



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5854

Introduced 5/23/2024, by Rep. Maura Hirschauer

#### SYNOPSIS AS INTRODUCED:

New Act  
35 ILCS 5/241 new  
720 ILCS 5/24-9

Creates the Safe Gun Storage Act. Provides that a firearm owner shall not store or keep any firearm in any premises where the firearm owner knows or reasonably should know a minor, an at-risk person, or a prohibited person is likely to gain access to the firearm unless the firearm is secured in a locked container, properly engaged so as to render the firearm inaccessible or unusable to any person other than the owner or other lawfully authorized user. Provides that if the firearm is carried by or under the control of the owner or other lawfully authorized user, then the firearm is deemed lawfully stored or kept. Establishes criminal and civil penalties. Provides that a violation of the Act is prima facie evidence of negligence per se in any civil proceeding if a minor, an at-risk person, or a prohibited person obtains a firearm and causes personal injury to the death of oneself or another or uses the firearm in the commission of a crime. Provides that an action to collect a civil penalty under the Act may be brought by the Attorney General or the State's Attorney of the county in which the violation occurred. Provides that any money received from the collection of a civil penalty under the Act shall be deposited in the Mental Health Fund. Defines "minor", "at-risk person", and a "prohibited person". Amends the Criminal Code of 2012 to make conforming changes. Amends the Illinois Income Tax Act. Creates an income tax credit for the eligible purchase of a firearm safety device. Effective immediately.

LRB103 40972 RLC 74043 b

1 AN ACT concerning firearms.

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 Safe  
5 Gun Storage Act.

6 Section 5. Definitions. In this Act:

7 "At-risk person" means a person who has made statements or  
8 exhibited behavior that indicates to a reasonable person there  
9 is a likelihood that the person is at risk of attempting  
10 suicide or causing physical harm to oneself or others.

11 "Minor" means a person under 18 years of age. "Minor" does  
12 not include a member of the Armed Forces of the United States  
13 or the Illinois National Guard who is under 18 years of age and  
14 who resides in the household of the owner or possessor of the  
15 firearm.

16 "Prohibited person" means a person ineligible under  
17 federal or State law to possess a firearm.

18 Section 10. Storage of firearms. A firearm owner shall not  
19 store or keep any firearm in any premises where the firearm  
20 owner knows or reasonably should know a minor, an at-risk  
21 person, or a prohibited person is likely to gain access to the  
22 firearm unless the firearm is secured in a locked container,

1 properly engaged so as to render the firearm inaccessible or  
2 unusable to any person other than the owner or other lawfully  
3 authorized user. If the firearm is carried by or under the  
4 control of the owner or other lawfully authorized user, then  
5 the firearm is deemed lawfully stored or kept.

6 Section 15. Penalties; violations.

7 (a) (1) Except as otherwise provided in paragraphs (2) and  
8 (3) of this subsection (a), a violation of Section 10  
9 constitutes a civil penalty not to exceed \$500.

10 (2) If any person knows or reasonably should know that a  
11 minor, an at-risk person, or a prohibited person is likely to  
12 gain access to a firearm belonging to or under the control of  
13 that person, and a minor, an at-risk person, or a prohibited  
14 person obtains the firearm, the civil penalty shall not exceed  
15 \$1,000.

16 (3) If a minor, an at-risk person, or a prohibited person  
17 obtains a firearm and uses it to injure or cause the death of a  
18 person or uses the firearm in connection with a crime, the  
19 civil penalty shall not exceed \$10,000.

20 (b) The court may order a person who is found in violation  
21 of Section 10 to perform community service or pay restitution  
22 in lieu of the civil penalties imposed under this Section if  
23 good cause is shown.

24 (c) Nothing in this Section shall be construed to preclude  
25 civil liabilities for violations of this Act.

1 (d) A violation of this Act is prima facie evidence of  
2 negligence per se in any civil proceeding if a minor, an  
3 at-risk person, or a prohibited person obtains a firearm and  
4 causes personal injury to the death of oneself or another or  
5 uses the firearm in the commission of a crime.

6 (e) An action to collect a civil penalty under this Act may  
7 be brought by the Attorney General or the State's Attorney of  
8 the county in which the violation occurred. Any money received  
9 from the collection of a civil penalty under this Act shall be  
10 deposited in the Mental Health Fund.

