



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4217

by Rep. Luis Arroyo

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-11 new

Amends the Criminal Code of 1961. Provides that each county sheriff's office shall establish a Firearm Relinquishment Amnesty Program. Provides that a municipal police department 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 if the resident informs the local law enforcement agency at least 24 hours prior to the transfer of the firearm to the local law enforcement agency. Provides that failure to notify the local law enforcement agency at least 24 hours prior to the transfer of the firearm to the local law enforcement agency shall abrogate the resident's immunity from prosecution and permit the local law enforcement agency to question the resident about the possession of the firearm if the resident's possession of the firearm violates State law or a county or municipal ordinance. Provides that it is an affirmative defense to a violation of State law or a county or municipal ordinance that prohibits, regulates, or restricts the private ownership of firearms if the individual who is charged with the violation complied with the notification requirements of the Program. Preempts home rule. Provides that no reimbursement by the State is required for the implementation of any mandate created by these provisions. Effective July 1, 2008.

LRB095 14181 RLC 40048 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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) Each county sheriff's office shall establish a Firearm
9 Relinquishment Amnesty Program. A municipal police department
10 may establish a Firearm Relinquishment Amnesty Program. A
11 resident of the county or municipality where the law
12 enforcement agency that has established a Firearm
13 Relinquishment Amnesty Program is located may, without
14 identifying himself or herself and without being subject to
15 prosecution for a violation of State law or a county or
16 municipal ordinance relating to the illegal possession of that
17 firearm, transfer the firearm to that local law enforcement
18 agency if the resident complies with the provisions of this
19 Section. The resident shall inform the local law enforcement
20 agency at least 24 hours prior to the transfer of the firearm
21 to the local law enforcement agency. Failure to notify the
22 local law enforcement agency at least 24 hours prior to the
23 transfer of the firearm to the local law enforcement agency

1 shall abrogate the resident's immunity from prosecution and
2 permit the local law enforcement agency to question the
3 resident about the possession of the firearm if the resident's
4 possession of the firearm violates State law or a county or
5 municipal ordinance.

6 (b) It is an affirmative defense to a violation of State
7 law or a county or municipal ordinance that prohibits,
8 regulates, or restricts the private ownership of firearms if
9 the individual who is charged with the violation complied with
10 the notification requirements of subsection (a).

11 (c) A local law enforcement agency that has knowledge that
12 a resident who relinquishes a firearm in accordance with
13 subsection (a) of this Section is in violation of federal law
14 concerning the resident's possession of the firearm may not
15 inform a federal law enforcement agency or United States
16 Attorney's Office or United States Attorney General's Office of
17 such violation unless the failure to inform such agency or
18 Office would be a violation of federal law.

19 (d) A local law enforcement agency that has been
20 transferred firearms under this Section shall destroy such
21 firearms.

22 (e) A home rule unit may not exercise its home rule powers
23 and functions in a manner that is inconsistent with this
24 Section. This subsection (e) is a limitation under subsection
25 (i) of Section 6 of Article VII of the Illinois Constitution on
26 the concurrent exercise by home rule units of powers and

1 functions exercised by the State.

2 (f) Notwithstanding Sections 6 and 8 of the State Mandates
3 Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this Section.

5 Section 99. Effective date. This Act takes effect July 1,
6 2008.