



Sen. Laura Ellman

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10300SB3527sam004

LRB103 38358 RLC 74059 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 without the
9 lawful permission of the minor's parent, guardian, or person
10 having charge of the minor, an at-risk person, or a prohibited
11 person is likely to gain access to the firearm unless the
12 firearm is secured in a locked container, properly engaged so
13 as to render the firearm inaccessible or unusable to any
14 person other than the owner or other lawfully authorized user.
15 If the firearm is carried by or under the control of the owner
16 or other lawfully authorized user, then the firearm is deemed

1 lawfully stored or kept.

2 Section 10. Penalties; violations.

3 (a) In this Act:

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

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

11 "Premises" includes any land, building, structure,
12 vehicle, or place directly or indirectly under the control of
13 the firearm owner.

14 "Prohibited person" means a person ineligible under
15 federal or State law to possess a firearm.

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

19 (2) If any person knows or reasonably should know that a
20 minor, an at-risk person, or a prohibited person is likely to
21 gain access to a firearm belonging to or under the control of
22 that person, and a minor, an at-risk person, or a prohibited
23 person obtains the firearm, the civil penalty shall not exceed
24 \$1,000.

25 (3) If a minor, an at-risk person, or a prohibited person

1 obtains a firearm and uses it to injure or cause the death of a
2 person or uses the firearm in connection with a crime, the
3 civil penalty shall not exceed \$10,000.

4 (c) The court may order a person who is found in violation
5 of Section 5 to perform community service or pay restitution
6 in lieu of the civil penalties imposed under this Section if
7 good cause is shown.

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

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

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

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

22 (720 ILCS 5/24-9)

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

24 (a) Except as provided in subsection (c), it is unlawful

1 for any person to store or leave, within premises under his or
2 her control, a firearm if the person knows or reasonably
3 should know ~~has reason to believe~~ that a minor under the age of
4 18 ~~14~~ years who does not have a Firearm Owners Identification
5 Card is likely to gain access to the firearm without the lawful
6 permission of the minor's parent, guardian, or person having
7 charge of the minor, and the minor causes death or great bodily
8 harm with the firearm, unless the firearm is:

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

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

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

16 (b) Sentence. A person who violates this Section is guilty
17 of a Class C misdemeanor and shall be fined not less than
18 \$1,000. A second or subsequent violation of this Section is a
19 Class A misdemeanor.

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

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

24 (2) to any firearm obtained by a minor under the age of
25 18 ~~14~~ because of an unlawful entry of the premises by the
26 minor or another person.

1 (d) For the purposes of this Section, "firearm" has the
2 meaning ascribed to it in Section 1.1 of the Firearm Owners
3 Identification Card Act.
4 (Source: P.A. 91-18, eff. 1-1-00.)".