent or employee of the State of Illinois, of the United States or of any other state (iii) any active member of the military or other service of any state or the United States, including national guard and reserves, if the person described is on duty and is authorized by a competent authority to so carry an assault weapon loaded on a public way and such person is acting within the scope of his duties or training.

§ Sec. 70-192 No retail sale of firearms outside of a firearms range.

No person or entity shall deal in the retail sale of firearms except within a licensed firearms range, with the Firearms Range License being held by the same person or entity engaged in the sale of firearms.

South Beloit Code of Ordinances

Current through Ordinance No. 2331, enacted January 18, 2018. (Supp. No. 11)

**Chapter 62. Offenses and Miscellaneous Provisions
Article VII. Weapons**

§ Sec. 62-207 Unlawful use.

(a) Prohibited acts.

(1) A person commits the offense of unlawful use of weapons when he knowingly:

f. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

g. Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bomb and Molotov cocktails;

(2) A person convicted of a violation of this subsection (a) shall be punished as provided in section 1-8.

(3) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(1)g of this section is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

a. If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

b. If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

South Holland Code of Ordinances

Current through Ordinance No. 2016-18, enacted September 19, 2016. (Supp. No. 33)

**Chapter 11. Offenses, Miscellaneous
Article I. General**

§ Sec. 11-28 Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries any weapon from which eight (8) or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one (1) or more barrels less than eighteen (18) inches in length, sometimes called a sawed-off shotgun, or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered, has an overall length of less than twenty-six (26) inches, or a barrel length of less than eighteen (18) inches or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles;

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this subsection **explosive bullet** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **Cartridge** means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

Stickney Code of Ordinances

Current through Ordinance No. 2018-36, enacted August 7, 2018. (Supp. No. 26)

Chapter 50. Offenses and Miscellaneous Provisions

Article V. Weapons

§ Sec. 50-171 Sale of firearms.

(a) The term "**firearms**," for the purposes of this article, are pistols, revolvers, derringers, handguns or small arms of such size and nature that may be readily concealed on or about the person.

(b) It shall be unlawful for any person to engage in the business of selling, or to sell, lease, loan or give away to any resident of the village, any firearms which are of such size or nature as may be readily concealed on or about the person, without securing a license therefor.

(c) It shall be unlawful for any seller of firearms to sell, lease, loan or give away any firearm to any person residing in the state unless such person shall have been issued a Firearms Owners Identification Card as provided in the "Criminal Code of 1961," as amended, or to sell firearms in violation of the provisions of the "Criminal Code of 1961," as amended, or in violation of the provisions of any federal act regulating the sale of firearms.

(d) It shall be unlawful for a seller of firearms to sell, lease, loan or give away any firearms to any resident of the village who has not secured a permit from the chief of police to purchase such firearm.

Tampico Code of Ordinances

Current through Ordinance No. O01-18-05-01, passed May 1, 2018. (Supp. No. 15)

Title 9. Public Peace, Morals and Welfare

Chapter 9.30. Weapons Regulations

§ Sec. 9.30.030 Definitions.

For purposes of this chapter:

B. "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

1. Any pneumatic gun, spring gun, or BB gun which expels a single globular projectile not exceeding .18 inch in diameter;
2. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
3. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
4. An antique firearm (other than a machine gun) which, although designed as a weapon, the department of law enforcement finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

§ Sec. 9.30.050 Unlawful use of weapons.

A person commits the offense of unlawful use of weapons when he knowingly:

F. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

§ Sec. 9.30.070 Possession by minors prohibited.

It is unlawful for any person to permit, suffer, or allow any child under the age of eighteen years to handle or have in his possession within the village any air rifle or firearm of any description, or any other similar weapon, which is a deadly weapon, or which, if discharged, is of sufficient force or power to inflict bodily injury; provided, however, this section shall not apply to situations in which the minors are licensed hunters or fishermen while engaged in hunting or fishing.

§ Sec. 9.30.080 Violation, penalty.

Any person who violates, neglects, or refuses to comply within any of the provisions of this chapter, shall, upon conviction, be subject to penalty as provided in Chapter 1.12 of this code.

Thornton Code of Ordinances

Current through Ordinance of September 2, 2014(3). (Supp. No. 16)

Title 5. Business Regulations

Chapter 8. Licensing of Firearm Dealers

§ Sec. 5-8-1 Applicability.

A. It is intended that this Chapter shall preempt all Cook County licensing or other regulatory schemes for firearms, firearms dealers and assault weapons. As provided in Article VII, Section 6(c) of the State of Illinois Constitution of 1970, if a County ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

B. It is specifically intended that this Chapter shall preempt the Cook County Firearms Dealer's License and Assault Weapons and Ammunition Ban Ordinance as now in effect or as may be hereafter amended.

§ Sec. 5-8-2 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:

Department means the Village of Thornton Police Department.

Chief means the Village of Thornton Police Chief.

Engaged in the business has the same meaning as in 18 USC 921 (a) (21).

Firearm.

1. The term "firearm" means any device, by whatever name known, which is designed to expel a projectile by the action of an explosion, expansion of gas, or escape of gas.
2. The term "firearm" excludes, however:
 - a. Any pneumatic gun, spring gun, paintball gun or BB gun which either expels a single lobular projectile not exceeding 0.18 inches in diameter or breakable paintballs containing washable marking colors;
 - b. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
 - c. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
 - d. An antique firearm (other than an assault weapon) which, although designed as a weapon, the State Police Department finds, by reason of the date of its manufacture, value, design, or other characteristic, is primarily a collector's item and is not likely to be used as a weapon.

Firearm ammunition.

1. The term "firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm.
2. The term "firearm ammunition" excludes, however:
 - a. Any ammunition exclusively designed for use with a device used exclusively for signally or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
 - b. Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Firearms dealer means any Federally licensed firearms dealer, excluding any person licensed solely as a "collector" pursuant to 18 USC 923(b) and possessing only a Type 03 Federal license.

Gun shop means the premises of any Federally licensed firearms dealer.

President means the Village President of the Village of Thornton.

§ Sec. 5-8-3 License required.

A. It shall be unlawful for any person to engage in the business of dealing in selling or otherwise transferring for compensation firearms or firearm ammunition within the Village corporate limits without having applied for or obtained a Village firearms dealer's license pursuant to this Chapter. A Village firearms dealer's license shall be required in addition to any other license required by law. All applicants for a Village firearms dealer's license must possess a valid Federal firearms dealer's license. Possession of a valid Federal firearms dealer's license shall be deemed proof of being engaged in the business of dealing in firearms in the Village and thus requiring a Village firearms dealer's license. An applicant for a Village firearms dealer's license shall meet all other applicable Village ordinances and regulations.

