



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2886

Introduced 2/18/2016, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

720 ILCS 5/Art. 24.9 heading new
720 ILCS 5/24.9-0.1 new
720 ILCS 5/24.9-1 new

Amends the Criminal Code of 2012. Adds an Imitation Firearms Article to the Code. Prohibits the sale of an imitation firearm in the State and of a BB device that is an airsoft gun that expels a projectile, such as a BB or pellet, that is 6mm or 8mm caliber which does not meet certain criteria. Provides that the criteria includes, if the airsoft gun is configured as a handgun, a blaze orange ring on the barrel required by federal law, a trigger guard that has fluorescent coloration over the entire guard, and a 2 centimeter wide adhesive band around the circumference of the protruding pistol grip that has fluorescent coloration. Adds certain additional criteria if the airsoft gun is configured as a rifle or long gun. Provides that a person who sells an imitation firearm in the State is guilty of a Class A misdemeanor. Provides that a person who sells a BB device that does not meet the criteria specified in the Imitation Firearms Article is guilty of a Class A misdemeanor. Provides exemptions. Defines "imitation firearm" as any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 2012 is amended by adding
5 Article 24.9 as follows:

6 (720 ILCS 5/Art. 24.9 heading new)

7 ARTICLE 24.9. IMITATION FIREARMS

8 (720 ILCS 5/24.9-0.1 new)

9 Sec. 24.9-0.1. Definition. As used in this Article,
10 "imitation firearm" means any BB device, toy gun, replica of a
11 firearm, or other device that is so substantially similar in
12 coloration and overall appearance to an existing firearm as to
13 lead a reasonable person to perceive that the device is a
14 firearm. "Imitation firearm" does not include any of the
15 following:

16 (1) a nonfiring collector's replica that is historically
17 significant, and is offered for sale in conjunction with a wall
18 plaque or presentation case;

19 (2) a spot marker gun which expels a projectile that is
20 greater than 10mm caliber;

21 (3) a BB device that expels a projectile, such as a BB or
22 pellet, that is other than 6mm or 8mm caliber;

1 (4) a BB device that is an airsoft gun that expels a
2 projectile, such as a BB or pellet, that is 6mm or 8mm caliber
3 which meets the following criteria:

4 (A) if the airsoft gun is configured as a handgun, in
5 addition to the blaze orange ring on the barrel required by
6 federal law, the airsoft gun has a trigger guard that has
7 fluorescent coloration over the entire guard, and there is
8 a 2 centimeter wide adhesive band around the circumference
9 of the protruding pistol grip that has fluorescent
10 coloration; or

11 (B) if the airsoft gun is configured as a rifle or long
12 gun, in addition to the blaze orange ring on the barrel
13 required by federal law, the airsoft gun has a trigger
14 guard that has fluorescent coloration over the entire
15 guard, and there is a 2 centimeter wide adhesive band with
16 fluorescent coloring around the circumference of any 2 of
17 the following:

18 (i) the protruding pistol grip;

19 (ii) the buttstock;

20 (iii) a protruding ammunition magazine or clip; or

21 (5) a device in which the entire exterior surface of the
22 device is white, bright red, bright orange, bright yellow,
23 bright green, bright blue, bright pink, or bright purple,
24 either singly or as the predominant color in combination with
25 other colors in any pattern, or the entire device is
26 constructed of transparent or translucent materials which

1 permits unmistakable observation of the device's complete
2 contents.

3 The adhesive bands described in paragraph (4) of this
4 Section shall be applied in a manner not intended for removal,
5 and shall be in place on the airsoft gun prior to sale to a
6 customer.

7 (720 ILCS 5/24.9-1 new)

8 Sec. 24.9-1. BB device that meets certain criteria; sale.

9 (a) An imitation firearm may not be sold in this State.

10 (b) A BB device that is an airsoft gun that expels a
11 projectile, such as a BB or pellet, that is 6mm or 8mm caliber
12 must meet the criteria specified in paragraph (4) of Section
13 24.9-0.1 of this Article before it may be sold to a customer in
14 this State.

15 (c) Sentence. A person who sells an imitation firearm in
16 this State is guilty of a Class A misdemeanor. A person who
17 sells a BB device that does not meet the criteria specified in
18 paragraph (4) of Section 24.9-0.1 of this Article is guilty of
19 a Class A misdemeanor.