



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5172

Introduced 2/1/2010, by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1

from Ch. 38, par. 83-1.1

720 ILCS 5/2-6.7 new

Amends the Firearm Owners Identification Card Act and the Criminal Code of 1961. Provides that for the purposes of the exemptions from prosecution for the unlawful use of weapons, "enclosed in a case" or "enclosed in a suitable case" does not include the storage or transportation of a firearm in a glove box or center console of a motor vehicle.

LRB096 17041 RLC 32355 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 1.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Has been adjudicated as a mental defective" means the
9 person is the subject of a determination by a court, board,
10 commission or other lawful authority that a person, as a result
11 of marked subnormal intelligence, or mental illness, mental
12 impairment, incompetency, condition, or disease:

13 (1) is a danger to himself, herself, or to others;

14 (2) lacks the mental capacity to manage his or her own
15 affairs;

16 (3) is not guilty in a criminal case by reason of
17 insanity, mental disease or defect;

18 (4) is incompetent to stand trial in a criminal case;

19 (5) is not guilty by reason of lack of mental
20 responsibility pursuant to Articles 50a and 72b of the
21 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

22 "Counterfeit" means to copy or imitate, without legal
23 authority, with intent to deceive.

1 "Enclosed in a case" does not include the storage or
2 transportation of a firearm in a glove box or center console of
3 a motor vehicle.

4 "Federally licensed firearm dealer" means a person who is
5 licensed as a federal firearms dealer under Section 923 of the
6 federal Gun Control Act of 1968 (18 U.S.C. 923).

7 "Firearm" means any device, by whatever name known, which
8 is designed to expel a projectile or projectiles by the action
9 of an explosion, expansion of gas or escape of gas; excluding,
10 however:

11 (1) any pneumatic gun, spring gun, paint ball gun or
12 B-B gun which either expels a single globular projectile
13 not exceeding .18 inch in diameter and which has a maximum
14 muzzle velocity of less than 700 feet per second or
15 breakable paint balls containing washable marking colors;

16 (2) any device used exclusively for signalling or
17 safety and required or recommended by the United States
18 Coast Guard or the Interstate Commerce Commission;

19 (3) any device used exclusively for the firing of stud
20 cartridges, explosive rivets or similar industrial
21 ammunition; and

22 (4) an antique firearm (other than a machine-gun)
23 which, although designed as a weapon, the Department of
24 State Police finds by reason of the date of its
25 manufacture, value, design, and other characteristics is
26 primarily a collector's item and is not likely to be used

1 as a weapon.

2 "Firearm ammunition" means any self-contained cartridge or
3 shotgun shell, by whatever name known, which is designed to be
4 used or adaptable to use in a firearm; excluding, however:

5 (1) any ammunition exclusively designed for use with a
6 device used exclusively for signalling or safety and
7 required or recommended by the United States Coast Guard or
8 the Interstate Commerce Commission; and

9 (2) any ammunition designed exclusively for use with a
10 stud or rivet driver or other similar industrial
11 ammunition.

12 "Gun show" means an event or function:

13 (1) at which the sale and transfer of firearms is the
14 regular and normal course of business and where 50 or more
15 firearms are displayed, offered, or exhibited for sale,
16 transfer, or exchange; or

17 (2) at which not less than 10 gun show vendors display,
18 offer, or exhibit for sale, sell, transfer, or exchange
19 firearms.

20 "Gun show" includes the entire premises provided for an
21 event or function, including parking areas for the event or
22 function, that is sponsored to facilitate the purchase, sale,
23 transfer, or exchange of firearms as described in this Section.

24 "Gun show" does not include training or safety classes,
25 competitive shooting events, such as rifle, shotgun, or handgun
26 matches, trap, skeet, or sporting clays shoots, dinners,

1 banquets, raffles, or any other event where the sale or
2 transfer of firearms is not the primary course of business.

3 "Gun show promoter" means a person who organizes or
4 operates a gun show.

5 "Gun show vendor" means a person who exhibits, sells,
6 offers for sale, transfers, or exchanges any firearms at a gun
7 show, regardless of whether the person arranges with a gun show
8 promoter for a fixed location from which to exhibit, sell,
9 offer for sale, transfer, or exchange any firearm.

10 "Sanctioned competitive shooting event" means a shooting
11 contest officially recognized by a national or state shooting
12 sport association, and includes any sight-in or practice
13 conducted in conjunction with the event.

14 "Stun gun or taser" has the meaning ascribed to it in
15 Section 24-1 of the Criminal Code of 1961.

16 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331,
17 eff. 8-21-07; 95-581, eff. 6-1-08.)

18 Section 10. The Criminal Code of 1961 is amended by adding
19 Section 2-6.7 as follows:

20 (720 ILCS 5/2-6.7 new)

21 Sec. 2-6.7. Enclosed in a case. For purposes of Article 24
22 of this Code, "enclosed in a case" or "enclosed in a suitable
23 case" does not include the storage or transportation of a
24 firearm in a glove box or center console of a motor vehicle.