

6/30/2010

Summary of Firearms Ordinance

A. Provisions Restricting the Sale and Possession of Firearms

1. Sales of Firearms

- Prohibits deadly weapons dealers and other persons from selling or otherwise transferring firearms, except through inheritance.
- Deadly weapons dealers could continue to sell ammunition, but not to minors, and not certain types of ammunition.
- The superintendent may authorize federally licensed firearms dealers to sell firearms and ammunition to police at police facilities.

2. Possession of handguns

- Generally prohibits the possession of a handgun by any person, except in the person's home. (Existing law states that the registration and possession of handguns not registered prior to 1982 generally are prohibited).
- Provides exceptions for peace officers, corrections personnel, military personnel, certain security personnel, and an exception for the lawful transportation of the handgun.

3. Possession of long guns

- Generally prohibits a person from possessing a long gun, except when in the person's home, or fixed place of business.
- Provides for the same exceptions as above for the possession of handguns, and an additional exception for hunters where hunting is lawful.

4. Possession of unregisterable firearms

- The possession of assault weapons and other firearms that are unregisterable is prohibited. (See below.)

5. Restrictions on the possession of firearms in the home

- Each person who keeps or possesses a firearm in his home must keep no more than one firearm in his home that is assembled and operable. All other firearms possessed in the home must be broken down in a nonfunctioning state or shall have trigger lock or other mechanism making the firearm temporarily inoperable.
- No person may keep or possess any firearm or ammunition in his home if the person knows or has reason to believe that a minor under 18 years old is likely to gain access to the firearm or ammunition, unless: (i) the person is physically present in the home and the firearm is either being held by the person or is physically secured on the person's body; (ii) the firearm is secured by a trigger lock or similar mechanism; or (iii) the firearm and ammunition are placed in a securely locked box or container. However, no person may be punished under this provision if the minor uses the firearm for self-defense, or gains access to the firearm through unlawful entry.

6. Possession of certain firearms-related items

- The possession or transfer of any laser sight accessory, or a firearm silencer or muffler is prohibited.

7. Vehicle towing and impoundment

- The registered owner of a vehicle that contains a firearm registered to a person who is not the driver or occupant of the vehicle, an unregistered firearm, a firearm that is not being lawfully transported, an unregisterable firearm, a laser sight accessory, or a firearm silencer or

muffler, shall be subject to an administrative penalty of \$1,000 plus any towing and storage fees.

8. Possession of ammunition

- The possession of ammunition by any person is prohibited unless the person has a valid owner's permit (CFP—see below) and registration certificate for a firearm of the same caliber as the ammunition possessed.
- Exceptions are provided for peace officers, security personnel, etc., and for deadly weapons dealers.

B. Provisions for Permits for Firearms Owners and the Registration of Firearms

1. Permit to carry or possess a firearm (CFP)

- Any person who carries or possesses a firearm must have a CFP issued by superintendent of police (exceptions for peace officers, corrections personnel, military personnel, certain security personnel, and an exception for the lawful transportation of the handgun).
- Qualifications for CFP:
 - must be 21 years of age, or 18-20 with parent's permission and no misdemeanor conviction;
 - must possess a valid Illinois FOID card;
 - must not have been convicted of (i) a violent crime, (ii) two or more offenses for driving under the influence of alcohol or other drugs; or (iii) an unlawful use of a weapon that is a firearm.
 - must have vision sufficient for a drivers' license;
 - must not be otherwise ineligible to possess a firearm under any law
 - must not have violated Municipal Code provisions prohibiting possession of a laser sight accessory, firearm silencer or muffler, or unlawful sales of firearms;
- A CFP card shall expire 3 years after the date of issuance; the fee shall be \$100.00 (waived for retired CPD officers).
- Applicant for a CFP must have completed a firearm safety and training course with at least one hour of range training and four hours of classroom instruction, and must submit to fingerprinting.
- Superintendent must process applications within 45 days (120 days for applications submitted within 180 days after passage of the ordinance), unless good cause is shown.

2. Firearm registration certificate

- A registration certificate is required to carry or possess each firearm (exceptions for peace officers, etc.)
- The certificate expires at the time of the CFP, but an annual registration report is required. Application fee is \$15.00 for each firearm registered.
- The superintendent shall issue no more than 1 registration certificate to a person for a handgun during any 30 day period; provided that if someone moves into the city, the superintendent may issue a registration certificate for each handgun lawfully owned by the person in the other jurisdiction.
- Unregisterable firearms:
 - a sawed-off shotgun, 50 caliber rifle, machine gun, or short-barreled rifle;
 - handguns defined as "unsafe" i.e. does not meet certain criteria, such as quality of manufacturing, size, etc., or otherwise inappropriate for lawful use;

- firearms that become unregisterable as to a person for violations of the Municipal Code;
- firearms defined as assault weapons, with certain exceptions.

3. Additional provisions

- Lost or stolen firearms must be reported immediately to the superintendent.
- Procedures are established for application denials, and revocations of CFP and registration certificates.
 - (a) Penalties include mandatory incarceration for certain violations, and fines of \$1,000.00-\$5,000.00, incarceration for not less than ten days nor more than 90 days, or both. Any subsequent convictions are punishable by a fine of \$5,000.00- \$10,000.00, and by incarceration for not less than 30 days, nor more than six months.

4. Misc. Provisions

- Establishes procedures for hearing for denials and revocations of a CPF and registration certificate.
- Superintendent will develop a roster of unsafe handguns that will be posted on the dept.'s web site. Handguns listed on the list of unsafe handguns are banned.
- Authorizes the seizure, forfeiture and destruction of weapons, firearms, laser sight accessories, and firearm silencers and mufflers kept in violation of the chapter.
- Rules and regulations pertaining to the chapter will be posted on the dept.'s web site.
- Prohibits shooting galleries and target ranges (other than for law enforcement) in the city.
- Establishes a range of penalties for violations of the chapter.
- Amends section 8-24-010 to permit the discharge of a firearm in the city only in the lawful self-defense or self defense of another.
- Cleans up and clarifies other language in chapter 8-24.

5. Establishes a Gun Offender Registry.

- Creates a new chapter entitled Gun Offender Registry.
 - Pursuant to the new chapter, any "gun offender" (a person who has been convicted of a gun offense) who resides in the city, or remains in the city to work or attend school, has to register with the superintendent.
- The superintendent will establish a gun offender registry which he will post on the police department's web site.