11 Section 90. The Illinois Income Tax Act is amended by  
12 adding Section 241 as follows:

13 (35 ILCS 5/241 new)

14 Sec. 241. Firearm safety device tax credit.

15 (a) As used in this Section:

16 "Eligible transaction" means a transaction in which a  
17 taxpayer purchases one or more firearm safety devices from a  
18 dealer that is federally licensed pursuant to 18 U.S.C. 923.

19 "Eligible transaction" includes a transaction that  
20 includes the purchase of a firearm.

21 "Firearm" means any handgun, shotgun, rifle, or other  
22 firearm that will, is designed to, or may be readily converted  
23 to expel single or multiple projectiles by action of an  
24 explosion of a combustible material.

1       "Firearm safety device" means a safe, gun safe, gun case,  
2       lock box, or other device that is designed to be or can be used  
3       to store a firearm and that is designed to be unlocked only by  
4       means of a key, a combination, or other similar means.

5       (b) For taxable years that begin on and after January 1,  
6       2025 and begin before January 1, 2030, a taxpayer who  
7       purchases one or more firearm safety devices in an eligible  
8       transaction during the taxable year may apply to the  
9       Department for a nonrefundable credit against the tax imposed  
10       by subsections (a) and (b) of Section 201. The credit shall be  
11       in the amount of the cost incurred by the taxpayer for the  
12       purchase of the firearm safety device but not to exceed \$300  
13       per taxpayer in any taxable year. A taxpayer shall be allowed  
14       only one credit under this Section per taxable year. The  
15       taxpayer shall apply to the Department in the form and manner  
16       required by the Department. The aggregate amount of credits  
17       allowable under this Section shall not exceed \$5,000,000 in  
18       any taxable year. Credits shall be allocated by the Department  
19       on a first-come, first-served basis.

20       (c) In no event shall a credit under this Section reduce  
21       the taxpayer's liability to less than zero. If the amount of  
22       the credit exceeds the tax liability for the year, the excess  
23       may be carried forward and applied to the tax liability of the  
24       5 taxable years following the excess credit year. The tax  
25       credit shall be applied to the earliest year for which there is  
26       a tax liability. If there are credits for more than one year

1 that are available to offset a liability, the earlier credit  
2 shall be applied first.

3 (d) The Department shall adopt rules for the  
4 administration and implementation of the credit under this  
5 Section.

6 Section 95. The Criminal Code of 2012 is amended by  
7 changing Section 24-9 as follows:

8 (720 ILCS 5/24-9)

9 Sec. 24-9. Firearms; Child Protection.

10 (a) Except as provided in subsection (c), it is unlawful  
11 for any person to store or leave, within premises under his or  
12 her control, a firearm if the person knows or reasonably  
13 should know ~~has reason to believe~~ that a minor under the age of  
14 18 ~~14~~ years who does not have a Firearm Owners Identification  
15 Card is likely to gain access to the firearm without the lawful  
16 permission of the minor's parent, guardian, or person having  
17 charge of the minor, and the minor causes death or great bodily  
18 harm with the firearm, unless the firearm is:

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

22 (2) placed in a securely locked box or container. ~~or~~

23 ~~(3) placed in some other location that a reasonable~~  
24 ~~person would believe to be secure from a minor under the~~

1 ~~age of 14 years.~~

2 (b) Sentence. A person who violates this Section is guilty  
3 of a Class C misdemeanor and shall be fined not less than  
4 \$1,000. A second or subsequent violation of this Section is a  
5 Class A misdemeanor.

6 (c) Subsection (a) does not apply:

7 (1) if the minor under 18 ~~14~~ years of age gains access  
8 to a firearm and uses it in a lawful act of self-defense or  
9 defense of another; or

10 (2) to any firearm obtained by a minor under the age of  
11 14 because of an unlawful entry of the premises by the  
12 minor or another person.

13 (d) For the purposes of this Section, "firearm" has the  
14 meaning ascribed to it in Section 1.1 of the Firearm Owners  
15 Identification Card Act.

16 (Source: P.A. 91-18, eff. 1-1-00.)".

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.