



Sen. Laura Ellman

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LRB103 38358 RLC 73864 a

1 AMENDMENT TO SENATE BILL 3527

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3527 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Safe  
5 Gun Storage Act.

6 Section 5. Storage of firearms. A firearm owner shall not  
7 store or keep any firearm in any premises where the firearm  
8 owner knows or reasonably should know a minor, an at-risk  
9 person, or a prohibited person is likely to gain access to the  
10 firearm unless the firearm is secured in a locked container,  
11 properly engaged so as to render the firearm inaccessible or  
12 unusable to any person other than the owner or other lawfully  
13 authorized user. If the firearm is carried by or under the  
14 control of the owner or other lawfully authorized user, then  
15 the firearm is deemed lawfully stored or kept.

1 Section 10. Penalties; violations.

2 (a) In this Act:

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

7 "Minor" means a person under 18 years of age; however,  
8 "minor" does not include a member of the United States Armed  
9 Forces or the Illinois National Guard.

10 "Prohibited person" means a person ineligible under  
11 federal or State law to possess a firearm.

12 (b) (1) Except as otherwise provided in paragraphs (2) and  
13 (3) of this subsection (b), a violation of Section 5 is subject  
14 to a civil penalty not to exceed \$500.

15 (2) If any person knows or reasonably should know that a  
16 minor, an at-risk person, or a prohibited person is likely to  
17 gain access to a firearm belonging to or under the control of  
18 that person, and a minor, an at-risk person, or a prohibited  
19 person obtains the firearm, the civil penalty shall not exceed  
20 \$1,000.

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

25 (c) The court may order a person who is found in violation  
26 of Section 5 to perform community service or pay restitution

1 in lieu of the civil penalties imposed under this Section if  
2 good cause is shown.

3 (d) Nothing in this Act shall be construed to preclude  
4 civil liabilities for violations of this Act.

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

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

15 Section 90. The Criminal Code of 2012 is amended by  
16 changing Section 24-9 as follows:

17 (720 ILCS 5/24-9)

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

19 (a) Except as provided in subsection (c), it is unlawful  
20 for any person to store or leave, within premises under his or  
21 her control, a firearm if the person knows or reasonably  
22 should know ~~has reason to believe~~ that a minor under the age of  
23 18 ~~14~~ years who does not have a Firearm Owners Identification  
24 Card is likely to gain access to the firearm without the lawful

1 permission of the minor's parent, guardian, or person having  
2 charge of the minor, and the minor causes death or great bodily  
3 harm with the firearm, unless the firearm is:

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

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

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

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

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

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

19 (2) to any firearm obtained by a minor under the age of  
20 18 ~~14~~ because of an unlawful entry of the premises by the  
21 minor or another person.

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

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