



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2254

by Rep. Kathleen Willis

#### SYNOPSIS AS INTRODUCED:

New Act  
720 ILCS 5/24-9

Creates the Safe Gun Storage Act. Provides that a firearm owner shall not store or keep any firearm in any premises unless the firearm is secured in a locked container, properly engaged so as to render the firearm inaccessible or unusable to any person other than the owner or other lawfully authorized user. Provides that if the firearm is carried by or under the control of the owner or other lawfully authorized user, then the firearm is deemed lawfully stored or kept. Provides that a violation is subject to a civil penalty not to exceed \$500. Provides that a violation is subject to a civil penalty not to exceed \$1,000 if any person knows or reasonably should know that a minor, an at-risk person, or a prohibited person is likely to gain access to a firearm belonging to or under the control of that person and a minor, an at-risk person, or a prohibited person obtains the firearm. Provides that a violation is subject to a civil penalty not to exceed \$10,000 if a minor, an at-risk person, or a prohibited person obtains a firearm and uses it to injure or cause the death of a person or uses the firearm in connection with a crime. Provides that any money received from the collection of a civil penalty shall be deposited in the Mental Health Fund. Makes corresponding changes in the Criminal Code of 2012.

LRB101 08717 LNS 53804 b

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be cited as the Safe  
5 Gun Storage Act.

6 Section 5. Storage of firearms. A firearm owner shall not  
7 store or keep any firearm in any premises unless the firearm is  
8 secured in a locked container, properly engaged so as to render  
9 the firearm inaccessible or unusable to any person other than  
10 the owner or other lawfully authorized user. If the firearm is  
11 carried by or under the control of the owner or other lawfully  
12 authorized user, then the firearm is deemed lawfully stored or  
13 kept.

14 Section 10. Penalties; violations.

15 (a) A violation of Section 5 constitutes a civil infraction  
16 subject to a civil penalty not to exceed \$500.

17 (b) A violation of Section 5 constitutes a civil infraction  
18 subject to a civil penalty not to exceed \$1,000 if any person  
19 knows or reasonably should know that a minor, an at-risk  
20 person, or a prohibited person is likely to gain access to a  
21 firearm belonging to or under the control of that person, and a  
22 minor, an at-risk person, or a prohibited person obtains the

1 firearm.

2 For purposes of this Act, "at-risk person" means someone  
3 who has made statements or exhibited behavior that indicates to  
4 a reasonable person there is a likelihood that the person is at  
5 risk of attempting suicide or causing physical harm to oneself  
6 or others.

7 (c) A violation of Section 5 constitutes a civil infraction  
8 subject to a civil penalty not to exceed \$10,000 if a minor, an  
9 at-risk person, or a prohibited person obtains a firearm and  
10 uses it to injure or cause the death of a person or uses the  
11 firearm in connection with a crime.

12 (d) The court may provide for the performance of community  
13 restitution in lieu of the civil penalties imposed under this  
14 Section if good cause is shown.

15 (e) Nothing in this Section is construed to preclude civil  
16 liabilities.

17 (f) A violation is prima facie evidence of negligence per  
18 se in any civil proceeding if a minor, an at-risk person, or a  
19 prohibited person obtains a firearm and causes personal injury  
20 to the death of oneself or another or uses the firearm in  
21 connection with a crime.

22 (g) An action to collect a civil penalty under this Act may  
23 be brought by the Attorney General or the State's Attorney of  
24 the county in which the violation occurred. Any money received  
25 from the collection of a civil penalty shall be deposited in  
26 the Mental Health Fund.

1 Section 15. The Criminal Code of 2012 is amended by  
2 changing Section 24-9 as follows:

3 (720 ILCS 5/24-9)

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

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

14 (1) secured by a device or mechanism, other than the  
15 firearm safety, designed to render a firearm temporarily  
16 inoperable; or

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

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

21 (b) Sentence. A person who violates this Section is guilty  
22 of a Class C misdemeanor and shall be fined not less than  
23 \$1,000. A second or subsequent violation of this Section is a  
24 Class A misdemeanor. A person who violates this Section also

1 commits a civil infraction under the Safe Gun Storage Act and  
2 may be subject to a civil penalty under Section 10 of that Act.

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

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

7 (2) to any firearm obtained by a minor under the age of  
8 14 because of an unlawful entry of the premises by the  
9 minor or another person.

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

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