

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB1373**

Introduced 1/28/2025, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-13
720 ILCS 5/24-8

from Ch. 38, par. 2-13

Amends the Criminal Code of 2012. Provides that upon recovering a firearm that was (i) unlawfully possessed, (ii) used for any unlawful purpose, (iii) recovered from the scene of a crime, (iv) reasonably believed to have been used or associated with the commission of a crime, or (v) acquired by the law enforcement agency as an abandoned, lost, or discarded firearm, a law enforcement agency shall use the best available information, including a firearms trace (deletes when necessary), to determine how and from whom the person gained possession of the firearm and to determine prior ownership of the firearm. Provides that law enforcement shall use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives' eTrace platform or successor platform in complying with this provision. Provides that law enforcement shall participate in the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives' eTrace platform or successor platform's collective data sharing program for the purpose of sharing firearm trace reports among all law enforcement agencies in this State on a reciprocal basis. Defines "peace officer" for the purpose of the investigation of specified offenses shall include investigators of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Effective immediately.

LRB104 07544 RLC 17588 b

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 Sections 2-13 and 24-8 as follows:

6 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

7 Sec. 2-13. "Peace officer". "Peace officer" means (i) any
8 person who by virtue of his office or public employment is
9 vested by law with a duty to maintain public order or to make
10 arrests for offenses, whether that duty extends to all
11 offenses or is limited to specific offenses, or (ii) any
12 person who, by statute, is granted and authorized to exercise
13 powers similar to those conferred upon any peace officer
14 employed by a law enforcement agency of this State.

15 For purposes of Sections concerning unlawful possession of
16 weapons, for the purposes of assisting an Illinois peace
17 officer in an arrest, or when the commission of any offense
18 under Illinois law is directly observed by the person, and
19 statutes involving the false personation of a peace officer,
20 false personation of a peace officer while carrying a deadly
21 weapon, false personation of a peace officer in attempting or
22 committing a felony, and false personation of a peace officer
23 in attempting or committing a forcible felony, then officers,

1 agents, or employees of the federal government commissioned by
2 federal statute to make arrests for violations of federal
3 criminal laws shall be considered "peace officers" under this
4 Code, including, but not limited to, all criminal
5 investigators of:

6 (1) the United States Department of Justice, the
7 Federal Bureau of Investigation, the Bureau of Alcohol,
8 Tobacco, Firearms and Explosives, and the Drug Enforcement
9 Administration and all United States Marshals or Deputy
10 United States Marshals whose duties involve the
11 enforcement of federal criminal laws;

12 (1.5) the United States Department of Homeland
13 Security, United States Citizenship and Immigration
14 Services, United States Coast Guard, United States Customs
15 and Border Protection, and United States Immigration and
16 Customs Enforcement;

17 (2) the United States Department of the Treasury, the
18 Alcohol and Tobacco Tax and Trade Bureau, and the United
19 States Secret Service;

20 (3) the United States Internal Revenue Service;

21 (4) the United States General Services Administration;

22 (5) the United States Postal Service;

23 (6) (blank); and

24 (7) the United States Department of Defense.

25 (Source: P.A. 102-558, eff. 8-20-21; 103-822, eff. 1-1-25.)

1 (720 ILCS 5/24-8)

2 Sec. 24-8. Firearm evidence.

3 (a) Upon recovering a firearm that was (i) unlawfully
4 possessed, (ii) used for any unlawful purpose, (iii) recovered
5 from the scene of a crime, (iv) reasonably believed to have
6 been used or associated with the commission of a crime, or (v)
7 acquired by the law enforcement agency as an abandoned, lost,
8 or discarded firearm, from the possession of anyone who is not
9 permitted by federal or State law to possess a firearm, a law
10 enforcement agency shall use the best available information,
11 including a firearms trace ~~when necessary~~, to determine how
12 and from whom the person gained possession of the firearm and -
13 ~~Upon recovering a firearm that was used in the commission of~~
14 ~~any offense classified as a felony or upon recovering a~~
15 ~~firearm that appears to have been lost, mislaid, stolen, or~~
16 ~~otherwise unclaimed, a law enforcement agency shall use the~~
17 ~~best available information, including a firearms trace,~~ to
18 determine prior ownership of the firearm.

19 (b) Law enforcement shall, ~~when appropriate~~, use the
20 National Tracing Center of the Federal Bureau of Alcohol,
21 Tobacco, and Firearms and Explosives and the National Crime
22 Information Center of the Federal Bureau of Investigation in
23 complying with subsection (a) of this Section.

24 (b-5) Law enforcement shall use the National Tracing
25 Center of the Federal Bureau of Alcohol, Tobacco, Firearms and
26 Explosives' eTrace platform or successor platform in complying

1 with subsection (a). Law enforcement shall participate in the
2 National Tracing Center of the Federal Bureau of Alcohol,
3 Tobacco, Firearms and Explosives' eTrace platform or successor
4 platform's collective data sharing program for the purpose of
5 sharing firearm trace reports among all law enforcement
6 agencies in this State on a reciprocal basis.

7 (c) Law enforcement agencies shall use the Illinois State
8 Police Law Enforcement Agencies Data System (LEADS) Gun File
9 to enter all stolen, seized, or recovered firearms as
10 prescribed by LEADS regulations and policies.

11 (d) Whenever a law enforcement agency recovers a fired
12 cartridge case at a crime scene or has reason to believe that
13 the recovered fired cartridge case is related to or associated
14 with the commission of a crime, the law enforcement agency
15 shall submit the evidence to the National Integrated
16 Ballistics Information Network (NIBIN) or an Illinois State
17 Police laboratory for NIBIN processing. Whenever a law
18 enforcement agency seizes or recovers a semiautomatic firearm
19 that is deemed suitable to be entered into the NIBIN that was:
20 (i) unlawfully possessed, (ii) used for any unlawful purpose,
21 (iii) recovered from the scene of a crime, (iv) is reasonably
22 believed to have been used or associated with the commission
23 of a crime, or (v) is acquired by the law enforcement agency as
24 an abandoned or discarded firearm, the law enforcement agency
25 shall submit the evidence to the NIBIN or an Illinois State
26 Police laboratory for NIBIN processing. When practicable, all

1 NIBIN-suitable evidence and NIBIN-suitable test fires from
2 recovered firearms shall be entered into the NIBIN within 2
3 business days of submission to Illinois State Police
4 laboratories that have NIBIN access or another NIBIN site.
5 Exceptions to this may occur if the evidence in question
6 requires analysis by other forensic disciplines. The Illinois
7 State Police laboratory, submitting agency, and relevant court
8 representatives shall determine whether the request for
9 additional analysis outweighs the 2 business-day requirement.
10 Illinois State Police laboratories that do not have NIBIN
11 access shall submit NIBIN-suitable evidence and test fires to
12 an Illinois State Police laboratory with NIBIN access. Upon
13 receipt at the laboratory with NIBIN access, when practicable,
14 the evidence and test fires shall be entered into the NIBIN
15 within 2 business days. Exceptions to this 2 business-day
16 requirement may occur if the evidence in question requires
17 analysis by other forensic disciplines. The Illinois State
18 Police laboratory, submitting agency, and relevant court
19 representatives shall determine whether the request for
20 additional analysis outweighs the 2 business-day requirement.
21 Nothing in this Section shall be interpreted to conflict with
22 standards and policies for NIBIN sites as promulgated by the
23 federal Bureau of Alcohol, Tobacco, Firearms and Explosives or
24 successor agencies.

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
26 102-813, eff. 5-13-22.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.