



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details (With Text)

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| File #: | 16-4198 | Version: | 1 | Name: | REPORT OF LOST, STOLEN, DESTROYED OR TRANSFERRED FIREARMS |
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| File created: | 6/28/2016 | In control: | | | Law Enforcement Committee |
| On agenda: | 6/29/2016 | Final action: | | | 7/13/2016 |
| Title: | PROPOSED ORDINANCE AMENDMENT | | | | |

REPORT OF LOST, STOLEN, DESTROYED OR TRANSFERRED FIREARMS

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 58, Offenses And Miscellaneous Provisions, Article VII, Report Of Lost, Stolen, Destroyed Or Transferred Firearms, various sections within this section of the Cook County Code is hereby amended as Follows:

Sec. 58-185. - Short title.

This article shall be known as the "Report of Lost, Stolen, Destroyed or Transferred Firearms Ordinance of Cook County, Illinois."

Sec. 58-186. - Purpose.

Requiring persons who own or possess firearms within Cook County to promptly report to the Cook County Sheriff the loss, theft, destruction or transfer of firearms will enable Cook County law enforcement agencies or the Sheriff's Office to timely investigate the loss or theft, protect the public and help improve the public health and safety of all persons in Cook County.

Permits a persons who reports to the Cook County Sheriff the loss, theft, destruction or transfer of firearms to submit a copy of that report to the Cook County Recorder of Deeds Office to maintain a permanent record of the loss, stolen, destroyed or transferred firearm.

Sec. 58-187. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County means the County of Cook.

Firearm means any pistol, revolver, rifle, shotgun, machine gun, handgun, assault weapon or other device that fits within the definition of "firearm" contained in the Illinois Firearm Owners Identification Card Act (430 ILCS 65/1.1 et seq.) or any successor statute.

Local law enforcement agency means any political subdivision of the State or an agency of a political subdivision that exists primarily to deter and detect crime and enforce criminal laws, statutes and ordinances.

Recorder means the Cook County Recorder of Deeds Office.

Sheriff means the Sheriff's Office of Cook County, Illinois.

Sec. 58-188. - Applicability.

This article shall apply to

(a) Any person residing in Cook County who owns or possesses a firearm; and

(b) Any person who owns or possesses a firearm and resides outside of Cook County who loses, destroys, transfers or suffers a theft of the firearm in Cook County.

(c) This article shall control the reporting of lost, stolen, destroyed or transferred firearms except in home rule municipalities which have a separate municipal ordinance requiring the reporting of transferred, lost, stolen or destroyed firearms provided that such municipalities share such reporting data with the Cook County Sheriff pursuant to an intergovernmental agreement.

Sec. 58-189. - Report of lost, stolen, or destroyed firearms.

(a) Any person residing in Cook County who owns or possesses a firearm that is lost, stolen, destroyed, or is otherwise missing, in addition to any other requirements of this Code, shall notify the Cook County Sheriff's Office in a manner prescribed by the Cook County Sheriff that his or her firearm has been lost, stolen, destroyed, or is otherwise missing within 48 hours of the time he or she knows, or should have known, that his or her firearm has been lost, stolen, destroyed, or is otherwise missing, regardless of the location of where the firearm was lost, stolen, destroyed, or is otherwise missing.

(b) Any person residing in Cook County who owns or possesses a firearm that is lost, stolen, destroyed, or is otherwise missing, in addition to any other requirements of this Code, may notify the Recorder's Office by filing a copy of the report given by a law enforcement agency that his or her firearm has been lost, stolen, destroyed, or is otherwise missing.

(b) (c) Any person residing outside Cook County who owns or possesses a firearm that is lost, stolen, destroyed, or is otherwise missing, in addition to any other requirements of this Code, shall notify the Cook County Sheriff's Office in a manner prescribed by the Cook County Sheriff that his or her firearm has been lost, stolen, destroyed, or is otherwise missing within 48 hours of the time he or she knows, or should have known, that the firearm has been lost, stolen, destroyed, or is otherwise missing, if the firearm was lost, stolen, destroyed, or is otherwise missing in Cook County.

(c) (d)

A person reporting a firearm lost, stolen, destroyed, or otherwise missing shall provide the following information:

(1) Owner name;

(2) Owner address;

(3) Owner Firearm Owner's Identification Card number;

(4) Date of acquisition;

(5) Place of acquisition;

(6) Means of acquisition;

(7) Firearm type;

(8) Firearm serial number; and

(9) Date when firearm was lost, stolen, destroyed, or otherwise missing.

Sec. 58-190. - Report of transferred firearms.

(a) Any person residing in Cook County who owns or possesses a firearm, in addition to any other requirements of this Code, shall report the sale, transfer, inheritance, or other disposition of the firearm to the Cook County Sheriff's Office in a manner prescribed by the Cook County Sheriff within

48 hours of the time when the firearm has been sold, transferred, inherited, or otherwise disposed of, regardless of the location where the sale, transfer, inheritance or other disposition of the firearm has occurred.

