



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by John O. Jones

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-10 new

Amends the Criminal Code of 1961. Provides that if a law enforcement agency, unit of government, or not-for-profit corporation or organization establishes a program that permits a person to transfer possession and ownership of a firearm to the law enforcement agency, unit of government, or not-for-profit corporation or organization, with or without consideration, the law enforcement agency, unit of government, or not-for-profit corporation or organization must obtain from the transferor of the firearm the transferor's name and address and the make, model, and serial number of the firearm transferred or if the serial number is not available the description of the firearm. Provides that the agency, unit of government, or not-for-profit corporation or organization must notify the Department of State Police of a firearms transaction under the program. Provides that firearms transferred that do not contain serial numbers must be transferred to the Department of State Police and held pending an investigation as to the origin of the firearms. The record of the transaction must be kept for a period of 10 years. If the firearm is transferred to a law enforcement agency or unit of government, requires tracing of the firearm by the law enforcement agency or unit of government. Provides that if a firearm transferred under the program is stolen, the legal owner of the firearm must be notified. Effective immediately.

LRB093 18818 RLC 44553 b

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 1961 is amended by adding
5 Section 24-10 as follows:

6 (720 ILCS 5/24-10 new)

7 Sec. 24-10. Firearm return program.

8 (a) If a law enforcement agency, unit of government, or
9 not-for-profit corporation establishes a program that permits
10 a person to transfer possession and ownership of a firearm to
11 the law enforcement agency, unit of government, or
12 not-for-profit corporation or organization, with or without
13 consideration, the law enforcement agency, unit of government,
14 or not-for-profit corporation or organization must obtain from
15 the transferor of the firearm the transferor's name and address
16 and the make, model, and serial number of the firearm
17 transferred or if the serial number is not available the
18 description of the firearm. If the firearm does not contain a
19 serial number, the firearm must be transferred to the
20 Department of State Police and held pending an investigation of
21 its origin. A law enforcement agency, unit of government, or
22 not-for-profit corporation or organization participating in a
23 program created under this Section must notify the Department
24 of State Police of the make, model, and serial number of each
25 firearm transferred to it under the program. The record of the
26 transaction must be kept for a period of 10 years from the date
27 of the transfer. If a firearm is transferred to a law
28 enforcement agency or unit of government under this subsection
29 (a), the law enforcement agency or unit of government must
30 conduct a trace of the firearm to determine whether it has been
31 stolen or otherwise used in the commission of a crime. If a law
32 enforcement agency or unit of government determines that a

1 firearm is stolen, it shall notify the legal owner of the
2 firearm and return the firearm to the legal owner upon request
3 of that owner. If the firearm return program is conducted by a
4 law enforcement agency, the law enforcement agency must conduct
5 a ballistics test on the firearm to determine if the firearm
6 was used in the commission of a crime.

7 (b) The records of the Department of State Police and other
8 units of government concerning a firearm transfer under this
9 Section are subject to disclosure and copying under the Freedom
10 of Information Act.

11 (c) Section 24-3 of this Code does not apply to a transfer
12 of a firearm under the provisions of this Section.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.