B. Any person who becomes a Federally licensed firearms dealer and is required under this Division to obtain a Village firearms dealer's license shall apply for such license within forty five (45) days of receipt of the Federal firearms dealer's license.

C. Any person licensed under Federal law at more than one (1) location within the Village corporate limits must obtain a Village firearms dealer's license for each individual location. A separate application and license fee is required for each location.

D. Prior to issuance of any such license, it shall be required that there be installed on the premises a satisfactory anti-theft alarm system which has been inspected and approved by the police department. Such premises and the business operation contemplated must also meet all other requirements for the issuance of a Village business license.

E. No license issued under this Division shall be transferable or assignable to any other person or any other location.

F. Location. No firearms dealer may be located within two (2) miles of any other firearms dealer or gun shop or within one thousand (1,000) feet of any property zoned or used as a church or school.

G. All firearms dealers shall be located in a zone classified as industrial under the zoning code of the Village and no firearms dealer shall operate without having first obtained a special use permit pursuant to the zoning code of the Village.

H. No more than one (1) firearm/firearm ammunition dealer license shall be issued and in force at any one (1) time in the Village and such license shall be valid for a period of one (1) year from the date of its issuance.

§ Sec. 5-8-4 Administration.

A. The Chief of Police shall administer the licensing of firearms dealers and shall approve or deny all applications for licenses and revoke existing licenses pursuant to this Article.

B. A Village firearm dealer's license shall not be approved unless the business premises where a sale, display or transfer of any firearm occurs meets the following minimum requirements:

1. The exterior walls of the structure are to be of masonry construction. The integrity of the structure must be such that a motor vehicle or bullet will not be able to penetrate the walls of the business. Alternative construction materials which afford equivalent protection may be permitted if approved by the Village upon the receipt of the recommendation of both the Chief of Police and the Building Inspector.

2. The entire interior of the building (except bathrooms) must be covered with video surveillance cameras. The recorders must be located in a safe and locked at all times. Video recordings must be kept for at least one (1) year. Parking lots as well as any exterior wall breach, such as doorways or windows must be maintained under video surveillance as well. Lighting must be supplied to insure that the installed cameras are capable of recording all activity at such lumens that will allow easy identification of any person coming into their view, and such light must be maintained twenty four (24) hours a day. The surveillance cameras and the lighting shall have an alternate twelve (12) hour power supply that automatically provides power in the event of a power failure.

3. A safe must be provided on site that is of sufficient size to accommodate all firearms on site at any given time. All handguns must be kept in the safe when the business is not open. When the business is not open, firearms, other than handguns, must either be: (1) locked in a safe or (2) secured behind locked rolling metal shutters, a locked steel grate or in another manner that provides equivalent protection.

4. The entire structure must be covered by a burglar and intrusion alarm system that will include a fire detection system. The system must be connected directly to the Thornton 9-1-1 System. This system must include door contacts on all doors to the establishment, glass break protection, and equipment and motion detectors to cover all areas. This alarm system shall have an alternate power source for no less than twelve (12) hours that automatically activates in the event of a power failure.

5. All handguns on display must be kept in locked display cases that would need to be unlocked by an employee for handling by a potential buyer. The display area for the firearms must be separate from all other display areas and must be locked and secured at all times. Employees escorting patrons into the viewing area will need to be supplied

with a panic alarm that is tied into the building alarm system for immediate notification of the police department. As part of the building alarm system, the panic alarms shall also be served by an alternate power source that can provide protection for no less than twelve (12) hours and automatically activates in the event of a power failure.

6. No one under the age of eighteen (18) years will be allowed into the establishment unless they are accompanied by an adult.

7. All exterior entrance points and window points of the building shall be gated or barred or otherwise secured when the building is unoccupied. The use of gating and security devices on exit doors will need emergency override devices to allow for exit in case of any emergency inside the building. If the emergency override devices require electricity to operate, they shall be served by an alternate twelve (12) hour power supply that automatically activates in the event of a power failure.

8. All entry doors must remain located locked and secure at all times with a buzzer system to allow access during business hours.

9. The storage of ammunition shall comply with 2003 IFC Section 3306.

10. Before any person may be hired as an employee of a licensee under this ordinance, the holder of that license shall perform a background check to determine whether he or she possesses the requisite character and fitness to deal in deadly weapons. No person in possession of a license may employ a person to work in the licensed gun shop if that person could not qualify to obtain legally an Illinois Firearm Owner's Identification Card.

C. The Chief may promulgate additional reasonable rules, definitions and regulations necessary to carry out the duties imposed by this Article; including, but not limited to, hours of operation, and developing reasonable procedures consistent with existing practices of licensing persons engaged in the business of dealing in firearms, and including seeking the assistance of other law enforcement authorities as necessary to conduct investigations or inspections in connection with this Article. Any rules or regulations promulgated under the Article shall be filed in the police department's principal office and shall be made available for public inspection. Copies shall be made available upon request and payment of a reasonable fee as determined by the department to cover the cost of providing the copy.

§ Sec. 5-8-5 Fees.

The annual fee for a Village firearms dealer's license shall be five hundred dollars (\$500.00) per year and payable in accordance with Section 5-1-3.

§ Sec. 5-8-6 Application; issuance.

A. All applications for a license under this Article shall be made in writing to the Chief on a form provided for that purpose. Each application for a license shall contain:

- 1.** The applicant's full name, residence and address; the address and telephone number where the person is engaged in the business of dealing in firearms.
- 2.** If the applicant is a corporation, the corporate name, business, and principal place of business of the applicant; the date and state of incorporation; and the names and residence addresses of the corporate officers and its registered agent; and the names and residence address of all shareholders with more than five percent (5%) of the outstanding shares.
- 3.** If the applicant is a partnership, the name and business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners; and the name, address and telephone number of a person authorized to receive notices issued pursuant to this Article.
- 4.** If the applicant is a limited liability company, the name, business address and telephone number of the principal office or place of business; the names, home addresses and telephone numbers of managers and members of the limited liability company as well as address and telephone numbers of all persons authorized to receive notices for the limited liability company.
- 5.** The name, home address and telephone number of each employee of the applicant which will perform duties within the Village.
- 6.** All applicants and individuals required to be identified in paragraphs (1), (2), (3), (4) and (5) of this Section 5-8-6 shall submit to fingerprinting at the Thornton Police Department and authorize a criminal history background check based on fingerprint identification from the Illinois Bureau of Criminal Identification. In all cases the cost of the background checks shall be the responsibility of the applicant with any costs incurred by the Village being paid in advance.
- 7.** Any information requested by the Police Chief concerning prior convictions of any felony, violent crime or firearm-related offense deemed relevant by the Chief for the purposes of performing his/her investigation of the applicant.
- 8.** A copy of a current, valid Federal firearms license of the applicant.

