



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2954

Introduced 10/28/2021, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Straw Purchaser Accountability Act. Provides that whenever any person engages in gun trafficking or intentionally or negligently delivers or causes to be delivered a firearm, firearm ammunition, or a laser sight accessory, firearm silencer, or muffler to: (1) any person who is not legally authorized to possess that item; (2) a person who is purchasing the item on behalf of another person; or (3) any other person the deliverer knows or has reason to know will use the item unlawfully; the deliverer shall thereafter be civilly liable for the commission of any subsequent tortious conduct that directly or indirectly involves the use, attempted use, or threatened use of the item by any person. Provides that a prevailing plaintiff shall be entitled to all relief that would make him or her whole. Provides that persons subject to liability under the Act are jointly and severally liable. Provides that any person who recovers damages under the Act may not recover the same costs or damages under any other Act. Provides that a person who recovers damages under any other Act may not recover for the same costs or damages under Straw Purchaser Accountability Act.

LRB102 20717 RLC 29596 b

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be cited as the Straw
5 Purchaser Accountability Act.

6 Section 5. Definition. In this Act, "gun trafficking"
7 means a violation or attempted violation of any of the
8 following Sections or subsections of the Criminal Code of
9 2012:

10 (1) Section 24-3 (unlawful sale or delivery of firearms);

11 (2) Section 24-3A (gunrunning);

12 (3) Section 24-3B (firearms trafficking);

13 (4) Section 24-3.3 (unlawful sale or delivery of firearms
14 on the premises of any school);

15 (5) Section 24-3.4 (unlawful sale of firearms by liquor
16 licensee); or

17 (6) subsection (b) or (c) of Section 24-3.5 (unlawful
18 purchase of a firearm).

19 Section 10. Cause of action. Whenever any person engages
20 in gun trafficking or intentionally or negligently delivers or
21 causes to be delivered a firearm, firearm ammunition, or a
22 laser sight accessory, firearm silencer, or muffler to:

1 (1) any person who is not legally authorized to possess
2 that item;

3 (2) a person who is purchasing the item on behalf of
4 another person; or

5 (3) any other person the deliverer knows or has reason to
6 know will use the item unlawfully;

7 the deliverer shall thereafter be civilly liable for the
8 commission of any subsequent tortious conduct that directly or
9 indirectly involves the use, attempted use, or threatened use
10 of the item by any person.

11 Section 15. Relief. A prevailing plaintiff shall be
12 entitled to all relief that would make him or her whole. This
13 includes, but is not limited to:

14 (1) declaratory relief;

15 (2) injunctive relief;

16 (3) recovery of costs and attorney's fees including, but
17 not limited to, costs for expert testimony and witness fees;

18 (4) compensatory damages including, but not limited to:

19 (A) economic loss, including damage, destruction, or
20 loss of use of personal property, loss of past or future
21 earning capacity; and

22 (B) damages for death, personal injury, and mental and
23 emotional harm, including medical, rehabilitation, burial
24 expenses, pain and suffering, and physical impairments;
25 and

1 (5) punitive damages if the conduct of the defendant that
2 gave rise to the cause of action was either intentional,
3 reckless, or grossly negligent.

4 Section 20. Joint and several liability. Persons subject
5 to liability under this Act are jointly and severally liable.

6 Section 25. Double recovery prohibited. Any person who
7 recovers damages under this Act may not recover the same costs
8 or damages under any other Act. A person who recovers damages
9 under any other Act may not recover for the same costs or
10 damages under this Act.

11 Section 30. Statute of limitations. Any action based upon
12 or arising under this Act shall be commenced within 5 years
13 after the date of the alleged violation or within 5 years after
14 the date the plaintiff discovers or through the use of
15 reasonable diligence should have discovered the alleged
16 violation. The limitation periods in this Section do not begin
17 to run before the plaintiff attains the age of 18 years; and,
18 if at the time the plaintiff attains the age of 18 years he or
19 she is under other legal disability, the limitation periods
20 under this Section do not begin to run until the removal of the
21 disability.

22 Section 35. Standard of proof. The standard of proof in

1 any action brought under this Act is a preponderance of the
2 evidence.

3 Section 40. Evidence. Relating to a cause of action under
4 this Act, the fact that a plaintiff or other witness has
5 testified under oath or given evidence relating to an act that
6 may be a violation of any provision of the Criminal Code of
7 2012 shall not be construed to require the State's Attorney to
8 criminally charge any person for the violation.

9 Section 45. Stay of proceedings. The State's Attorney of
10 the county where the acts giving rise to the cause of action
11 occurred may move for a stay of any proceeding brought under
12 this Act, including all discovery, pending the completion of
13 an investigation or prosecution of a criminal case related to
14 the subject matter of a suit brought under this Act.

15 Section 97. Severability. The provisions of this Act are
16 severable under Section 1.31 of the Statute on Statutes.