



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2045

by Rep. Wayne Rosenthal

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-9

Amends the Criminal Code of 1961 relating to the provision concerning a minor under 14 years of age's access to firearms. Provides that this provision concerning the regulation of the storage of firearms is an exclusive power and function of the State. Provides that a unit of local government, including a home rule unit, may not regulate the storage of firearms.

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HOME RULE 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 as follows:

6 (720 ILCS 5/24-9)

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

8 (a) Except as provided in subsection (c), it is unlawful
9 for any person to store or leave, within premises under his or
10 her control, a firearm if the person knows or has reason to
11 believe that a minor under the age of 14 years who does not
12 have a Firearm Owners Identification Card is likely to gain
13 access to the firearm without the lawful permission of the
14 minor's parent, guardian, or person having charge of the minor,
15 and the minor causes death or great bodily harm with the
16 firearm, unless the firearm is:

17 (1) secured by a device or mechanism, other than the
18 firearm safety, designed to render a firearm temporarily
19 inoperable; or

20 (2) placed in a securely locked box or container; or

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

1 (b) Sentence. A person who violates this Section is guilty
2 of a Class C misdemeanor and shall be fined not less than
3 \$1,000. A second or subsequent violation of this Section is a
4 Class A misdemeanor.

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

6 (1) if the minor under 14 years of age gains access to
7 a firearm and uses it in a lawful act of self-defense or
8 defense of another; or

9 (2) to any firearm obtained by a minor under the age of
10 14 because of an unlawful entry of the premises by the
11 minor or another person.

12 (d) For the purposes of this Section, "firearm" has the
13 meaning ascribed to it in Section 1.1 of the Firearm Owners
14 Identification Card Act.

15 (e) The regulation of the storage of firearms under this
16 Section is an exclusive power and function of the State. A unit
17 of local government, including a home rule unit, may not
18 regulate the storage of firearms. This subsection (e) is a
19 denial and limitation of home rule powers and functions under
20 subsection (h) of Section 6 of Article VII of the Illinois
21 Constitution.

22 (Source: P.A. 91-18, eff. 1-1-00.)