9. A copy of a current, valid firearm owner's identification card of the applicant.
10. A photograph of the applicant and all employees that will be working out of any proposed location within the Village.
11. Copies of the articles of incorporation, corporate bylaws, partnership agreement, articles of limited partnership and/or documentation establishing a limited liability company to the extent applicable.
12. Documentation establishing that each of the requirements of subsection 5-8-4(b) are met.
13. A detailed drawing of the proposed layout of the premises for which the license is sought showing any locations where all firearms will be stored and/or displayed.
14. A certification signed by the applicant stating that as of the date of the application, the applicant has met and continues to meet all the requirements necessary under Federal law that are necessary to meet in order to receive a firearms dealer's license under Federal law.

B. The Chief shall not issue a Village firearms dealer's license when:

1. The applicant fails to provide proof of a current, valid Federal firearms dealer's license;
2. The applicant fails to provide proof of a current, valid firearm owner identification card issued by the State of Illinois;
3. The investigation conducted by the Chief reveals that the applicant would no longer meet the requirements for a Federal firearms dealer's license; or
4. When the applicant fails to provide the information and/or meet the requirements of this Article.

C. The disclosures required in any application for a Village firearm license are continuing obligation of the applicant. In the event any of the information provided changes, the applicant shall have a duty to provide within twenty four (24) hours such changed information to the Chief. Upon receiving such additional information, the Chief shall review the changed or additional information provided and determine whether it shall have any effect on the status of any license that has been requested or already issued.

D. Any license issued under this Article shall be posted and kept available on the premises covered by the license for inspection by the Chief or the Sheriff of the County or any local, State or Federal agency and their deputies. All sales and other business records relating to the activity for which a Federal firearms dealer's license is required shall also be made available for inspection upon the request of the Chief or the Sheriff of the County or any local, State or deferral agency and their deputies.

E. The Chief of Police or his/her designee shall have the authority to inspect the premises for which a license is sought prior to the issuance of the license, prior to the renewal of the license or at any other time the license is in effect provided the business is open. The inspection may, in the discretion of the Chief, include a check to determine whether the video and security equipment is operational, a check to determine whether the video image being recorded and the lighting is sufficient to allow the identification of individuals on the premises and a review of the records of transfer of firearms by the licensee.

§ Sec. 5-8-7 Denial, suspension or revocation; appeal.

A. Denial; appeal. The Chief may deny an application for a license if the applicant fails to provide the information required by, or is otherwise not in compliance with, any provisions of this Division or any applicable rules or regulations. Such denial shall be in writing and shall state the reasons for the denial. Any person seeking to appeal the denial may do so by filing a written request for a hearing with the Village President, with a copy to the Chief. Such request must be filed within thirty (30) days of the denial, and a hearing must be held within thirty (30) days of receipt of the request. The hearing shall be conducted in accordance with the procedures provided herein.

B. Suspension, revocation; notice. The Chief may revoke or suspend the license of any person who violates any provision of this Division or rules or regulations adopted pursuant to this Division. Before any such revocation or suspension is imposed, the licensee shall be notified by the mail or personal delivery of the specific basis for the suspension or revocation and the date for a hearing on the matter. Such hearing shall occur not fewer than seven (7) days, and no more than fourteen (14) days after the mailing of the notice. The hearing shall be conducted in accordance with the procedures provided herein.

§ Sec. 5-8-8 Hearing procedures.

A. If a person wishes to appeal the denial of a Village firearms dealer's license, or in the event of a revocation of a Village firearms dealer's license, the Village President shall appoint a Hearing Officer who shall conduct the hearing. The Hearing Officer is authorized to conduct hearings concerning any matter covered by this Division and may determine factual and legal matters raised by the parties to the hearing.

B. The Hearing Officer may:

1. Examine any books, papers, records or memoranda bearing upon the business or activities of the licensee;
2. Request the circuit court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;
3. Request the circuit court to issue subpoenas duces tecum for the production of books, records, papers, or memoranda;
4. Administer oaths;
5. Take testimony;
6. Make rulings as to the admissibility of evidence; and
7. Take any other action as may be required for the expeditious conduct of the hearing.

C. The Hearing Officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the Hearing Officer or the Village President's final administrative decision.

D. The Department's books, papers, records and memoranda or parts thereof may be provided in any hearing or legal proceeding by the original documents or by reproduced copy under the Chief's certificate. Without further proof, the original documents or reproduced copy shall be admissible into evidence at the hearing.

E. If the circuit court issues a subpoena duces tecum, the following rules shall apply:

1. Service shall be made as provided by the State Civil Practice Law, 735 ILCS 5/2-201 et seq.;
2. Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of the County and shall be paid after the witness is excused from further attendance;
3. When a subpoena or subpoena duces tecum is issued at the instance of either party, the Hearing Officer may require that party to bear the cost of service and witness fees.

F. Any party to a hearing may apply to any circuit court judge of this State for enforcement of any subpoena or subpoena duces tecum issued by a Hearing Officer holding a hearing authorized by this Division.

G. At any hearing held under this Division, the Chief's initial decision to deny or revoke a license shall be presumed prima facie correct and the person contesting the decision shall have the burden of proving by the books, records and other documentary or testimonial evidence that it is incorrect.

H. At the conclusion of the hearing, the Hearing Officer shall make a recommendation to the Village President. The Village President shall adopt, reject or modify the recommendation based on a review of the record within seven (7) days of receiving the Hearing Officer's recommendation, and shall issue a final decision. The Village President shall give written notification to the licensee of the decision and the reasons for such decision. The Village President's decision shall be a final decision reviewable under State Administrative Review Law, 735 ILCS 5/3-101 et seq.

I. A person seeking judicial review of the Village President's final decision shall bear the cost of certification. If the protesting party prevails on appeal, the Village shall reimburse that party for the cost of certification.

