

SB2123



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2123

Introduced 2/7/2025, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2DDDD

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice within the meaning of the Act for any person to knowingly sell, give, or deliver within the State, whether in a commercial transaction or private transaction, an imitation firearm to any other person. Defines "imitation firearm".

LRB104 06335 RLC 16370 b

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 2DDDD as follows:

6 (815 ILCS 505/2DDDD)

7 Sec. 2DDDD. Sale and marketing of firearms.

8 (a) As used in this Section:

9 "Firearm" has the meaning set forth in Section 1.1 of the
10 Firearm Owners Identification Card Act.

11 "Firearm accessory" means an attachment or device designed
12 or adapted to be inserted into, affixed onto, or used in
13 conjunction with a firearm that is designed, intended, or
14 functions to alter or enhance (i) the firing capabilities of a
15 firearm, frame, or receiver, (ii) the lethality of the
16 firearm, or (iii) a shooter's ability to hold and use a
17 firearm.

18 "Firearm ammunition" has the meaning set forth in Section
19 1.1 of the Firearm Owners Identification Card Act.

20 "Firearm industry member" means a person, firm,
21 corporation, company, partnership, society, joint stock
22 company, or any other entity or association engaged in the
23 design, manufacture, distribution, importation, marketing,

1 wholesale, or retail sale of firearm-related products,
2 including sales by mail, telephone, or Internet or in-person
3 sales.

4 "Firearm-related product" means a firearm, firearm
5 ammunition, a firearm precursor part, a firearm component, or
6 a firearm accessory that meets any of the following
7 conditions:

8 (1) the item is sold, made, or distributed in
9 Illinois;

10 (2) the item is intended to be sold or distributed in
11 Illinois; or

12 (3) the item is or was possessed in Illinois, and it
13 was reasonably foreseeable that the item would be
14 possessed in Illinois.

15 "Imitation firearm" means any device or object made of
16 plastic, wood, metal, or any other material which
17 substantially duplicates or can reasonably be perceived to be
18 an actual firearm, air rifle, pellet gun, or "B-B" gun; unless
19 such imitation firearm:

20 (1) is colored white, bright red, bright orange,
21 bright yellow, bright green, bright blue, bright pink, or
22 bright purple on the entire exterior surface or as the
23 predominant color in combination with other colors in any
24 pattern;

25 (2) is constructed entirely of transparent or
26 translucent materials which permits unmistakable

1 observation of the imitation or toy firearm's complete
2 contents;

3 (3) has a barrel that is closed for a distance of not
4 less than one-half inch from the front-end of its barrel
5 with the same material of which the imitation firearm is
6 made, unless it is a water gun;

7 (4) has legibly stamped thereon, the name of the
8 manufacturer or some trade name, mark or brand by which
9 the manufacturer can be readily identified; and

10 (5) does not have attached to it a laser pointer,
11 defined for the purpose of this Section as any device that
12 emits light amplified by the stimulated emission of
13 radiation that is visible to the human eye.

14 "Imitation firearm" does not include any non-firing
15 replica of an antique firearm, the original of which was
16 designed, manufactured, and produced prior to 1898.

17 "Straw purchaser" means a person who (i) knowingly
18 purchases or attempts to purchase a firearm-related product
19 with intent to deliver that firearm-related product to another
20 person who is prohibited by federal or State law from
21 possessing a firearm-related product or (ii) intentionally
22 provides false or misleading information on a Bureau of
23 Alcohol, Tobacco, Firearms and Explosives firearms transaction
24 record form to purchase a firearm-related product with the
25 intent to deliver that firearm-related product to another
26 person.

1 "Unlawful paramilitary or private militia" means a group
2 of armed individuals, organized privately, in violation of the
3 Military Code of Illinois and Section 2 of Article XII of the
4 Illinois Constitution.

5 (b) It is an unlawful practice within the meaning of this
6 Act for any firearm industry member, through the sale,
7 manufacturing, importing, or marketing of a firearm-related
8 product, to do any of the following:

9 (1) Knowingly create, maintain, or contribute to a
10 condition in Illinois that endangers the safety or health
11 of the public by conduct either unlawful in itself or
12 unreasonable under all circumstances, including failing to
13 establish or utilize reasonable controls. Reasonable
14 controls include reasonable procedures, safeguards, and
15 business practices that are designed to:

16 (A) prevent the sale or distribution of a
17 firearm-related product to a straw purchaser, a person
18 prohibited by law from possessing a firearm, or a
19 person who the firearm industry member has reasonable
20 cause to believe is at substantial risk of using a
21 firearm-related product to harm themselves or another
22 individual or of possessing or using a firearm-related
23 product unlawfully;

24 (B) prevent the loss or theft of a firearm-related
25 product from the firearm industry member; or

26 (C) comply with all provisions of applicable

1 local, State, and federal law, and do not otherwise
2 promote the unlawful manufacture, sale, possession,
3 marketing, or use of a firearm-related product.

4 (2) Advertise, market, or promote a firearm-related
5 product in a manner that reasonably appears to support,
6 recommend, or encourage individuals to engage in unlawful
7 paramilitary or private militia activity in Illinois, or
8 individuals who are not in the National Guard, United
9 States armed forces reserves, United States armed forces,
10 or any duly authorized military organization to use a
11 firearm-related product for a military-related purpose in
12 Illinois.

13 (3) Except as otherwise provided, advertise, market,
14 promote, design, or sell any firearm-related product in a
15 manner that reasonably appears to support, recommend, or
16 encourage persons under 18 years of age to unlawfully
17 purchase or possess or use a firearm-related product in
18 Illinois.

19 (A) In determining whether the conduct of a
20 firearm industry member, as described in this
21 paragraph, reasonably appears to support, recommend,
22 or encourage persons under 18 years of age to
23 unlawfully purchase a firearm-related product, a court
24 shall consider the totality of the circumstances,
25 including, but not limited to, whether the marketing,
26 advertising promotion, design, or sale:

(i) uses caricatures that reasonably appear to be minors or cartoon characters;

(ii) offers brand name merchandise for minors, including, but not limited to, clothing, toys, games, or stuffed animals, that promotes a firearm industry member or firearm-related product;

(iii) offers firearm-related products in sizes, colors, or designs that are specifically designed to be used by, or appeal to, minors;

(iv) is part of a marketing, advertising, or promotion campaign designed with the intent to appeal to minors;

(v) uses images or depictions of minors in advertising or marketing, or promotion materials, to depict the use of firearm-related products; or

(vi) is placed in a publication created for the purpose of reaching an audience that is predominantly composed of minors and not intended for a more general audience composed of adults.

(B) This paragraph does not apply to communications or promotional materials regarding lawful recreational activity with a firearm, such as, but not limited to, practice shooting at targets on established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

(4) Otherwise engage in unfair methods of competition or unfair or deceptive acts or practices declared unlawful under Section 2 of this Act.

(b-1) It is an unlawful practice within the meaning of this Act for any person to knowingly sell, give, or deliver within this State, whether in a commercial transaction or private transaction, an imitation firearm to any other person.

(c) Paragraphs (2), (3), and (4) of subsection (b) are declarative of existing law and shall not be construed as new enactments. The provisions of these paragraphs shall apply to all actions commenced or pending on or after August 14, 2023 (the effective date of Public Act 103-559).

(d) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 103-559, eff. 8-14-23; 103-605, eff. 7-1-24.)