



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3848

Introduced 02/25/05, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

720 ILCS 5/47-5

Amends the Criminal Code of 1961. Provides that it is a public nuisance to operate a business that sells or delivers firearms without taking reasonable precautions to ensure that the firearms are not to be used or possessed illegally by the purchaser or transferee, or acquired by an individual without complying with procedures required by law for the sale or transfer of firearms. Provides that the precautions shall include, but are not limited to, the refusal to sell a firearm to a person: (i) the seller or deliverer knows or has reason to know is purchasing the firearm on behalf of another person who could not legally purchase the firearm, (ii) that has provided a home address in a municipality or county in which possession of that type of firearm is illegal, and (iii) the seller or deliverer otherwise knows or has reason to know will use the firearm illegally.

LRB094 09586 RXD 39839 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 1961 is amended by changing
5 Section 47-5 as follows:

6 (720 ILCS 5/47-5)

7 Sec. 47-5. Public nuisance. It is a public nuisance:

8 (1) To cause or allow the carcass of an animal or offal,
9 filth, or a noisome substance to be collected, deposited, or to
10 remain in any place to the prejudice of others.

11 (2) To throw or deposit offal or other offensive matter or
12 the carcass of a dead animal in a water course, lake, pond,
13 spring, well, or common sewer, street, or public highway.

14 (3) To corrupt or render unwholesome or impure the water of
15 a spring, river, stream, pond, or lake to the injury or
16 prejudice of others.

17 (4) To obstruct or impede, without legal authority, the
18 passage of a navigable river or waters.

19 (5) To obstruct or encroach upon public highways, private
20 ways, streets, alleys, commons, landing places, and ways to
21 burying places.

22 (6) To carry on the business of manufacturing gunpowder,
23 nitroglycerine, or other highly explosive substances, or
24 mixing or grinding the materials for those substances, in a
25 building within 20 rods of a valuable building erected at the
26 time the business is commenced.

27 (7) To establish powder magazines near incorporated towns,
28 at a point different from that appointed according to law by
29 the corporate authorities of the town, or within 50 rods of an
30 occupied dwelling house.

31 (8) To erect, continue, or use a building or other place
32 for the exercise of a trade, employment, or manufacture that,

1 by occasioning noxious exhalations, offensive smells, or
2 otherwise, is offensive or dangerous to the health of
3 individuals or of the public.

4 (9) To advertise wares or occupation by painting notices of
5 the wares or occupation on or affixing them to fences or other
6 private property, or on rocks or other natural objects, without
7 the consent of the owner, or if in the highway or other public
8 place, without permission of the proper authorities.

9 (10) To permit a well drilled for oil, gas, salt water
10 disposal, or any other purpose in connection with the
11 production of oil and gas to remain unplugged after the well is
12 no longer used for the purpose for which it was drilled.

13 (11) To construct or operate a salt water pit or oil field
14 refuse pit, commonly called a "burn out pit", so that salt
15 water, brine, or oil field refuse or other waste liquids may
16 escape from the pit in a manner except by the evaporation of
17 the salt water or brine or by the burning of the oil field
18 waste or refuse.

19 (12) To permit concrete bases, discarded machinery, and
20 materials to remain around an oil or gas well, or to fail to
21 fill holes, cellars, slush pits, and other excavations made in
22 connection with the well or to restore the surface of the lands
23 surrounding the well to its condition before the drilling of
24 the well, upon abandonment of the oil or gas well.

25 (13) To permit salt water, oil, gas, or other wastes from a
26 well drilled for oil, gas, or exploratory purposes to escape to
27 the surface, or into a mine or coal seam, or into an
28 underground fresh water supply, or from one underground stratum
29 to another.

30 (14) To harass, intimidate, or threaten a person who is
31 about to sell or lease or has sold or leased a residence or
32 other real property or is about to buy or lease or has bought
33 or leased a residence or other real property, when the
34 harassment, intimidation, or threat relates to a person's
35 attempt to sell, buy, or lease a residence, or other real
36 property, or refers to a person's sale, purchase, or lease of a

1 residence or other real property.

2 (15) To store, dump, or permit the accumulation of debris,
3 refuse, garbage, trash, tires, buckets, cans, wheelbarrows,
4 garbage cans, or other containers in a manner that may harbor
5 mosquitoes, flies, insects, rodents, nuisance birds, or other
6 animal pests that are offensive, injurious, or dangerous to the
7 health of individuals or the public.

8 (16) To create a condition, through the improper
9 maintenance of a swimming pool or wading pool, or by causing an
10 action that alters the condition of a natural body of water, so
11 that it harbors mosquitoes, flies, or other animal pests that
12 are offensive, injurious, or dangerous to the health of
13 individuals or the public.

14 (17) To operate a tanning facility without a valid permit
15 under the Tanning Facility Permit Act.

16 Nothing in this Section shall be construed to prevent the
17 corporate authorities of a city, village, or incorporated town,
18 or the county board of a county, from declaring what are
19 nuisances and abating them within their limits. Counties have
20 that authority only outside the corporate limits of a city,
21 village, or incorporated town.

22 (18) To operate a business that sells or delivers firearms
23 without taking reasonable precautions to ensure that the
24 firearms are not to be used or possessed illegally by the
25 purchaser or transferee, or acquired by an individual without
26 complying with procedures required by law for the sale or
27 transfer of firearms. These precautions shall include, but are
28 not limited to, the refusal to sell a firearm to a person: (i)
29 the seller or deliverer knows or has reason to know is
30 purchasing the firearm on behalf of another person who could
31 not legally purchase the firearm, (ii) that has provided a home
32 address in a municipality or county in which possession of that
33 type of firearm is illegal, and (iii) the seller or deliverer
34 otherwise knows or has reason to know will use the firearm
35 illegally.

36 (Source: P.A. 89-234, eff. 1-1-96.)