J. Items constituting the record may include notices and demands, the initial decision, the written protest and petition for hearing, all relevant pleadings, briefs and memoranda of law, evidence admitted at the hearing, the transcribed testimony given at the hearing, the Hearing Officer's recommendation and the Village President's final decision.

§ Sec. 5-8-9 Prohibition.

A. No person shall be allowed to sell, trade, give, deliver or possess within the Village any firearm or firearm ammunition in violation of any Federal or State law, rule or regulation.

B. No gun shows or similar event shall be allowed in the Village of Thornton.

C. No person that is required to have a Federal firearms license shall operate as a firearms dealer unless they obtain a Village firearm dealers license.

D. This ordinance is not intended to allow the discharge of firearms, gun ranges or ammunition manufacture within the Village.

§ Sec. 5-8-10 Monthly submission of transfer records.

A. Any person possessing a license obtained under this ordinance, in addition to any other reports required by law, must provide to the Chief, on a monthly basis, the following information:

B. A written report containing the name, address, telephone number and age of the person to whom the licensee transferred a firearm, the date on which the transfer took place, the type, model and a description of the firearm, the

manufacturer of the firearm, the price of the firearm, the serial number of the firearm, a photocopy of the purchaser's firearm owner's identification card and the purpose given by the purchaser for the acquisition of the firearm.

§ Sec. 5-8-11 Penalties.

A. Failure to comply with any provision of this Article shall result in a fine of five hundred dollars (\$500.00) per day. Each day of operation and sold in violation of any provision of this Article shall constitute a separate and distinct violation.

B. The Village may seek an order to restrain violations or enjoin future operation of firearms dealer operating in violation of this Article, or both.

§ Sec. 5-8-12 Assault weapons.

Sec. 5-8-12-1. 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 any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one (1) shot without manual reloading by a single function of the trigger. The term "**assault weapon**" also includes:

1. The frame or receiver of any such weapon;
2. Any part designed and intended for use in converting a weapon into a machine gun; and
3. Any combination of parts from which a machine gun can be assembled, if such parts are in the possession or under the control of a person.

§ Sec. 5-8-12-2. Sale Prohibited; Exceptions.

A. No person shall sell, offer or display for sale, give, lend, transfer ownership or of, acquire, manufacture, or distribute any assault weapon within the corporate limits of the Village.

B. This subsection shall not apply to:

1. The sale, distribution, or possession for sale and distribution, by any firearms dealers licensed pursuant to this Article, of an assault weapon to any sworn police officer of the Village or any other municipality, County, body politic 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, and peace officers to the extent that any such person is otherwise authorized to acquire or possess an assault weapon and is acting within the scope of his duties;
2. Transportation of assault weapons if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.

C. Any assault weapon possessed, 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 in Section 5-8-12-3.

D. Any person found in violation of this subsection 5-8-12-2 shall be fined seven hundred fifty dollars (\$750.00).

§ Sec. 5-8-12-3. Surrendered or Confiscated Weapons.

A. Whenever any firearm is surrendered or confiscated, pursuant to the terms of this Section 5-8-12, the Police Chief shall ascertain whether such firearm is needed as evidence in any matter.

B. If such firearm is not required for evidence, it shall be destroyed at the Police Chief's direction. A record of the date and method of destruction and inventory of the firearm so destroyed shall be maintained.

University Park Code of Ordinances

Current through Ordinance No. 2015-36, enacted August 25, 2015. (Supp. No. 14)

**Part Six. General Offenses Code
Chapter 670. Weapons and Explosives**

§ Sec. 670-01 Possessing dangerous or deadly weapons.

No person shall carry or possess any dangerous or deadly weapon or firearm ammunition in violation of Article 24 of the Illinois Criminal Code.

§ Sec. 670-03 Confiscation and disposition of weapons.

(a) Upon a conviction for a violation of any of the provisions of this chapter, any weapon seized shall be confiscated by the trial court.

(b) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons, after the disposition of a criminal case and when no

longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for such weapons, may be transferred by the court to the County Sheriff who shall proceed to destroy them or, at his or her discretion, order such weapons preserved as property of the governmental body whose police agency seized the weapon. If, after the disposition of a criminal case, a need still exists for the use of such confiscated weapons for evidentiary purposes, the court may transfer such weapons to the custody of the State Department of Corrections for preservation.

§ Sec. 670-04 Storage of assault weapons.

(a) Any person who owns, or possesses an assault weapon in his or her home shall at all times store or keep any such assault weapon secure in a locked container or equipped with a tamper resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user. For purposes of this section, such weapon shall not be deemed stored or kept when being carried by the owner or other lawfully authorized user.

(b) Self defense exception. No person shall be punished for a violation of this section if an assault weapon is used in a lawful act of self-defense or in defense of another.

(c) The provisions of this section do not apply to (i) any law enforcement officer, agent or employee of any municipality of the State of Illinois; (ii) any law enforcement officer, agent or employee of the State of Illinois, of the United States, or of any other state; (iii) any member of the military or other service of any state or the United States, including National Guard and Reserves, if the persons described are authorized by a competent authority to so carry an assault weapon loaded on a public way and such person is acting within the scope of his duties or training.

§ Sec. 670-05 Definitions.

The following words, terms and phrases, when used in this chapter, 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 (1) 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 (10) rounds of ammunition;

(3) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one (1) 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 (1) 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 (5) rounds; or

(E) An ability to accept a detachable magazine.

(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) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr. NHM 90, NHM 91, SA 85, SA 93, VEPR;
- (ii) AR-10;
- (iii) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
- (iv) AR70;
- (v) Calico Liberty;
- (vi) Dragunov SVD Sniper Rifle or Dragunov SVU;
- (vii) Fabrigue National FN/FAL, FN/LAR, or FNC;
- (viii) Hi-Point Carbine;
- (ix) HK-91, HK-93, HK-94, or HK-PSG-1;
- (x) Kel-Tec Sub Rifle;
- (xi) Saiga;
- (xii) SAR-8. SAR-4800;
- (xiii) SKS with detachable magazine;
- (xiv) SLG 95;
- (xv) SLR 95 or 96;
- (xvi) Steyr AUG;
- (xvii) Sturm, Ruger Mini-14;
- (xviii) Tavor;
- (xix) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
- (xx) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

(B) The following 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.

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

- (i) Armscor 30 BG;
- (ii) SPAS 12 or LAW 12;
- (iii) Striker 12; or
- (iv) Streetsweeper.

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.

Detachable magazine means any ammunition feeding device, the function of which is to deliver one (1) 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.

Firearm has the meaning ascribed to it in the Firearm Owners Identification Card Act, 430 ILCS 65/1.1.

