



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details (With Text)

File #:	21-6225	Version:	1	Name:	DESIGNATING FIREARM AND AMMUNITION TAX REVENUES FOR GUN VIOLENCE PREVENTION
Type:	Ordinance Amendment	Status:			Approved
File created:	11/1/2021	In control:			Board of Commissioners
On agenda:	11/4/2021	Final action:			11/4/2021
Title:	PROPOSED ORDINANCE AMENDMENT				

DESIGNATING FIREARM AND AMMUNITION TAX REVENUES FOR GUN VIOLENCE PREVENTION

WHEREAS, the County of Cook is a home-rule unit of local government, pursuant to Article VII, Section 6(a) of the Illinois Constitution; and

WHEREAS, as a home-rule county, the County of Cook is authorized to impose and collect a tax on the sale of firearms and firearm ammunition within the County of Cook ("County"); and

WHEREAS, on November 9, 2012, the County passed a tax on firearms and thereafter amended the tax in 2015 to include taxing firearm ammunition; and

WHEREAS, the County pursuant to its home rule powers implemented the tax on firearms and firearm ammunition to curb the cost of gun violence in the County; and

WHEREAS, gun violence continues to plague the County and the City of Chicago, the County's largest and most populous municipality, released information on October 25, 2021 indicating the year-to-date number of gunshot victims has increased 10% compared to the same time period in 2020 and 70% compared to the same time period in 2019; and

WHEREAS, in 2020, Cook County Health ("CCH") treated more than 1100 patients with gunshot wounds, spending approximately \$30 to \$40 million annually to treat gunshot wound patients; and

WHEREAS, in 2020, the number of gunshot wound victims that CCH treated increased by 40% from 2019; and

WHEREAS, the County's Medical Examiner has indicated that there were 882 gun homicides identified in 2020 and their records reflect 9% more shootings to date than in 2020; and

WHEREAS, the purchase, presence, flow, and use of firearms and ammunition in the County exposes the general public to significant injury and harm, and detracts from the public health, safety, and welfare; and

WHEREAS, the Justice Advisory Council ("JAC") currently has over 100 grants with a total investment of over \$23 million in the interrelated areas of recidivism reduction, restorative justice and violence prevention; and

WHEREAS, approximately \$10 million of the funding in JAC is designated in violence prevention grants; and

WHEREAS, the rise in gun violence requires an ongoing focus on gun violence prevention; and

WHEREAS, the revenue collected from the firearm and firearm ammunition tax shall be placed in the County's special purpose fund for equity and inclusion ("Equity Fund") and used explicitly for gun

violence prevention programs and programs aimed at reducing gun violence which may include, but not be limited to, helping justice-involved youth and young adults develop non-violent responses to conflict, address wellness and trauma and build productive skills; and

WHEREAS, the JAC will be authorized to use the revenues collected from the firearm and firearm ammunition tax and appropriated in the Equity Fund for gun violence prevention programs and programs aimed at reducing gun violence; and

NOW THEREFORE BE IT ORDAINED, that Chapter 74., TAXATION, ARTICLE XX. FIREARM AND FIREARM AMMUNITION TAX, Sec. 74-677. Dedication of funds shall be amended as follows:

Sec. 74-665. Short title.

This Article shall be known and may be cited as the "Cook County Firearm and Firearm Ammunition Tax Ordinance."

Sec. 74-666. Definitions.

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

Firearm shall have the same meaning as set forth in the Illinois Firearm Owners Identification Act, 430 ILCS 65/1.1, or any successor statute.

Firearm ammunition shall have the same meaning as set forth in the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1.1, or any successor statute.

Centerfire ammunition means firearm ammunition that is characterized by a primer in the center of the base of the cartridge.

Department means the Department of Revenue in the Bureau of Finance of Cook County.

Director means the Director of the Department of Revenue.

Person means any means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

Purchaser means any person who purchases a firearm or firearm ammunition in a retail purchase in the county.

Retail dealer means any person who engages in the business of selling firearms or firearm ammunition on a retail level in the county or to a person in the county.

