



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2537

Introduced 3/7/2023, by Sen. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Straw Purchaser Accountability Act. Provides that whenever any person engages in gun trafficking or intentionally or negligently delivers or causes to be delivered a firearm, firearm ammunition, or a laser sight accessory, firearm silencer, or muffler to: (1) any person who is not legally authorized to possess that item; (2) a person who is purchasing the item on behalf of another person; or (3) any other person the deliverer knows or has reason to know will use the item unlawfully; the deliverer shall thereafter be civilly liable for the commission of any subsequent tortious conduct that directly or indirectly involves the use, attempted use, or threatened use of the item by any person. Provides that a prevailing plaintiff shall be entitled to all relief that would make him or her whole. Provides that persons subject to liability under the Act are jointly and severally liable. Provides that any person who recovers damages under the Act may not recover the same costs or damages under any other Act. Provides that a person who recovers damages under any other Act may not recover for the same costs or damages under the Straw Purchaser Accountability Act.

LRB103 31284 RLC 58449 b

1 AN ACT concerning civil law.

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 Straw  
5 Purchaser Accountability Act.

6 Section 5. Definition. In this Act, "gun trafficking"  
7 means a violation or attempted violation of any of the  
8 following Sections or subsections of the Criminal Code of  
9 2012:

10 (1) Section 24-3 (unlawful sale or delivery of  
11 firearms);

12 (2) Section 24-3A (gunrunning);

13 (3) Section 24-3B (firearms trafficking);

14 (4) Section 24-3.3 (unlawful sale or delivery of  
15 firearms on the premises of any school);

16 (5) Section 24-3.4 (unlawful sale of firearms by  
17 liquor licensee); or

18 (6) subsection (b) or (c) of Section 24-3.5 (unlawful  
19 purchase of a firearm).

20 Section 10. Cause of action. Whenever any person engages  
21 in gun trafficking or intentionally or negligently delivers or  
22 causes to be delivered a firearm, firearm ammunition, or a

1 laser sight accessory, firearm silencer, or muffler to:

2 (1) any person who is not legally authorized to  
3 possess that item;

4 (2) a person who is purchasing the item on behalf of  
5 another person; or

6 (3) any other person the deliverer knows or has reason  
7 to know will use the item unlawfully;

8 the deliverer shall thereafter be civilly liable for the  
9 commission of any subsequent tortious conduct that directly or  
10 indirectly involves the use, attempted use, or threatened use  
11 of the item by any person.

12 Section 15. Relief. A prevailing plaintiff shall be  
13 entitled to all relief that would make him or her whole. This  
14 includes, but is not limited to:

15 (1) declaratory relief;

16 (2) injunctive relief;

17 (3) recovery of costs and attorney's fees including,  
18 but not limited to, costs for expert testimony and witness  
19 fees;

20 (4) compensatory damages including, but not limited  
21 to:

22 (A) economic loss, including damage, destruction,  
23 or loss of use of personal property, loss of past or  
24 future earning capacity; and

25 (B) damages for death, personal injury, and mental

1           and emotional harm, including medical, rehabilitation,  
2           burial expenses, pain and suffering, and physical  
3           impairments; and

4           (5) punitive damages if the conduct of the defendant  
5           that gave rise to the cause of action was either  
6           intentional, reckless, or grossly negligent.

7           Section 20. Joint and several liability. Persons subject  
8           to liability under this Act are jointly and severally liable.

9           Section 25. Double recovery prohibited. Any person who  
10          recovers damages under this Act may not recover the same costs  
11          or damages under any other Act. A person who recovers damages  
12          under any other Act may not recover for the same costs or  
13          damages under this Act.

14          Section 30. Statute of limitations. Any action based upon  
15          or arising under this Act shall be commenced within 5 years  
16          after the date of the alleged violation or within 5 years after  
17          the date the plaintiff discovers or through the use of  
18          reasonable diligence should have discovered the alleged  
19          violation. The limitation periods in this Section do not begin  
20          to run before the plaintiff attains the age of 18 years; and,  
21          if at the time the plaintiff attains the age of 18 years he or  
22          she is under other legal disability, the limitation periods  
23          under this Section do not begin to run until the removal of the

1 disability.

2 Section 35. Standard of proof. The standard of proof in  
3 any action brought under this Act is a preponderance of the  
4 evidence.

5 Section 40. Evidence. Relating to a cause of action under  
6 this Act, the fact that a plaintiff or other witness has  
7 testified under oath or given evidence relating to an act that  
8 may be a violation of any provision of the Criminal Code of  
9 2012 shall not be construed to require the State's Attorney to  
10 criminally charge any person for the violation.

11 Section 45. Stay of proceedings. The State's Attorney of  
12 the county where the acts giving rise to the cause of action  
13 occurred may move for a stay of any proceeding brought under  
14 this Act, including all discovery, pending the completion of  
15 an investigation or prosecution of a criminal case related to  
16 the subject matter of a suit brought under this Act.

17 Section 97. Severability. The provisions of this Act are  
18 severable under Section 1.31 of the Statute on Statutes.