Large capacity magazine means any ammunition feeding device with the capacity to accept more than ten (10) 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 (10) 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.

Vandalia Code of Ordinances

Current through Ordinance No. 2016-8, passed August 15, 2016. (Supp. No. 9)

Title 9. Public Peace, Morals and Welfare

Chapter 9.24 Weapons and Explosives

§ Sec. 9.24.050 Selling firearms to minors.

No person shall sell, loan or furnish to any minor any gun, pistol, revolver, or other firearm, within the city.

Vernon Hills Code of Ordinances

Current through Ordinance No. 2018-104, enacted June 5, 2018. (Supp. No. 25, Update 1)

Chapter 14. Offenses and Miscellaneous Provisions Article VII. Offenses Against Public Safety

§ Sec. 14-312 Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(8) Sells, manufactures or purchases any explosive bullet. For purposes of this subsection "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(9) Carries or possesses on or about his person any ... pistol or revolver or other firearm, bomb, grenade, bottle or other container containing an explosive substance of over one-quarter ounce, or cartridge while in the building or on the grounds of any elementary or secondary school, community college, college or university. This subsection shall not apply to law enforcement officers or security officers of such school, college or university, nor to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded and enclosed in a suitable case, box or transportation package.

(i) Subsection (a)(8) of this section does not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordinance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

(4) Commerce, preparation, assembly, or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subsection (g)(1) of this section, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(j) An information or indictment based upon a violation of any subsection of this section need not negative any exemptions contained in this section. The defendant shall have the burden of proving such an exemption.

(k) Nothing in this section shall prohibit, apply to or affect the transportation, carrying or possession of any pistol or revolver, stun gun, taser or other firearm consigned to a common carrier operating under license of the state or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this section shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) (Ill. Rev. Stat. ch. 38, ¶ 24-1(a)(7)) or subsection 24-2(c) (Ill. Rev. Stat. ch. 38, ¶ 24-2(c)), which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid firearm owners identification card.

Waukegan Hills Code of Ordinances

Current through Ordinance No. 18-O-97, enacted July 16, 2018. (Supp. No. 95)

Chapter 15. Offenses and Miscellaneous Provisions Article IV. Offenses Against Public Peace and Safety Division 1. Generally

§ Sec. 15-136 Sale of weapons to minors, aliens prohibited.

No person shall sell or give to any alien or to any minor under the age of 18 years any weapon listed in section 15-137 of this Code.

§ Sec. 15-137 Weapons, unlawful use.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(9) Sells, manufactures or purchases any explosive bullet. For purposes of this section **"explosive bullet"** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **"Cartridge"** means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

West Chicago Code of Ordinances

Current through Ordinance No. 18-O-0028, enacted June 4, 2018. (Supp. No. 129)

Chapter 11. Offenses and Miscellaneous Provisions

Article II. Offenses

Division 10. Concerning Guns and Weapons

§ Sec. 11-133 Unlawful use.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device.

(b) Subsection (a) shall not apply to:

(1) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Watchmen while actually engaged in the performance of their duties of their employment.

(3) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using their firearms on such target ranges.

Westchester Code of Ordinances

Current through Ordinance No. 2016-2198, enacted May 24, 2016. (Supp. No. 10)

Title 5. Business Licenses and Regulations

Chapter 5.88. Deadly Weapons Dealers

§ Sec. 5.88.010 General provisions.

(a) Title. The ordinance codified in this chapter shall be known as the "Westchester firearms and assault weapon control ordinance."

(b) Applicability.

(1) It is intended that this chapter shall preempt all Cook County licensing or other regulatory schemes for firearms, firearms dealers and assault weapons. As provided in Article VII, Section 6(c) of the State of Illinois Constitution of 1970, if a county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(2) It is specifically intended that this chapter shall preempt the Cook County firearms dealer's license and assault weapons and ammunition ban ordinance as now in effect or as may be hereafter amended.

(3) Licenses issued pursuant to this chapter shall be issued separate and apart from any general business license issued by the village.

§ Sec. 5.88.020 Firearms dealer's licensing.

(a) Definitions. As used in this section, the following terms shall have the following meanings:

"Chief" means the chief of police of the village;

"Department" means the police department of the village;

"Engaged in the business" has the same meaning as in 18 USC Section 921(a)(21);

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding however:

- (1) Any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding 0.18 inch in diameter or breakable paint balls containing washable marking colors;
- (2) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.
- (4) An antique firearm (other than an assault weapon) which although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, or other characteristic is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to be used in a firearm; excluding however:

- (1) Any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- (2) Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Firearms dealer" means any federally licensed firearms dealer, excluding any persons licensed solely as a collector pursuant to Section 923(b) of Title 18 of the United States Code (USC) and possessing only a Type 03 federal license, and shall also include any person who repairs or services firearms;

"Gun shop" means the premises of any federally licensed firearms dealer where the business or commercial enterprise conducted on the premises is the purchase or sale of firearms or firearms ammunition;

"Person" means any individual, public or private corporation, partnership, firm, society, or unincorporated association;

"President" means the president of the village; and

"Village" means the Village of Westchester, Cook County, Illinois.

(b) License Required.

(1) It is unlawful for any person to engage in the business of dealing in firearms at an address within the corporate limits of the village without having applied for or obtained a village firearms dealer's license pursuant to this chapter by January 1, 1995. A village firearms dealer's license shall be required in addition to any other village license required by law. All applicants for a village firearms dealer's license must possess a valid federal firearms dealer's license. Possession of a valid federal firearms dealer's license shall be deemed proof of being engaged in the business of dealing in firearms in the village and thus requiring a village firearms dealer's license. An applicant for a village firearms dealer's license shall meet all other applicable village ordinances and regulations. A person engaged in the repair or servicing of firearms is engaged in the business of dealing in firearms and must acquire a license hereunder which shall be limited to such gunsmith activities.

(2) Any person who becomes a federally licensed firearms dealer after January 1, 1995, and is required under this chapter to obtain a village firearms dealer's license, shall apply for such license within forty-five days of receipt of the federal firearms dealer's license or such other federal authorization to act as a gunsmith.

(3) Unless otherwise approved by the president and board of trustees of the Village of Westchester and/or upon amendment of this chapter, there shall be zero Westchester firearms dealer's license issued subsequent to the passage of the ordinance codified in this section.

(4) No license issued under this chapter shall be transferrable or assignable to any other person or any other location.

