



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1933

Introduced 2/20/2015, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.9 new

Amends the Criminal Code of 2012. Defines "antique handgun" and "personalized handgun". Provides that a personalized handgun is a handgun which incorporates within its design, and as part of its original manufacture, technology which automatically limits its operational use and which cannot be readily deactivated, so that it may only be fired by an authorized or recognized user. Requires the Director of State Police to report to the Governor and General Assembly on the availability of personalized handguns for retail sales purposes. Provides that the Director of State Police shall publish a list of personalized handguns that may be sold in the State. Provides that this list shall identify those handguns by manufacturer, model, and caliber. Provides that on and after the first day of the 6 month following the preparation and delivery of the list of personalized handguns which may be sold in the State, no person federally licensed as a manufacturer of firearms or retail dealer of firearms or any agent or employee of a wholesale or retail dealer of firearms shall transport into the State, sell, expose for sale, possess with the intent of selling, assign, or otherwise transfer any handgun unless it is a personalized handgun or an antique handgun. Provides that a violation is a Class 4 felony. Provides exemptions.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 2012 is amended by adding
5 Section 24-1.9 as follows:

6 (720 ILCS 5/24-1.9 new)

7 Sec. 24-1.9. Personalized handgun.

8 (a) As used in this Section:

9 "Antique handgun" has the meaning ascribed to it in
10 Section 921 of the federal Gun Control Act of 1968.

11 "Handgun" has the meaning ascribed to it in Section 5
12 of the Firearm Concealed Carry Act.

13 "Personalized handgun" means a handgun which
14 incorporates within its design, and as part of its original
15 manufacture, technology which automatically limits its
16 operational use and which cannot be readily deactivated, so
17 that it may only be fired by an authorized or recognized
18 user. The technology limiting the handgun's operational
19 use may include, but not be limited to: radio frequency
20 tagging, touch memory, remote control, fingerprint,
21 magnetic encoding, and other automatic user identification
22 systems utilizing biometric, mechanical, or electronic
23 systems. No make or model of a handgun shall be deemed to

1 be a "personalized handgun" unless the Director of State
2 Police has determined, through testing or other reasonable
3 means, that the handgun meets any reliability standards
4 that the manufacturer may require for its commercially
5 available handguns that are not personalized or, if the
6 manufacturer has no reliability standards, the handgun
7 meets the reliability standards generally used in the
8 industry for commercially available handguns.

9 (b) On or before 180 days after the effective date of this
10 amendatory Act of the 99th General Assembly, the Director of
11 State Police shall report to the Governor and the General
12 Assembly as to the availability of personalized handguns for
13 retail sales purposes. If the Director of State Police
14 determines that personalized handguns are not available for
15 retail sales purposes, the Director of State Police, every 6
16 months thereafter, shall report to the Governor and the General
17 Assembly as to the availability of personalized handguns for
18 retail sales purposes until the time as the Director of State
19 Police shall deem that personalized handguns are available for
20 retail sales purposes and so report to the Governor and the
21 General Assembly. In making this determination, the Director of
22 State Police may consult with any other neutral and detached
23 public or private entity that may have useful information and
24 expertise to assist in determining whether, through
25 performance and other relevant indicators, a handgun meets the
26 statutory definition of a personalized handgun under this

1 Section.

2 (c) For the purposes of this Section, personalized handguns
3 shall be deemed to be available for retail sales purposes if at
4 least one manufacturer has delivered at least one production
5 model of a personalized handgun to a registered or licensed
6 wholesale or retail dealer in this State or any other state. As
7 used in this subsection, the term "production model" means a
8 handgun which is the product of a regular manufacturing process
9 that produces multiple copies of the same handgun model, and
10 shall not include a prototype or other unique specimen that is
11 offered for sale.

12 (d) On the first day of the 24th month following the date
13 on which the Director of State Police reports that personalized
14 handguns are available for retail sales purposes under
15 subsection (b) of this Section, the Director of State Police
16 shall publish a list of personalized handguns that may be sold
17 in this State. This list shall identify those handguns by
18 manufacturer, model, and caliber.