(b) Any person residing in Cook County who owns or possesses a firearm may report the sale, transfer, inheritance, or other disposition of the firearm to the Recorder's Office by filing a copy of the documentation recording the sale, transfer, inheritance or other disposition.

(b) (c) Any person residing outside of Cook County who owns or possesses a firearm, in addition to any other requirements of this Code, shall report the sale, transfer, inheritance, or other disposition of the firearm to the Cook County Sheriff's Office in a manner prescribed by the Cook County Sheriff within 48 hours of the time when the firearm has been sold, transferred, inherited, or otherwise disposed of, when the sale, transfer, inheritance, or other disposition of the firearm occurs within Cook County.

(c) (d) A person reporting the sale, transfer, inheritance, or other disposition of a firearm shall provide the following information:

- (1) Owner name;
- (2) Owner address;
- (3) Owner Firearm Owner's Identification Card number;
- (4) Date of acquisition;
- (5) Place of acquisition;
- (6) Means of acquisition;
- (7) Firearm type;
- (8) Firearm serial number;
- (9) Date of sale, transfer, inheritance or other disposition; and
- (10) The name, address, and Firearm Owner's Identification Card number of the transferee.

Sec. 58-191. - Exempt from reporting requirements.

The reporting provisions in Section 58-189 and Section 58-190 do not apply to the following persons:

- (a) Sworn law enforcement officials while engaged in their official duties; and
- (b) Members of the Armed Forces of the United States or the National Guard while engaged in their official duties.

Sec. 58-192. - Violations; penalties.

(a) Any person violating or failing to truthfully comply with any of the reporting provisions in Section 58-189 or Section 58-190 of this article as required by the Cook County Sheriff's Office shall be issued a notice of violation and shall be subject to a mandatory fine of \$1,000.00 for the first violation; \$1,500.00 for the second violation and \$2,000.00 for each subsequent violation in addition to any other fines or penalties applicable from any Federal, State or local laws or ordinances.

(b) If any fine is imposed pursuant to this section, such fine shall constitute a debt due and owing to the County. If the fine is not paid within 30 days after the expiration of the time within which

judicial or administrative review of the adverse determination may be sought, or within 30 days after an action seeking review has been resolved in favor of the County, the Sheriff, Director of the Department of Revenue or the State's Attorney may seek to obtain judgment on the debt and enforce such judgment against the person fined.

Sec. 58-193. - Enforcement; rules and regulations.

(a) The Sheriff is authorized to enforce the required provisions of this article.

(b) The Sheriff is authorized to adopt, promulgate and enforce rules and regulations for the implementation of this article and to prescribe all forms and the information required thereon that is not otherwise required in this article.

(c) The Sheriff shall receive, collect and file the reports of the transfer, loss, destruction or theft of firearms and cooperate or make available to law enforcement agencies the reports, for the purpose of investigative efforts.

(d) The Sheriff shall determine whether a person to whom a firearm is transferred has a valid Firearm Owner's Identification Card issued by the Illinois State Police. If the Sheriff determines the transferee does not possess a valid Firearm Owner's Identification Card or the transferee's Firearm Owner's Identification Card has been revoked, the Sheriff shall have the authority to recover the Firearm Owner's Identification Card and any and all firearms under the custody and control of the transferee.

(e) The Sheriff is authorized to cooperate with the state, municipalities, other County agencies and other law enforcement entities to facilitate the implementation of this article.

(f) The Recorder is authorized to adopt, promulgate and enforce rules and regulations for the implementation of this article and to develop a mechanism for ensuring the privacy of this information.

(g) The Recorder is authorized to disseminate this information only to law enforcement agencies as part of a criminal investigation.

Sec. 58-194. - Administrative adjudication.

Any person issued a notice of violation pursuant to this article may request an administrative hearing in accordance with Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

Sec. 58-195. - Severability.

If any section, subsection, paragraph, sentence or clause of this article or the application thereof to any person is for any reason deemed to be invalid or unconstitutional, such decision shall not affect, impair or invalidate any remaining section, subsection, paragraph, sentence or clause hereof or the application of this article to any other person.

Secs. 58-196-58-199. - Reserved.

Effective date: This ordinance shall be in effect January 1, 2017

Sponsors: STANLEY MOORE

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|------------------------|--------|
| 7/13/2016 | 1 | Board of Commissioners | approve | Pass |
| 7/13/2016 | 1 | Law Enforcement Committee | recommend for approval | Pass |

6/29/2016

1

Board of Commissioners

refer

Pass

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municipalities which have a separate municipal ordinance requiring the reporting of transferred, lost, stolen or destroyed firearms provided that such municipalities share such reporting data with the Cook County Sheriff pursuant to an intergovernmental agreement.

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Effective date: This ordinance shall be in effect January 1, 2017