Retail purchase means any transaction in which a person in the county acquires ownership by tendering consideration on a retail level.

Rimfire ammunition means firearm ammunition that is characterized by a primer that completely encircles the rim of the cartridge.

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

Sec. 74-667. Registration.

Any retail dealer as defined in this article shall register with the Department in the form and manner as prescribed by the Department. Policies, rules and procedures for the registration process and forms shall be prescribed by the Department.

Sec. 74-668. Tax imposed, rates.

(a) Firearm Tax Rate. A tax is hereby imposed on the retail purchase of a firearm as defined in this Article in the amount of \$25.00 for each firearm purchased.

(b) Firearm Ammunition Tax Rate. Effective June 1, 2016, a tax is hereby imposed on the retail purchase of firearm ammunition as defined in this article at the following rates:

(1) Centerfire ammunition shall be taxed at a rate of \$0.05 per cartridge.

(2) Rimfire ammunition shall be taxed at a rate of \$0.01 per cartridge.

(c) Tax Included in Sales Price. It shall be deemed a violation of this Article for a retail dealer to fail to include the tax imposed in this Article in the sale price of firearms and/or firearm ammunition to otherwise absorb such tax. The tax levied in this article shall be imposed in addition to all other taxes imposed by the County of Cook, the State of Illinois, or any municipal corporation or political subdivision of any of the foregoing.

Sec. 74-669. Tax-exempt purchases and refunds.

(a) Notwithstanding any other provision of this article, in accordance with rules that shall be promulgated by the department in regards to tax exempt purchases, retail dealers shall not collect the firearm and/or firearm ammunition tax when the firearm and/or firearm ammunition is being sold to the following:

(1) An office, division, or agency of the United States, the State of Illinois, or any municipal corporation or political subdivision, including the Armed Forces of the United States or National Guard.

(2) A bona fide veterans organization which receive firearms and/or firearm ammunition directly from the Armed Forces of the United States and uses said firearms and/or firearm ammunition strictly and solely for ceremonial purposes with blank ammunition.

(3) Any active sworn law enforcement officer purchasing a firearm and/or firearm ammunition for official or training related purposes presenting an official law enforcement identification card at the time of purchase.

(b) In accordance with rules to be promulgated by the department, an active member of the Armed Forces of the United States, National Guard or deputized law enforcement officer may apply for a refund from the department for the tax paid on a firearm and/or firearm ammunition that was purchased for official use or training related purposes.

(c) Notwithstanding any other provision in this Article, in accordance with rules that shall be promulgated by the department in regards to tax-exempt purchases, retail dealers shall not collect firearm ammunition tax on blank ammunition.

Sec. 74-670. Collection and remittance.

(a) Tax Collection. Any retail dealer shall collect the taxes imposed by this Article from any purchaser to whom the sale of said firearms and/or firearm ammunition is made within the County of Cook and shall remit to the Department the tax levied by this Article.

(b) Tax Remittance. It shall be the duty of every retail dealer to remit the tax due on the sales of firearms and/or firearm ammunition purchased in Cook County, on forms prescribed by the Department, on or before the 20th day of the month following the month in which the firearm and/or firearm ammunition sale occurred on a form and in the manner required by the department.

(c) If for any reason a retailer dealer fails to collect the tax imposed by this article from the purchaser, the purchaser shall file a return and pay the tax directly to the department, on or before the date required by Subsection (b) of this Section.

Sec. 74-671. Violations and penalties.

- (a) It shall be a violation of this Article for any retail dealer to sell firearms and/or firearm ammunition without collecting and remitting the tax imposed in this Article.
- (b) It shall be a violation of this Article for any retail dealer fail to keep books and records as required in this Article.
- (c) It shall be a violation of this Article for any purchaser to fail to remit the tax imposed in this Article when not collected by the retail dealer.
- (d) Any person determined to have violated this Article, shall be subject to a fine in the amount of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. Separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof. It shall be deemed a violation of this Article for any person to knowingly furnish false or inaccurate information to the Department.