19 (e) The list required under subsection (d) of this Section
20 shall be prepared within 6 months after the Director of State
21 Police's report is made to federally licensed firearms dealers
22 in this State. Whenever a handgun is determined to meet the
23 statutory definition of a personalized handgun under this
24 Section, the Director of State Police shall report that
25 determination in writing to the Governor and the General
26 Assembly within 60 days. The Director shall promptly amend and

1 supplement the list to include handguns which meet the
2 statutory definition of a personalized handgun under this
3 Section or to remove previously listed handguns, if
4 appropriate. Federally licensed retail firearms dealers in
5 this State shall be notified forthwith of any changes in the
6 list. The notice shall be given in a manner prescribed by rule.
7 The Director of State Police shall adopt rules establishing a
8 process for handgun manufacturers to demonstrate that their
9 handguns meet the statutory definition of a personalized
10 handgun under this Section and request that their handgun be
11 added to this list. These rules may require that the handgun
12 manufacturer:

13 (1) deliver a handgun or handguns to the Director of
14 State Police or his designee for testing;

15 (2) pay a reasonable application fee; and

16 (3) pay any reasonable costs incurred in, or associated
17 with, the testing and independent scientific analysis of
18 the handgun, including any analysis of the technology the
19 manufacturer has incorporated within the handgun's design
20 to limit its operational use, that is conducted to
21 determine whether the handgun meets the statutory
22 definition of a personalized handgun under this Section.

23 (f) On and after the first day of the 6 month following the
24 preparation and delivery of the list of personalized handguns
25 which may be sold in this State under subsection (d) of this
26 Section, no person federally licensed as a manufacturer of

1 firearms or retail dealer of firearms or any agent or employee
2 of a wholesale or retail dealer of firearms shall transport
3 into this State, sell, expose for sale, possess with the intent
4 of selling, assign, or otherwise transfer any handgun unless it
5 is a personalized handgun or an antique handgun.

6 (g) This Section does not apply to handguns to be sold,
7 transferred, assigned, and delivered for official use to:

8 (1) State and local law enforcement officers of this
9 State;

10 (2) federal law enforcement officers and any other
11 federal officers and employees required to carry firearms
12 in the performance of their official duties; and

13 (3) members of the Armed Forces of the United States or
14 of the National Guard.

15 (h) This Section does not apply to handguns to be sold,
16 transferred, assigned, and delivered solely for use in
17 competitive shooting matches sanctioned by the Civilian
18 Marksmanship Program, the International Olympic Committee or
19 USA Shooting. The Director of State Police may adopt rules
20 governing the scope and application of the exemption afforded
21 under this Section. The Director of State Police, by rule, may
22 require, at a minimum, that a person acquiring a handgun under
23 this Section submit valid proof of participation in these
24 sanctioned shooting matches.

25 (i) No later than 30 days after the preparation and
26 delivery of the list of personalized handguns which may be sold

1 in the State under subsection (d), there shall be established a
2 5 member commission in the Department of State Police that
3 shall meet at least once a year to determine whether
4 personalized handguns qualify for use by State and local law
5 enforcement officers. The Governor shall appoint the following
6 4 members of the commission:

7 (1) a county sheriff;

8 (2) a State's Attorney;

9 (3) a municipal law enforcement officer; and

10 (4) an experienced firearms instructor qualified to
11 teach a firearms training course approved by the Illinois
12 Law Enforcement Training Standards Board.

13 The fifth member of the commission shall be the Director of
14 State Police. The commission shall issue a report to the
15 Director of State Police upon its determination that
16 personalized handguns qualify for use by State and local law
17 enforcement officers. In making this determination, the
18 commission shall consider any advantages and disadvantages to
19 using these weapons in the performance of the official duties
20 of law enforcement officers and shall give due regard to the
21 safety of law enforcement officers and others. The commission
22 shall cease operation thereafter. The Director of State Police
23 shall be authorized to adopt rules that apply the provisions of
24 this Section to handguns to be sold, transferred, assigned, and
25 delivered for official use to State and local law enforcement
26 officers upon a determination by the commission that

1 personalized handguns qualify for use by State and local law
2 enforcement officers.

3 (j) The Director of State Police under the Illinois
4 Administrative Procedure Act shall adopt rules to effectuate
5 the purposes of this Section.

6 (k) Sentence. A person who knowingly violates the
7 provisions of this Section is guilty of a Class 4 felony.