

**PROPOSED SUBSTITUTE TO FILE 16-1586**

**CRIMINAL JUSTICE COMMITTEE MARCH 2, 2016**

**SPONSORED BY GREGG GOSLIN, County Commissioner**

**PROPOSED ORDINANCE**

**Co-Sponsored By:**

**GREGG GOSLIN, RICHARD R. BOYKIN, SEAN M. MORRISON and PETER N. SILVESTRI,  
County Commissioners**

**REPLICA FIREARMS USED AS CELLPHONE HOLDERS ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 54, Article XII of the Cook County Code is hereby enacted as follows:

**ARTICLE XII. REPLICA FIREARMS USED AS CELLPHONE HOLDERS**

Sec. 54-420. Replica guns.

(a) Title. This division shall be known and may be cited as the "Replica Firearms Used As Cellphone Holders Ordinance" of Cook County, Illinois.

(b) Purpose and Policy. Like other major cities across America, the Cook County Government faces the ongoing challenge of combating the scourge of gun violence in our communities. Many imitation and replica firearms are manufactured in a manner that makes them nearly indistinguishable from working firearms; and imitation and replica firearms pose the greatest threat to mistakes in the use of force by police. Several foreign manufactured mobile phone cases which have the appearance of 9mm handguns have recently appeared for sale on several online retail outlets, and the one "Gun Grip Case" features the grip of an actual gun and trigger guard attached to the housing of a phone cover. When placed in a pocket, this product is indistinguishable from a working handgun. Law enforcement officials from New York, New Jersey and Michigan among others have advised people not to purchase or use this product. Numerous incidents have been reported by law enforcement officers across the country who have mistakenly identified imitation or replica firearms to be working handguns.

(c) It shall be unlawful for any person to purchase, possess, conceal, use, sell, give away or otherwise transfer, or to engage in the business of selling or to exhibit for sale, a replica firearm used as cellphone holders in Cook County, except as provided in subsection (e) of this section.

(d) Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

*Replica firearm used as cellphone holders* means any device, object or facsimile made of plastic, wood, metal or any other material, that a person could reasonably perceive as an actual firearm but that is incapable of being fired or discharged, including, but not limited to mobile phone cases, lighters, and cameras, except that the term shall not include any replica of an antique firearm. Each such replica firearm shall have as an

integral part, permanently affixed, a blaze orange plug inserted in the barrel of such replica firearm. Such plug shall be recessed no more than six millimeters from the muzzle end of the barrel of such firearm.

(e) Exceptions.

(1) The manufacture, marketing, distribution, sale and possession of replica firearms are permitted if the devices are manufactured, marketed, distributed, sold or held solely for subsequent transportation in intrastate, interstate or foreign commerce. Such devices shall not be displayed to the general public or sold for other use in the County.

(2) Toys.

(3) Additionally, Licensed Firearms Instructors, who have a current registration from the Illinois Department of Professional Regulation, are exempted if they are using replica firearms for education, instruction and training of safety and proper handling of firearms within a business or classroom setting.

(f) Violation. Any person who violates the provisions of this section, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$750.00 for each offense. All actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, Illinois Revised Statutes, Chapter 110, Section 1-101, et seq. (1985), as amended. Each purchase, use, sale, gift or transfer of any such replica firearm shall be deemed a separate and distinct offense, and each day a person unlawfully engages in the business of selling or exhibits for sale any such replica firearm ~~paint pellet or paint pellet gun~~, shall be deemed a separate and distinct offense.

**Effective date:** This ordinance shall be in effect immediately upon adoption.