(5) The dealer must provide to the chief of police on a quarterly basis a list of all sales of firearms and firearm ammunition in an orderly and prompt manner.

(c) License Administration.

(1) The chief of the police department shall administer the licensing of firearms dealers, and shall approve or deny all applications for licenses and revoke existing licenses pursuant to this chapter.

(A) The chief shall promulgate reasonable rules, definitions and regulations necessary to carry out the duties imposed by this chapter; including, but not limited to, developing reasonable procedures consistent with existing practices of licensing persons engaged in the business of dealing in firearms, and including seeking the assistance of the village police department or other law enforcement agencies as necessary to conduct investigations or inspections in connection with licensing.

(B) Any rules or regulations promulgated under this chapter shall be filed in the police department's principal office and in the office of the village clerk, and shall be made available for public inspection. Copies shall be made

available upon request and payment of a reasonable fee as determined by the department or the village clerk to cover the cost of providing the copy.

(d) License Fee. The annual fee for a village firearms dealer's license shall be six hundred seventy-five dollars.

(e) License Application, Issuance.

(1) All applications for a license under this chapter shall be made in writing to the chief of police on a form provided for that purpose. In addition to any other information required by the chief, each application for a license shall contain:

(A) The applicant's full name, residence, and the address and telephone number where the person is engaged in the business of dealing in firearms;

(B) If the applicant is a corporation, the corporate name, business, and principal place of business of the applicant, the date and state of incorporation, and the names and residence addresses of the corporate officers and its registered agent;

(C) If the applicant is a partnership, the name and business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners; the name, address and telephone number of the person authorized to receive notices issued pursuant to this chapter.

(2) The chief shall not issue a village firearms dealer's license to any person who fails to provide proof of a valid federal firearms dealer's license and a valid firearm owners identification card issued by the state, or such other identification and authorization as appropriate for a gunsmith.

(f) License Denied or Revoked.

(1) The chief may deny an application for a license if the applicant fails to provide the information required by, or is otherwise not in compliance with, any provisions of this chapter or any applicable rules or regulations. Such denial shall be in writing and shall state the reasons for the denial. Any person seeking to appeal the denial may do so by filing a written request for a hearing with the village president, with a copy to the chief. Such request must be filed within thirty days of the denial, and a hearing must be held within thirty days of receipt of the request. The hearing shall be conducted in accordance with the procedures provided herein.

(2) The chief may revoke or suspend the license of any person who violates any provision of this chapter or rules or regulations adopted pursuant to this chapter. Before any such revocation or suspension is effective, the licensee shall be notified by certified mail or personal delivery of the specific basis for the suspension or revocation and the date for a hearing on the matter. Such hearing shall occur not fewer than seven days and not more than fourteen days after the mailing of the notice. The hearing shall be conducted in accordance with the procedures provided herein.

(g) Hearing Procedures.

(1) If a person wishes to appeal the denial of a village firearms dealer's license, or in the event of a revocation of a village firearms dealer's license, the village resident shall appoint a hearing officer who shall conduct the hearing. The hearing officer is authorized to conduct hearings concerning any matter covered by this chapter and may determine factual and legal matters raised by the parties to the hearing.

(2) The hearing officer may:

(A) Examine any books, papers, records or memoranda bearing upon the business or activities of the licensee;

(B) Request the circuit court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;

(C) Request the circuit court to issue subpoenas duces tecum for production of books, records, papers or memoranda;

(D) Administer oaths;

(E) Take testimony;

(F) Make rulings as to the admissibility of evidence; and

(G) Take any other action as may be required for the expeditious conduct of the hearing.

(3) The hearing officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer or final administrative decision of the village president.

(4) The department's books, papers, records and memoranda or parts thereof may be provided in any hearing or legal proceeding by the original documents or by reproduced copies under the certificate of the chief without further proof, the original documents or reproduced copy shall be admissible into evidence at any hearing.

(5) If the circuit court issues a subpoena duces tecum, the following rules shall apply:

(A) Service shall be made as provided by the Illinois Civil Practice Law, 735 ILCS 5/2-201, et seq.;

(B) Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of Cook County and shall be paid after the witness is excused from further attendance;

(C) When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer may require that party to bear the cost of services and witness fees. The hearing officer may require a deposit to cover the cost of service and witness fees.

(6) Any party to a hearing may apply to any judge of the circuit court of this state for enforcement of any subpoena or subpoena duces tecum issued by a hearing officer holding a hearing authorized by this chapter.

(7) At any hearing held under this chapter, the chief's initial decision to deny or revoke a license shall be presumed prima facie correct and the person contesting the decision shall have the burden of proving with books, records and other documentary or testimonial evidence that it is incorrect.

(8) At the conclusion of the hearing, the hearing officer shall make a recommendation to the village president. The village president shall adopt, reject or modify the recommendation based on a review of the record, within seven days of receiving the hearing officer's recommendation, and shall issue a final decision. The village president shall give written notification to the licensee of the decision and the reasons for such decision. The village president's decision shall be a final decision reviewable under Illinois Administrative Review Law.

(9) A person seeking judicial review of the village president's final decision shall bear the cost of certification. If the protesting party prevails on appeal, the village shall reimburse that party for the cost of certification.

(10) Items constituting the record may include notice and demands; the initial decision; the written protest and petition for hearing; all relevant pleadings, briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing, the recommendation of the hearing officer; and the final decision of the village president.

(h) Penalties.

(1) Failure to comply with the provisions of this chapter shall result in a fine of not less than three hundred dollars and up to five hundred dollars per day. Each day of operation in violation of this chapter shall constitute a separate and distinct violation.

(2) The sale or other distribution of firearms without a license as required by this chapter is punishable by a fine of five hundred dollars for each firearm sold or distributed.

§ Sec. 5.88.030 Assault weapons and assault ammunition prohibited.

(a) Definitions.

As used in this section, the following terms shall have the following meanings:

"Assault weapon" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot automatically, more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended, for use in converting a weapon into a machinegun, any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

"Assault ammunition" means a detachable magazine capacity of which is more than sixteen rounds centerfire.

(b) Assault Weapons or Ammunition, Sale Prohibited, Exceptions.

