

# HB5227



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5227

by Rep. Elizabeth Hernandez

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-9.5

Amends the Criminal Code of 1961 relating to handgun safety devices. Provides that the prohibition on the sale or transfer of a handgun without a handgun safety device applies to sales by private persons as well as by federally licensed firearm dealers.

LRB095 18072 RLC 44155 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 24-9.5 as follows:

6 (720 ILCS 5/24-9.5)

7 Sec. 24-9.5. Handgun safety devices.

8 (a) It is unlawful for a person ~~licensed as a federal~~  
9 ~~firearms dealer under Section 923 of the federal Gun Control~~  
10 ~~Act of 1968 (18 U.S.C. 923)~~ to offer for sale, sell, or  
11 transfer a handgun to a person not licensed under Section 923  
12 of the federal Gun Control Act of 1968 (18 U.S.C. 923) ~~that~~  
13 ~~Act~~, unless he or she sells or includes with the handgun a  
14 device or mechanism, other than the firearm safety, designed to  
15 render the handgun temporarily inoperable or inaccessible.  
16 This includes but is not limited to:

17 (1) An external device that is:

18 (i) attached to the handgun with a key or  
19 combination lock; and

20 (ii) designed to prevent the handgun from being  
21 discharged unless the device has been deactivated.

22 (2) An integrated mechanical safety, disabling, or  
23 locking device that is:

1           (i) built into the handgun; and  
2           (ii) designed to prevent the handgun from being  
3 discharged unless the device has been deactivated.

4           (b) Sentence. A person who violates this Section is guilty  
5 of a Class C misdemeanor and shall be fined not less than  
6 \$1,000. A second or subsequent violation of this Section is a  
7 Class A misdemeanor.

8           (c) For the purposes of this Section, "handgun" has the  
9 meaning ascribed to it in clause (h)(2) of subsection (A) of  
10 Section 24-3 of this Code.

11           (d) This Section does not apply to:

12           (1) the purchase, sale, or transportation of a handgun  
13 to or by a federally licensed firearms dealer or  
14 manufacturer that provides or services a handgun for:

15           (i) personnel of any unit of the federal  
16 government;

17           (ii) members of the armed forces of the United  
18 States or the National Guard;

19           (iii) law enforcement personnel of the State or any  
20 local law enforcement agency in the State while acting  
21 within the scope of their official duties; and

22           (iv) an organization that is required by federal  
23 law governing its specific business or activity to  
24 maintain handguns and applicable ammunition;

25           (2) a firearm modified to be permanently inoperative;

26           (3) the sale or transfer of a handgun by a federally

1 licensed firearms dealer or manufacturer described in item  
2 (1) of this subsection (d);

3 (4) the sale or transfer of a handgun by a federally  
4 licensed firearms dealer or manufacturer to a lawful  
5 customer outside the State; or

6 (5) an antique firearm.

7 (Source: P.A. 94-390, eff. 1-1-06.)