



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1441**

Introduced 2/23/2005, by Sen. Ira I. Silverstein

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/47-5

Amends the Criminal Code of 1961. Provides that it is a public nuisance to operate a business that sells or delivers firearms without taking reasonable precautions to ensure that the firearms are not to be used or possessed illegally by the purchaser or transferee, or acquired by an individual without complying with procedures required by law for the sale or transfer of firearms. Provides that the precautions shall include, but are not limited to, the refusal to sell a firearm to a person: (i) the seller or deliverer knows or has reason to know is purchasing the firearm on behalf of another person who could not legally purchase the firearm, (ii) that has provided a home address in a municipality or county in which possession of that type of firearm is illegal, and (iii) the seller or deliverer otherwise knows or has reason to know will use the firearm illegally.

LRB094 09587 RXD 39840 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 47-5 as follows:

6 (720 ILCS 5/47-5)

7 Sec. 47-5. Public nuisance. It is a public nuisance:

8 (1) To cause or allow the carcass of an animal or offal,  
9 filth, or a noisome substance to be collected, deposited, or to  
10 remain in any place to the prejudice of others.

11 (2) To throw or deposit offal or other offensive matter or  
12 the carcass of a dead animal in a water course, lake, pond,  
13 spring, well, or common sewer, street, or public highway.

14 (3) To corrupt or render unwholesome or impure the water of  
15 a spring, river, stream, pond, or lake to the injury or  
16 prejudice of others.

17 (4) To obstruct or impede, without legal authority, the  
18 passage of a navigable river or waters.

19 (5) To obstruct or encroach upon public highways, private  
20 ways, streets, alleys, commons, landing places, and ways to  
21 burying places.

22 (6) To carry on the business of manufacturing gunpowder,  
23 nitroglycerine, or other highly explosive substances, or  
24 mixing or grinding the materials for those substances, in a  
25 building within 20 rods of a valuable building erected at the  
26 time the business is commenced.

27 (7) To establish powder magazines near incorporated towns,  
28 at a point different from that appointed according to law by  
29 the corporate authorities of the town, or within 50 rods of an  
30 occupied dwelling house.

31 (8) To erect, continue, or use a building or other place  
32 for the exercise of a trade, employment, or manufacture that,

1 by occasioning noxious exhalations, offensive smells, or  
2 otherwise, is offensive or dangerous to the health of  
3 individuals or of the public.

4 (9) To advertise wares or occupation by painting notices of  
5 the wares or occupation on or affixing them to fences or other  
6 private property, or on rocks or other natural objects, without  
7 the consent of the owner, or if in the highway or other public  
8 place, without permission of the proper authorities.

9 (10) To permit a well drilled for oil, gas, salt water  
10 disposal, or any other purpose in connection with the  
11 production of oil and gas to remain unplugged after the well is  
12 no longer used for the purpose for which it was drilled.

13 (11) To construct or operate a salt water pit or oil field  
14 refuse pit, commonly called a "burn out pit", so that salt  
15 water, brine, or oil field refuse or other waste liquids may  
16 escape from the pit in a manner except by the evaporation of  
17 the salt water or brine or by the burning of the oil field  
18 waste or refuse.

19 (12) To permit concrete bases, discarded machinery, and  
20 materials to remain around an oil or gas well, or to fail to  
21 fill holes, cellars, slush pits, and other excavations made in  
22 connection with the well or to restore the surface of the lands  
23 surrounding the well to its condition before the drilling of  
24 the well, upon abandonment of the oil or gas well.

25 (13) To permit salt water, oil, gas, or other wastes from a  
26 well drilled for oil, gas, or exploratory purposes to escape to  
27 the surface, or into a mine or coal seam, or into an  
28 underground fresh water supply, or from one underground stratum  
29 to another.

30 (14) To harass, intimidate, or threaten a person who is  
31 about to sell or lease or has sold or leased a residence or  
32 other real property or is about to buy or lease or has bought  
33 or leased a residence or other real property, when the  
34 harassment, intimidation, or threat relates to a person's  
35 attempt to sell, buy, or lease a residence, or other real  
36 property, or refers to a person's sale, purchase, or lease of a

1 residence or other real property.

2 (15) To store, dump, or permit the accumulation of debris,  
3 refuse, garbage, trash, tires, buckets, cans, wheelbarrows,  
4 garbage cans, or other containers in a manner that may harbor  
5 mosquitoes, flies, insects, rodents, nuisance birds, or other  
6 animal pests that are offensive, injurious, or dangerous to the  
7 health of individuals or the public.

8 (16) To create a condition, through the improper  
9 maintenance of a swimming pool or wading pool, or by causing an  
10 action that alters the condition of a natural body of water, so  
11 that it harbors mosquitoes, flies, or other animal pests that  
12 are offensive, injurious, or dangerous to the health of  
13 individuals or the public.

14 (17) To operate a tanning facility without a valid permit  
15 under the Tanning Facility Permit Act.

16 Nothing in this Section shall be construed to prevent the  
17 corporate authorities of a city, village, or incorporated town,  
18 or the county board of a county, from declaring what are  
19 nuisances and abating them within their limits. Counties have  
20 that authority only outside the corporate limits of a city,  
21 village, or incorporated town.

22 (18) To operate a business that sells or delivers firearms  
23 without taking reasonable precautions to ensure that the  
24 firearms are not to be used or possessed illegally by the  
25 purchaser or transferee, or acquired by an individual without  
26 complying with procedures required by law for the sale or  
27 transfer of firearms. These precautions shall include, but are  
28 not limited to, the refusal to sell a firearm to a person: (i)  
29 the seller or deliverer knows or has reason to know is  
30 purchasing the firearm on behalf of another person who could  
31 not legally purchase the firearm, (ii) that has provided a home  
32 address in a municipality or county in which possession of that  
33 type of firearm is illegal, and (iii) the seller or deliverer  
34 otherwise knows or has reason to know will use the firearm  
35 illegally.

36 (Source: P.A. 89-234, eff. 1-1-96.)