(1) No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess, manufacture or distribute any assault weapon or assault ammunition within the corporate limits of the village. This subsection shall not apply to:

(A) The sale, distribution or the possession for sale and distribution by any firearms dealer licensed pursuant to this chapter of an assault weapon or assault ammunition to any officer, agent or employee of the village or any other municipality, county, body politic 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, and peace officers to the extent that any such person is otherwise authorized to acquire or possess an assault weapon or assault ammunition and, is acting within the scope of his or her duties;

(B) The possession for sale and distribution or the sale to, or the acquisition or possession of assault ammunition by persons employed to provide security for armored carriers or mobile check cashing services while in the course of such duties, while commuting directly to or from the person's place of employment, and while at the

person's home, if the assault ammunition is sold, acquired or possessed for use with a weapon that the person has been authorized to carry under Private Alarm and Locksmith Act of 1993, 225 ILCS 446.

(C) Transportation of assault weapons if such weapons are broken down in a nonfunctioning state and are not immediately accessible to any person.

(2) Any assault weapon or assault ammunition possessed, sold or transferred in violation of subsection (b)(1) of this section is declared to be contraband and shall be seized and disposed of in accordance with as provided in subsection (c) of this section.

(3) Any person found in violation of this section shall be fined not less than two hundred fifty dollars per day and not more than five hundred dollars per day, or both.

(4) Any person who, prior to the effective date of the ordinance codified in this chapter, was legally in possession of an assault weapon or assault ammunition prohibited by this section, shall have fourteen days from the effective date of the ordinance codified in this chapter to do any of the following without being subject to prosecution hereunder;

(A) To remove the assault weapon or ammunition from within the limits of the village; or

(B) To modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon; or

(C) To surrender the assault weapon or ammunition to the chief of police of the village or the chief's designee for disposal as provided below.

(c) Destruction of Weapons Confiscated.

(1) Whenever any firearm or ammunition is surrendered or confiscated pursuant to the terms of this chapter, the chief of police shall ascertain whether such firearm or ammunition is needed as evidence in any matter.

(2) If such firearm or ammunition is not required for evidence, it shall be destroyed at the direction of the chief of police. A record of the date and method of destruction and inventory of the firearm or ammunition so destroyed shall be maintained.

Wheaton Code of Ordinances

Current through Ordinance No. O-2018-48, adopted August 20, 2018. (Supp. No. 4)

Chapter 42. Offenses and Miscellaneous Provisions

Article III. Weapons

Division 2. Dealers

§ Sec. 42-81 License, required.

It shall be unlawful for any person to engage in the business of selling or otherwise dealing in dangerous or deadly weapons (referred to in this division as a dealer) in the city without securing a license therefor.

§ Sec. 42-82 Same, application.

Any dealer applying for the license as provided for in section 42-81 shall make a written application to the city clerk stating his full name and residence address, or, if a corporation, the name thereof and names of its principal officers and their addresses. Such application shall also state the location at which the dealer intends to conduct business.

§ Sec. 42-83 Same, fee; issuance.

It shall be the duty of the city clerk to issue a license to the applicant. The fee for the license required in this division shall be in accordance with appendix B to this Code.

§ Sec. 42-84 Same, duration; renewal, fee.

The license provided for in this division shall be issued for a period from February 1 through January 31, and shall be renewable annually during the month of January for a fee in accordance with appendix B to this Code.

§ Sec. 42-85 Register, to be kept.

Every dealer shall keep a register of all weapons sold or otherwise disposed of and shall keep an inventory of all such weapons in stock, which inventory shall list the wholesaler or other source of acquisition of the weapon and the date of acquisition.

§ Sec. 42-86 Same, contents of.

The register provided for in section 42-85 shall contain the following information:

(1) The date of sale or disposition of the weapon.

(2) The sale or disposition of the weapon.

(3) The firearm owner's identification card (FOID) number of the person who purchases or obtains the weapon and the FOID card expiration date.

(4) The full name, address, date of birth, physical description and occupation of the person who purchases or obtains the weapon.

(5) The price of the weapon.

(6) The kind of weapon purchased or obtained together with the description, serial number and any other identifying marks of the weapon.

(7) The purpose for which the weapon was purchased or obtained.

§ Sec. 42-87 Same, inspection of.

Upon demand of any police officer of the city, a dealer shall produce for inspection the register and inventory required under this division and allow such police officer to inspect such register and inventory and all stock on hand.

§ Sec. 42-88 Registration forms.

(a) Completion of form; contents. At the time of each sale or other disposition of a dangerous or deadly weapon, the dealer shall complete a registration form designed and approved by the city manager, which form shall contain all of the information required to be included in the dealer's register.

(b) To be verified. At the time of each sale or other disposition of a dangerous or deadly weapon, the dealer shall verify to the best of his knowledge that the information submitted on the registration form is true and correct and that the transaction is not in violation of the law.

(c) To be filed. The completed registration form signed by both the dealer and the person who purchases or obtains the weapon shall be filed with the police department by the dealer within 24 hours after the sale or disposition.

§ Sec. 42-89 Penalty for violation of division.

Any dealer who violates any of the provisions of this division shall be subject to having his license suspended or revoked and, in any event, shall be subject to punishment as provided in section 1-8.

Wheeling Code of Ordinances

Current through Ordinance No. 5215, adopted October 1, 2018. (Supp. No. 33, Update 1)

Title 8. Public Peace and Safety

Chapter 8.18 Offenses Involving Weapons

§ Sec. 8.18.015 Parental responsibility.

It is unlawful for any parent or legal guardian to permit any person under the age of eighteen years to be in or come into, the unsupervised possession of any weapon set forth in Section 8.18.010.

Wilmington Code of Ordinances

Current through Ordinance No.18-08-21-02, passed August 21, 2018. (Supp. No. 2018, S-100)

Title XIII. General Offenses

Chapter 132. Offenses Against Public Peace

Article 1. General provisions

§ Sec. 132.16 Selling deadly weapons.

(A) It shall be unlawful for any person to sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter, or furnish to any minor within the city any gun, pistol, revolver, fowling piece, or other toy firearm in which any explosive substance can be used, or any bowie knife, dirk, dagger, or other deadly weapon of a like character.

(B) The provisions of the above section 132.16(A) shall be inapplicable to any holder of a valid firearm owner's identification card issued by the department of state police under the Firearm Concealed Carry Act for any provision which purports to impose regulations or restrictions on a holder of a valid firearm owner's identification card issued by the department of state police under the Act in a manner that is inconsistent with said Act.

Winnetka Code of Ordinances

Current through October 16, 2018.

Title 9. Public Peace, Morals, and Welfare

Chapter 9.12. Weapons

§ Sec. 9.12.010 Discharge of firearms - Furnishing firearm to minors.

