



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0258

by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-11 new

Amends the Criminal Code of 2012. Provides that it is a petty offense for which a fine of not less than \$250 and not more than \$750 for a first offense, \$500 to \$1,000 for a second offense, and \$1,000 to \$2,500 for a third or subsequent offense shall be imposed, for a person to purchase, possess, conceal, use, sell, give away, or otherwise transfer, or to engage in the business of selling or to exhibit for sale, a replica firearm in the State. Defines "replica firearm" as any mobile phone case made of plastic, wood, metal, or any other material, that a person could reasonably perceive as an actual firearm but that is incapable of being fired or discharged. Provides exceptions. Provides that each purchase, use, sale, gift, or transfer of any replica firearm in violation of this provision shall be deemed a separate and distinct offense, and each day a person unlawfully engages in the business of selling or exhibits for sale any replica firearm in violation of this provision is a separate and distinct offense. Effective June 1, 2017.

LRB100 04688 RLC 14694 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 2012 is amended by adding
5 Section 24-11 as follows:

6 (720 ILCS 5/24-11 new)

7 Sec. 24-11. Phone case replica firearm.

8 (a) In this Section, "replica firearm" means any mobile
9 phone case made of plastic, wood, metal, or any other material,
10 that a person could reasonably perceive as an actual firearm
11 but that is incapable of being fired or discharged.

12 (b) Except as provided in subsection (c) of this Section,
13 it is unlawful for any person to purchase, possess, conceal,
14 use, sell, give away, or otherwise transfer, or to engage in
15 the business of selling or to exhibit for sale, a replica
16 firearm in this State.

17 (c) The manufacture, marketing, distribution, sale, and
18 possession of replica firearms are permitted if the devices are
19 manufactured, marketed, distributed, sold, or held solely for
20 subsequent transportation in interstate or foreign commerce.
21 The devices shall not be displayed to the general public or
22 sold for other use in this State.

23 (d) Sentence. A person who violates this Section is guilty

1 of a petty offense for which a fine of not less than \$250 and
2 not more than \$750 shall be imposed for a first offense, not
3 less than \$500 and not more than \$1,000 shall be imposed for a
4 second offense, and not less than \$1,000 and not more than
5 \$2,500 shall be imposed for a third or subsequent offense. Each
6 purchase, use, sale, gift, or transfer of any replica firearm
7 in violation of this Section is a separate and distinct
8 offense, and each day a person unlawfully engages in the
9 business of selling or exhibits for sale any replica firearm in
10 violation of this Section is a separate and distinct offense.

11 Section 99. Effective date. This Act takes effect June 1,
12 2017.