

1 AN ACT in relation to 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
5 changing Section 24-8 as follows:

6 (720 ILCS 5/24-8)

7 Sec. 24-8. Firearm tracing.

8 (a) Upon recovering a firearm from the possession of
9 anyone who is not permitted by federal or State law to
10 possess a firearm, a local law enforcement agency shall use
11 the best available information, including a firearms trace
12 when necessary, to determine how and from whom the person
13 gained possession of the firearm. Upon recovering a firearm
14 that was used in the commission of any offense classified as
15 a felony or upon recovering a firearm that appears to have
16 been lost, mislaid, stolen, or otherwise unclaimed, a local
17 law enforcement agency shall use the best available
18 information, including a firearms trace when necessary, to
19 determine prior ownership of the firearm.

20 (b) Local law enforcement shall, when appropriate, use
21 the National Tracing Center of the Federal Bureau of Alcohol,
22 Tobacco and Firearms in complying with subsection (a) of this
23 Section.

24 (c) Local law enforcement agencies shall use the
25 Illinois Department of State Police Law Enforcement Agencies
26 Data System (LEADS) Gun File to enter all stolen, seized, or
27 recovered firearms as prescribed by LEADS regulations and
28 policies.

29 (d) The law enforcement agency that requests a trace,
30 within a reasonable time but not later than 60 days after the
31 termination of the investigation for which the trace was

1 initiated or records were requested or immediately upon the
2 initiation of criminal proceedings, shall serve the person
3 who was the subject of a records request or search under
4 subsection (a) or (b) of this Section with an inventory that
5 includes:

6 (1) notice to any person who was the subject of a
7 trace request or records search;

8 (2) notice of any law enforcement agency who has
9 copies of any of the requested records;

10 (3) the date of the trace request or records
11 search; and

12 (4) a list of records requested and from whom. The
13 law enforcement agency shall make available to those
14 persons or their attorneys for inspection or copying any
15 records requested.

16 (e) A circuit court of the county of residence of the
17 person who was the subject of a records request or search
18 under subsection (a) or (b) of this Section, upon filing of a
19 motion by the person who was the subject of a records request
20 or search under subsection (a) or (b) of this Section, may in
21 its discretion order the destruction of all records
22 associated with the trace request, except those records
23 required to be kept under the federal Gun Control Act of
24 1968, subsection (b) of Section 3 of the Firearm Owners
25 Identification Card Act, Section 24-4 of this Code, or those
26 records pertaining to an open and active criminal
27 investigation or proceeding.

28 (Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.