B. No person shall sell, lend or furnish to any minor any **firearm** or ammunition for any **firearm** within the limits of the Village.

§ Sec. 9.12.020 Definitions.

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

A. “Ammunition” means cartridge cases, shells, projectiles (including shot), primers, bullets, propellant powder, or other devices or materials designed or intended for use in a firearm.

B. “Antique firearm” means:

1. Any **firearm** which is incapable of being fired or discharged and which is possessed as a curiosity or ornament or for its historical significance or value including, but not limited to, any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system; or
2. Any firearm manufactured before 1898 for which cartridge ammunition is not commercially available.

“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;
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. AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;

- ii. AR-10;
- iii. AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
- iv. AR70;
- v. Calico Liberty;
- vi. Dragunov SVD Sniper Rifle or Dragunov SVU;
- vii. Fabrique National FN/FAL, FN/LAR, or FNC;
- viii. Hi-Point Carbine;
- ix. HK-91, HK-93, HK-94, or HK-PSG-1;
- x. Kel-Tec Sub Rifle;
- xi. Saiga;
- xii. SAR-8, SAR-4800;
- xiii. SKS with detachable magazine;
- xiv. SLG 95;
- xv. SLR 95 or 96;
- xvi. Steyr AUG;
- xvii. Sturm, Ruger Mini-14;
- xviii. Tavor;
- xix. Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
- xx. Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

b. The following 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.

c. The following shotguns or copies or duplicates thereof:

- i. Armscor 30 BG;
- ii. SPAS 12 or LAW 12;
- iii. Striker 12; or
- iv. Streetsweeper.

“**Assault weapon**” does not include any firearm that has been made permanently inoperable, or satisfies the definition of “antique firearm,” as defined in subsection B of this section, or weapons designed for Olympic target shooting events.

D. “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.

E. “Firearm” means any weapon that will, or that is designed to or is restored to, expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; provided that, such term shall not include:

1. Antique firearms ; or
2. Any device used exclusively for line throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or
3. Any industrial device used exclusively for firing nails, rivets, stud cartridges, or similar construction or industrial material; or
4. Any pneumatic gun, spring gun or B-B gun which expels a single globular projectile not exceeding .18 inches in diameter; or
5. Model rockets designed to propel a model vehicle in a vertical direction.

F. “Firearm dealer” means any person engaged in the business of:

1. Selling firearms or ammunition at wholesale or retail; or
2. Manufacturing firearms or ammunition; or
3. Repairing firearms.

G. “Handgun” means:

1. A firearm designed or redesigned or made or remade or intended to be fired while held in one hand; or
2. A firearm having a barrel of less than ten (10) inches in length; or

3. A firearm of a size which may be concealed upon the person.

4. The term "handgun" includes a combination of parts from which such firearm can be assembled.

H. "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**.

I. "Licensed firearm collector" means any person licensed as a collector by the Secretary of the Treasury of the United States under Title 18, United States Code, Section 923.

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

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

L. "Security personnel" means special agents employed by a railroad or public utility to perform police functions, guards of armored car companies, or watchmen or security guards and persons regularly employed in a commercial or industrial operation for the protection of persons employed by or property related to such commercial or industrial operation.

§ Sec. 9.12.040 Firearms dealers prohibited.

No person shall engage in the business of a firearm dealer in the Village, including exchange, loan, rental or other transfer for consideration of a firearm or ammunition.

Zion Code of Ordinances

Current through Ordinance No.18-O-04, enacted January 16, 2018. (Supp. No. 82)

Chapter 14. Business

Article XIII. Weapons

Division 2. Dealers in Deadly Weapons

§ Sec. 14-661 To be licensed.

It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billy, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so.

§ Sec. 14-662 Application for, approval of dealer's license.

(a) The application for a license can be obtained through the city clerk's office. The police department will conduct a complete records and background check, taking the applicant's photograph and fingerprints. The applicant will sign the necessary forms for the records check. No application will be granted if the applicant:

(1) Is under indictment for or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

(2) Is a fugitive from justice.

(3) Is an unlawful user of or addicted to marijuana or any depressant or stimulant drug or narcotic drug.

(4) Has been adjudicated as a mental defective or has been committed to any mental institution.

(b) No application will be approved for the sale of deadly weapons from a residential home or area (the area must be an approved business zone).

§ Sec. 14-663 License fee.

The annual fee for a deadly weapon license shall be \$125.00. The license year shall correspond with the calendar year.

§ Sec. 14-664 Revocation of dealer's license.

In case the mayor shall determine that a holder of a dealer's license under this division has violated any provision of this division, he shall revoke the license to such person for the selling of such weapons, and the money paid for such license shall be forfeited to the city. No other such license shall be issued to such licensee for a period of three years thereafter.

§ Sec. 14-665 Dealer's record of transactions required.

Every person dealing at retail in the deadly weapons mentioned in this division shall keep a register of all such weapons sold, loaned, rented, or given away by him. Such register shall contain the date of the sale, loaning, renting, or gift, the

number of the permit, the number of the weapon, the name and age of the person to whom the weapon is sold, loaned, rented, or given, the price of such weapon, and the purpose for which it is purchased or obtained.

§ Sec. 14-666 Availability of register for inspection.

The register required by section 14-665 shall be kept open for the inspection of the police at all reasonable times during business hours.

§ Sec. 14-667 Restrictions on sale or gift.

It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this division except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the State of Illinois as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

§ Sec. 14-668 Permit required to purchase; application.

It shall be unlawful for any person to purchase any deadly weapon mentioned in this division which can be concealed on the person without first securing from the State of Illinois a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit.

§ Sec. 14-669 Denial of purchasers' permits.

It shall be the duty of the State of Illinois to refuse a purchaser's permit to any person who has been convicted of any crime and to any minor.

Division 3. Gunsmiths

§ Sec. 14-691 License required.

It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

§ Sec. 14-692 Application for, approval of license.

An application for a gunsmith's license shall be made to the city clerk's office and chief of police. The chief of police shall approve such application before a license shall be issued.

§ Sec. 14-693 License fee; applicability to dealers.

The annual fee for a gunsmith's license shall be \$125.00. A person licensed under section 14-661 shall not be required to pay the additional fee for engaging in the business of repairing firearms, but shall be required to make the additional report provided.

§ Sec. 14-694 Records required.

Every person licensed as a gunsmith shall keep a register of all concealable firearms received for repair by him. Such register shall contain the date, name, physical description, age, address and occupation of the owner of such firearm, the type of weapon, etc., make, serial number, bore and length of such weapon.