

**SB0089**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB0089**

Introduced 1/23/2019, by Sen. Julie A. Morrison

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/24-9.5

Amends the Criminal Code of 2012 concerning firearm safety devices. Provides that any firearm sold or transferred in the State by a federally licensed firearms dealer or a private seller, including a private transfer through a firearms dealer, shall at the time of the sale or transfer of the firearm include or be accompanied by a firearm safety device. Provides that the Department of State Police shall adopt rules setting forth specific firearm safety devices or the minimum standards to constitute an effective firearm safety device. Defines "firearm safety device" as an integrated design feature or an attachable accessory that is resistant to tampering and is effective in preventing the discharge of a firearm by a person who does not have access to the key, combination, or other safety mechanism used to disengage the device, but does not include the firearm safety, safety catch, or any other safety system that prevents the accidental firing of a firearm. Provides exemptions. A violation of this provision is a Class C misdemeanor with a fine of not less than \$1,000. A second or subsequent violation is a Class A misdemeanor.

LRB101 06209 SLF 51233 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 24-9.5 as follows:

6 (720 ILCS 5/24-9.5)

7 Sec. 24-9.5. Firearm ~~Handgun~~ safety devices.

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

16 ~~(1) An external device that is:~~

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

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

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

23 ~~(i) built into the handgun; and~~

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

3           (a-5) Any firearm sold or transferred in this State by a  
4           federally licensed firearms dealer or a private seller,  
5           including a private transfer through a firearms dealer, shall  
6           at the time of the sale or transfer of the firearm include or  
7           be accompanied by a firearm safety device. The Department of  
8           State Police shall adopt rules setting forth specific firearm  
9           safety devices or the minimum standards to constitute an  
10           effective firearm safety device. In this Section, "firearm  
11           safety device" means an integrated design feature or an  
12           attachable accessory that is resistant to tampering and is  
13           effective in preventing the discharge of a firearm by a person  
14           who does not have access to the key, combination, or other  
15           safety mechanism used to disengage the device, but does not  
16           include the firearm safety, safety catch, or any other safety  
17           system that prevents the accidental firing of a firearm. The  
18           sale or transfer of a firearm shall be exempt from the  
19           requirements of this subsection (a-5) if:

20           (1) the purchaser or transferee purchases an approved  
21           firearm safety device no more than 30 days prior to the day  
22           the purchaser or transferee takes possession of the  
23           firearm;

24           (2) the purchaser or transferee presents the approved  
25           firearm safety device to the firearms dealer receiving the  
26           firearm;

1           (3) the purchaser or transferee presents an original  
2           receipt to the firearms dealer, which shows the date of  
3           purchase, the name, and the model number of the firearm  
4           safety device;

5           (4) the firearms dealer verifies that the requirements  
6           in paragraphs (1), (2), and (3) of this subsection (a-5)  
7           have been met; and

8           (5) the firearms dealer maintains a copy of the receipt  
9           along with the dealer's record of the sale of the firearm.

10          (b) Sentence. A person who violates this Section is guilty  
11          of a Class C misdemeanor and shall be fined not less than  
12          \$1,000. A second or subsequent violation of this Section is a  
13          Class A misdemeanor.

14          (c) (Blank). ~~For the purposes of this Section, "handgun"~~  
15          ~~has the meaning ascribed to it in clause (h) (2) of subsection~~  
16          ~~(A) of Section 24-3 of this Code.~~

17          (d) This Section does not apply to:

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

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

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

25                         (iii) law enforcement personnel of the State or any  
26                         local law enforcement agency in the State while acting

- 1           within the scope of their official duties; and
- 2                   (iv) an organization that is required by federal
- 3           law governing its specific business or activity to
- 4           maintain handguns and applicable ammunition;
- 5           (2) a firearm modified to be permanently inoperative;
- 6           (3) the sale or transfer of a handgun by a federally
- 7           licensed firearms dealer or manufacturer described in item
- 8           (1) of this subsection (d);
- 9           (4) the sale or transfer of a handgun by a federally
- 10          licensed firearms dealer or manufacturer to a lawful
- 11          customer outside the State; or
- 12          (5) an antique firearm.

13          (Source: P.A. 94-390, eff. 1-1-06.)