



Rep. Maura Hirschauer

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10300HB5065ham001

LRB103 38126 RLC 71580 a

1 AMENDMENT TO HOUSE BILL 5065

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5065 by replacing  
3 everything after the enacting clause with the following:

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

6 Section 5. Definitions. In this Act:

7 "At-risk person" means a person who has made statements or  
8 exhibited behavior that indicates to a reasonable person there  
9 is a likelihood that the person is at risk of attempting  
10 suicide or causing physical harm to oneself or others.

11 "Minor" means a person under 18 years of age.

12 "Prohibited person" means a person ineligible under  
13 federal or State law to possess a firearm.

14 Section 10. Storage of firearms. A firearm owner shall not  
15 store or keep any firearm in any premises where the firearm

1 owner knows or reasonably should know a minor, an at-risk  
2 person, or a prohibited person is likely to gain access to the  
3 firearm unless the firearm is secured in a locked container,  
4 properly engaged so as to render the firearm inaccessible or  
5 unusable to any person other than the owner or other lawfully  
6 authorized user. If the firearm is carried by or under the  
7 control of the owner or other lawfully authorized user, then  
8 the firearm is deemed lawfully stored or kept.

9 Section 15. Penalties; violations.

10 (a) (1) Except as otherwise provided in paragraphs (2) and  
11 (3) of this subsection (a), a violation of Section 10  
12 constitutes 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 (b) The court may order a person who is found in violation  
24 of Section 10 to perform community service or pay restitution  
25 in lieu of the civil penalties imposed under this Section if

1 good cause is shown.

2 (c) Nothing in this Section shall be construed to preclude  
3 civil liabilities for violations of this Act.

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

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

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

16 (720 ILCS 5/24-9)

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

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

1 charge of the minor, and the minor causes death or great bodily  
2 harm with the firearm, unless the firearm is:

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

6 (2) placed in a securely locked box or container, ~~or~~

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

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

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

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

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

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

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