Sec. 74-672. Required books and records.

Every person who is subject to this tax shall keep and maintain accurate and complete documents, books, and records of each transaction or activity subject to or exempted by this Ordinance, from start to complete, including all original source documents. All such books and records shall be kept as provided in Chapter 34, Article III, of the Uniform Penalties, Interest, and Procedures Ordinance, and shall, at all reasonable times during normal business hours, be open to inspection, audit, or copying by the department and its agents.

Sec. 74-673. Inspection; audits.

Books and records kept in compliance with this Article shall be made available to the Department upon request for inspection, audit and/or copying during regular business hours. Representatives of the Department shall be permitted to inspect or audit firearm and/or firearm ammunition inventory in or upon any premises. It shall be unlawful for any person to prevent, or hinder a duly authorized Department representative from performing the enforcement duties provided in this Article.

Sec. 74-674. Application of uniform penalties, interest, and procedures ordinance.

Whenever not inconsistent with the provisions of this Article, or whenever this Article is silent, the provisions of the Uniform Penalties, Interest, and Procedures Ordinance, Chapter 34, Article III, of the Cook County Code of Ordinances, shall apply to and supplement this Article.

Sec. 74-675. Rulemaking; policies, procedures, rules, forms.

The department may promulgate policies, procedures, rules, definitions and forms to carry out the duties imposed by this Article as well as pertaining to the administration and enforcement of this Article.

Sec. 74-676. Enforcement, department and sheriff.

The department is authorized to enforce this Article, and the Sheriff is authorized to assist the department in said enforcement.

Sec. 74-677. Dedication of funds.

The revenue generated as the result of the collection and remittance of the tax on firearm ammunition set forth herein shall be directed to the Public Safety Fund to fund operations related to public safety. Effective November 4, 2021 revenue generated as the result of the collection and remittance of the

firearm tax and the firearm ammunition tax set forth herein shall be directed to the Special Purpose Equity Fund to fund gun violence prevention programs as well as operations and programs aimed at reducing gun violence as determined by the Justice Advisory Council.

Secs. 74-678-74-799. Reserved.

Effective Date. Effectively immediately upon passage.

Sponsors: TONI PRECKWINKLE (President), LARRY SUFFREDIN, SCOTT R. BRITTON, BILL LOWRY, FRANK J. AGUILAR, ALMA E. ANAYA, LUIS ARROYO JR, JOHN P. DALEY, DENNIS DEER, BRIDGET DEGNEN, BRANDON JOHNSON, DONNA MILLER, STANLEY MOORE, KEVIN B. MORRISON, DEBORAH SIMS

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/4/2021	1	Board of Commissioners	suspend the rules	Pass
11/4/2021	1	Board of Commissioners	approve	Pass

PROPOSED ORDINANCE AMENDMENT

DESIGNATING FIREARM AND AMMUNITION TAX REVENUES FOR GUN VIOLENCE PREVENTION

WHEREAS, the County of Cook is a home-rule unit of local government, pursuant to Article VII, Section 6(a) of the Illinois Constitution; and

WHEREAS, as a home-rule county, the County of Cook is authorized to impose and collect a tax on the sale of firearms and firearm ammunition within the County of Cook (“County”); and

WHEREAS, on November 9, 2012, the County passed a tax on firearms and thereafter amended the tax in 2015 to include taxing firearm ammunition; and

WHEREAS, the County pursuant to its home rule powers implemented the tax on firearms and firearm ammunition to curb the cost of gun violence in the County; and

WHEREAS, gun violence continues to plague the County and the City of Chicago, the County’s largest and most populous municipality, released information on October 25, 2021 indicating the year-to-date number of gunshot victims has increased 10% compared to the same time period in 2020 and 70% compared to the same time period in 2019; and

WHEREAS, in 2020, Cook County Health (“CCH”) treated more than 1100 patients with gunshot wounds, spending approximately \$30 to \$40 million annually to treat gunshot wound patients; and

WHEREAS, in 2020, the number of gunshot wound victims that CCH treated increased by 40% from 2019; and

