



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5891

Introduced 11/12/2024, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

See Index

Creates the Safe Gun Storage Act. Provides that a firearm owner shall not store or keep any firearm in any premises where the firearm owner knows or reasonably should know a minor without the lawful permission of the minor's parent, guardian, or person having charge of the minor, an at-risk person, or a prohibited person is likely to gain access to the firearm 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 of the Act is subject to a civil penalty not to exceed \$500, except (i) 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, the civil penalty shall not exceed \$1,000 and (ii) 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, the civil penalty shall not exceed \$10,000. Provides that the court may order a person who is found in violation of the Act may be ordered by the court to perform community service or pay restitution in lieu of the civil penalties imposed under this Section if good cause is shown. Provides that nothing in the Act shall be construed to preclude civil liabilities for violations of the Act. Provides that a violation of the Act is prima facie evidence of negligence per se in any civil proceeding if a minor, an at-risk person, or a prohibited person obtains a firearm and causes personal injury to the death of oneself or another or uses the firearm in the commission of a crime. Provides that an action to collect a civil penalty under the Act may be brought by the Attorney General or the State's Attorney of the county in which the violation occurred. Provides that any money received from the collection of a civil penalty under the Act shall be deposited in the Mental Health Fund. Defines terms. Amends the Criminal Code of 2012 to make conforming changes.

LRB103 42781 RLC 76023 b

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 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 where the firearm
8 owner knows or reasonably should know a minor without the
9 lawful permission of the minor's parent, guardian, or person
10 having charge of the minor, an at-risk person, or a prohibited
11 person is likely to gain access to the firearm unless the
12 firearm is secured in a locked container, properly engaged so
13 as to render the firearm inaccessible or unusable to any
14 person other than the owner or other lawfully authorized user.
15 If the firearm is carried by or under the control of the owner
16 or other lawfully authorized user, then the firearm is deemed
17 lawfully stored or kept.

18 Section 10. Penalties; violations.

19 (a) In this Act:

20 "At-risk person" means a person who has made statements or
21 exhibited behavior that indicates to a reasonable person there
22 is a likelihood that the person is at risk of attempting

1 suicide or causing physical harm to oneself or others.

2 "Minor" means a person under 18 years of age; however,
3 "minor" does not include a member of the United States Armed
4 Forces or the Illinois National Guard.

5 "Premises" includes any land, building, structure,
6 vehicle, or place directly or indirectly under the control of
7 the firearm owner.

8 "Prohibited person" means a person ineligible under
9 federal or State law to possess a firearm.

10 (b) (1) Except as otherwise provided in paragraphs (2) and
11 (3) of this subsection (b), a violation of Section 5 is subject
12 to a civil penalty not to exceed \$500.

13 (2) If any person knows or reasonably should know that a
14 minor, an at-risk person, or a prohibited person is likely to
15 gain access to a firearm belonging to or under the control of
16 that person, and a minor, an at-risk person, or a prohibited
17 person obtains the firearm, the civil penalty shall not exceed
18 \$1,000.

19 (3) If a minor, an at-risk person, or a prohibited person
20 obtains a firearm and uses it to injure or cause the death of a
21 person or uses the firearm in connection with a crime, the
22 civil penalty shall not exceed \$10,000.

23 (c) The court may order a person who is found in violation
24 of Section 5 to perform community service or pay restitution
25 in lieu of the civil penalties imposed under this Section if
26 good cause is shown.

1 (d) Nothing in this Act shall be construed to preclude
2 civil liabilities for violations of this Act.

3 (e) A violation of this Act is prima facie evidence of
4 negligence per se in any civil proceeding if a minor, an
5 at-risk person, or a prohibited person obtains a firearm and
6 causes personal injury or the death of oneself or another or
7 uses the firearm in the commission of a crime.

8 (f) An action to collect a civil penalty under this Act may
9 be brought by the Attorney General or the State's Attorney of
10 the county in which the violation occurred. Any money received
11 from the collection of a civil penalty under this Act shall be
12 deposited in the Mental Health Fund.

13 Section 90. The Criminal Code of 2012 is amended by
14 changing Section 24-9 as follows:

15 (720 ILCS 5/24-9)

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

17 (a) Except as provided in subsection (c), it is unlawful
18 for any person to store or leave, within premises under his or
19 her control, a firearm if the person knows or reasonably
20 should know ~~has reason to believe~~ that a minor under the age of
21 18 ~~14~~ years who does not have a Firearm Owners Identification
22 Card is likely to gain access to the firearm without the lawful
23 permission of the minor's parent, guardian, or person having
24 charge of the minor, and the minor causes death or great bodily

1 harm with the firearm, unless the firearm is:

2 (1) secured by a device or mechanism, other than the
3 firearm safety, designed to render a firearm temporarily
4 inoperable; or

5 (2) placed in a securely locked box or container. ~~or~~

6 ~~(3) placed in some other location that a reasonable~~
7 ~~person would believe to be secure from a minor under the~~
8 ~~age of 14 years.~~

9 (b) Sentence. A person who violates this Section is guilty
10 of a Class C misdemeanor and shall be fined not less than
11 \$1,000. A second or subsequent violation of this Section is a
12 Class A misdemeanor.

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

14 (1) if the minor under 18 ~~14~~ years of age gains access
15 to a firearm and uses it in a lawful act of self-defense or
16 defense of another; or

17 (2) to any firearm obtained by a minor under the age of
18 18 ~~14~~ because of an unlawful entry of the premises by the
19 minor or another person.

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

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

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 720 ILCS 5/24-9