

HB4959



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4959

Introduced 1/27/2022, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-9.5

Amends the Criminal Code of 2012. Provides that it is unlawful for any person (rather than a person licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968) to offer for sale, sell, or transfer a handgun to a person not licensed under federal Gun Control Act of 1968, unless he or she sells or includes with the handgun a device or mechanism, other than the firearm safety, designed to render the handgun temporarily inoperable or inaccessible.

LRB102 24859 RLC 34107 b

A BILL FOR

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
5 changing Section 24-9.5 as follows:

6 (720 ILCS 5/24-9.5)

7 Sec. 24-9.5. Handgun safety devices.

8 (a) It is unlawful for any ~~a person licensed as a federal~~
9 ~~firearms dealer under Section 923 of the federal Gun Control~~
10 ~~Act of 1968 (18 U.S.C. 923)~~ to offer for sale, sell, or
11 transfer a handgun to a person not licensed under Section 923
12 of the federal Gun Control Act of 1968 (18 U.S.C. 923) ~~that~~
13 ~~Act~~, unless he or she sells or includes with the handgun a
14 device or mechanism, other than the firearm safety, designed
15 to render the handgun temporarily inoperable or inaccessible.
16 This includes but is not limited to:

17 (1) An external device that is:

18 (i) attached to the handgun with a key or
19 combination lock; and

20 (ii) designed to prevent the handgun from being
21 discharged unless the device has been deactivated.

22 (2) An integrated mechanical safety, disabling, or
23 locking device that is:

1 (i) built into the handgun; and
2 (ii) designed to prevent the handgun from being
3 discharged unless the device has been deactivated.

4 (b) Sentence. A person who violates this Section is guilty
5 of a Class C misdemeanor and shall be fined not less than
6 \$1,000. A second or subsequent violation of this Section is a
7 Class A misdemeanor.

8 (c) For the purposes of this Section, "handgun" has the
9 meaning ascribed to it in clause (h)(2) of subsection (A) of
10 Section 24-3 of this Code.

11 (d) This Section does not apply to:

12 (1) the purchase, sale, or transportation of a handgun
13 to or by a federally licensed firearms dealer or
14 manufacturer that provides or services a handgun for:

15 (i) personnel of any unit of the federal
16 government;

17 (ii) members of the armed forces of the United
18 States or the National Guard;

19 (iii) law enforcement personnel of the State or
20 any local law enforcement agency in the State while
21 acting within the scope of their official duties; and

22 (iv) an organization that is required by federal
23 law governing its specific business or activity to
24 maintain handguns and applicable ammunition;

25 (2) a firearm modified to be permanently inoperative;

26 (3) the sale or transfer of a handgun by a federally

1 licensed firearms dealer or manufacturer described in item
2 (1) of this subsection (d);

3 (4) the sale or transfer of a handgun by a federally
4 licensed firearms dealer or manufacturer to a lawful
5 customer outside the State; or

6 (5) an antique firearm.

7 (Source: P.A. 94-390, eff. 1-1-06.)