



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4415

Introduced 01/06/06, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-6

from Ch. 38, par. 24-6

Amends the Criminal Code of 1961. Provides that any weapon voluntarily surrendered to any police agency in a firearm buy-back program, after having been determined not to be stolen, may be transferred to the sheriff of the county who may proceed to destroy it, or may be preserved as property of the governmental body whose police agency seized the weapon, or may be transferred to the Department of State Police for use by the crime laboratory system, for training purposes, or for any other application as deemed appropriate by the Department. Provides that any weapon voluntarily surrendered to any police agency for safekeeping, after having been determined not to be stolen, and when in due course no legitimate claim has been made for return of the weapon within 60 days of notice mailed to the last known address of the person surrendering the weapon, may be transferred to the sheriff of the county who may proceed to destroy it, or may be preserved as property of the governmental body whose police agency seized the weapon, or may be transferred to the Department of State Police for use by the crime laboratory system, for training purposes, or for any other application as deemed appropriate by the Department.

LRB094 16711 RLC 51981 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 changing
5 Section 24-6 as follows:

6 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

7 Sec. 24-6. Confiscation and disposition of weapons.

8 (a) Upon conviction of an offense in which a weapon was
9 used or possessed by the offender, any weapon seized shall be
10 confiscated by the trial court.

11 (b) Any stolen weapon so confiscated, when no longer needed
12 for evidentiary purposes, shall be returned to the person
13 entitled to possession, if known. After the disposition of a
14 criminal case or in any criminal case where a final judgment in
15 the case was not entered due to the death of the defendant, and
16 when a confiscated weapon is no longer needed for evidentiary
17 purposes, and when in due course no legitimate claim has been
18 made for the weapon, the court may transfer the weapon to the
19 sheriff of the county who may proceed to destroy it, or may in
20 its discretion order the weapon preserved as property of the
21 governmental body whose police agency seized the weapon, or may
22 in its discretion order the weapon to be transferred to the
23 Department of State Police for use by the crime laboratory
24 system, for training purposes, or for any other application as
25 deemed appropriate by the Department. If, after the disposition
26 of a criminal case, a need still exists for the use of the
27 confiscated weapon for evidentiary purposes, the court may
28 transfer the weapon to the custody of the State Department of
29 Corrections for preservation. The court may not order the
30 transfer of the weapon to any private individual or private
31 organization other than to return a stolen weapon to its
32 rightful owner.

1 The provisions of this Section shall not apply to
2 violations of the Fish and Aquatic Life Code or the Wildlife
3 Code. Confiscation of weapons for Fish and Aquatic Life Code
4 and Wildlife Code violations shall be only as provided in those
5 Codes.

6 (c) Any mental hospital that admits a person as an
7 inpatient pursuant to any of the provisions of the Mental
8 Health and Developmental Disabilities Code shall confiscate
9 any firearms in the possession of that person at the time of
10 admission, or at any time the firearms are discovered in the
11 person's possession during the course of hospitalization. The
12 hospital shall, as soon as possible following confiscation,
13 transfer custody of the firearms to the appropriate law
14 enforcement agency. The hospital shall give written notice to
15 the person from whom the firearm was confiscated of the
16 identity and address of the law enforcement agency to which it
17 has given the firearm.

18 The law enforcement agency shall maintain possession of any
19 firearm it obtains pursuant to this subsection for a minimum of
20 90 days. Thereafter, the firearm may be disposed of pursuant to
21 the provisions of subsection (b) of this Section.

22 (d) Any weapon voluntarily surrendered to any police agency
23 in a firearm buy-back program, after having been determined not
24 to be stolen, may be transferred to the sheriff of the county
25 who may proceed to destroy it, or may be preserved as property
26 of the governmental body whose police agency seized the weapon,
27 or may be transferred to the Department of State Police for use
28 by the crime laboratory system, for training purposes, or for
29 any other application as deemed appropriate by the Department.

30 (e) Any weapon voluntarily surrendered to any police agency
31 for safekeeping, after having been determined not to be stolen,
32 and when in due course no legitimate claim has been made for
33 return of the weapon within 60 days of notice mailed to the
34 last known address of the person surrendering the weapon, may
35 be transferred to the sheriff of the county who may proceed to
36 destroy it, or may be preserved as property of the governmental

1 body whose police agency seized the weapon, or may be
2 transferred to the Department of State Police for use by the
3 crime laboratory system, for training purposes, or for any
4 other application as deemed appropriate by the Department.

5 (Source: P.A. 91-696, eff. 4-13-00.)