

SECOND AMENDMENT TO FILE 15-5254

CRIMINAL JUSTICE COMMITTEE OCTOBER 6, 2015

PROPOSED ORDINANCE

Co-Sponsored By:

**RICHARD R. BOYKIN & COOK COUNTY COMMISSIONER PETER N. SILVESTRI,
COUNTY COMMISSIONERS**

REPLICA FIREARMS ~~AND PAINT PELLET GUN~~ 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 ~~AND PAINT PELLET GUNS~~

Sec. 54-420. Replica guns.

(a) Title. This division shall be known and may be cited as the “Replica Firearms ~~and Paint Pellet Gun~~ 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, ~~paint pellet or paint pellet gun~~ 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:

~~Paint pellet means a pellet or projectile of paint which explodes upon impact.~~

~~Paint pellet gun means any firearm, toy firearm or toy in the nature of a firearm which is powered by compressed gas and which fires paint pellets.~~

Replica firearm 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. 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 city. ~~The use or possession of a paint pellet or paint pellet gun is permitted if the use or possession is solely within premises licensed as a public place of amusement; or if the use or possession is solely for the purpose of transporting the paint pellet or paint pellet gun to or from those premises by the licensee or agent or employee of the licensee, or by a common carrier, for purposes of initial delivery, repair or disposal of the paint pellet or paint pellet gun.~~

(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. ~~Any such violation may also be punishable as a misdemeanor by incarceration in a penal institution other than a penitentiary for up to six three months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code as amended, and in the Illinois Code of Criminal Procedure, Illinois Revised Statutes, Chapter 38, Sections 100-1 et seq. (1985), as amended, in a separate proceeding.~~ 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, ~~paint pellet or paint pellet gun~~ 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.