



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3791

Introduced 2/25/2009, by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-11 new

Amends the Criminal Code of 1961. Provides that a municipal police department or church may establish a Firearm Relinquishment Amnesty Program. Provides that a resident of the county or municipality where the law enforcement agency that has established a Firearm Relinquishment Amnesty Program is located may, without identifying himself or herself and without being subject to prosecution for a violation of State law or a county or municipal ordinance relating to the illegal possession of that firearm, transfer the firearm to that local law enforcement agency or church. Preempts home rule. Effective immediately.

LRB096 09909 RLC 20072 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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 1961 is amended by adding
5 Section 24-11 as follows:

6 (720 ILCS 5/24-11 new)

7 Sec. 24-11. Firearm Relinquishment Amnesty Program.

8 (a) A municipal police department or church may establish a
9 Firearm Relinquishment Amnesty Program. A resident of the
10 county or municipality where the law enforcement agency that
11 has established a Firearm Relinquishment Amnesty Program is
12 located may, without identifying himself or herself and without
13 being subject to prosecution for a violation of State law or a
14 county or municipal ordinance relating to the illegal
15 possession of that firearm, transfer the firearm to that local
16 law enforcement agency or church.

17 (b) A local law enforcement agency that has knowledge that
18 a resident who relinquishes a firearm in accordance with this
19 Section is in violation of federal law concerning the
20 resident's possession of the firearm may not inform a federal
21 law enforcement agency or United States Attorney's Office or
22 United States Attorney General's Office of such violation
23 unless the failure to inform such agency or Office would be a

1 violation of federal law.

2 (c) A home rule unit may not exercise its home rule powers
3 and functions in a manner that is inconsistent with this
4 Section. This subsection (c) is a limitation under subsection
5 (i) of Section 6 of Article VII of the Illinois Constitution on
6 the concurrent exercise by home rule units of powers and
7 functions exercised by the State.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.