WHEREAS, the County’s Medical Examiner has indicated that there were 882 gun homicides identified in 2020 and their records reflect 9% more shootings to date than in 2020; and

WHEREAS, the purchase, presence, flow, and use of firearms and ammunition in the County exposes the general public to significant injury and harm, and detracts from the public health, safety, and welfare; and

WHEREAS, the Justice Advisory Council (“JAC”) currently has over 100 grants with a total investment of over \$23 million in the interrelated areas of recidivism reduction, restorative justice and violence prevention; and

WHEREAS, approximately \$10 million of the funding in JAC is designated in violence prevention grants; and

WHEREAS, the rise in gun violence requires an ongoing focus on gun violence prevention; and

WHEREAS, the revenue collected from the firearm and firearm ammunition tax shall be placed in the County's special purpose fund for equity and inclusion ("Equity Fund") and used explicitly for gun violence prevention programs and programs aimed at reducing gun violence which may include, but not be limited to, helping justice-involved youth and young adults develop non-violent responses to conflict, address wellness and trauma and build productive skills; and

WHEREAS, the JAC will be authorized to use the revenues collected from the firearm and firearm ammunition tax and appropriated in the Equity Fund for gun violence prevention programs and programs aimed at reducing gun violence; and

NOW THEREFORE BE IT ORDAINED, that Chapter 74., TAXATION, ARTICLE XX. FIREARM AND FIREARM AMMUNITION TAX, Sec. 74-677. Dedication of funds shall be amended as follows:

Sec. 74-665. Short title.

This Article shall be known and may be cited as the "Cook County Firearm and Firearm Ammunition Tax Ordinance."

Sec. 74-666. Definitions.

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

Firearm shall have the same meaning as set forth in the Illinois Firearm Owners Identification Act, 430 ILCS 65/1.1, or any successor statute.

Firearm ammunition shall have the same meaning as set forth in the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1.1, or any successor statute.

Centerfire ammunition means firearm ammunition that is characterized by a primer in the center of the base of the cartridge.

Department means the Department of Revenue in the Bureau of Finance of Cook County.

Director means the Director of the Department of Revenue.

Person means any means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

Purchaser means any person who purchases a firearm or firearm ammunition in a retail purchase in the county.

Retail dealer means any person who engages in the business of selling firearms or firearm ammunition on a retail level in the county or to a person in the county.

Retail purchase means any transaction in which a person in the county acquires ownership by tendering consideration on a retail level.

Rimfire ammunition means firearm ammunition that is characterized by a primer that completely encircles the rim of the cartridge.

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

Sec. 74-667. Registration.

Any retail dealer as defined in this article shall register with the Department in the form and manner as prescribed by the Department. Policies, rules and procedures for the registration process and forms shall be prescribed by the Department.

Sec. 74-668. Tax imposed, rates.

- (a) Firearm Tax Rate. A tax is hereby imposed on the retail purchase of a firearm as defined in this Article in the amount of \$25.00 for each firearm purchased.
- (b) Firearm Ammunition Tax Rate. Effective June 1, 2016, a tax is hereby imposed on the retail purchase of firearm ammunition as defined in this article at the following rates:
 - (1) Centerfire ammunition shall be taxed at a rate of \$0.05 per cartridge.
 - (2) Rimfire ammunition shall be taxed at a rate of \$0.01 per cartridge.
- (c) Tax Included in Sales Price. It shall be deemed a violation of this Article for a retail dealer to fail to include the tax imposed in this Article in the sale price of firearms and/or firearm ammunition to otherwise absorb such tax. The tax levied in this article shall be imposed in addition to all other taxes imposed by the County of Cook, the State of Illinois, or any municipal corporation or political subdivision of any of the foregoing.

Sec. 74-669. Tax-exempt purchases and refunds.

- (a) Notwithstanding any other provision of this article, in accordance with rules that shall be promulgated by the department in regards to tax exempt purchases, retail dealers shall not collect the firearm and/or firearm ammunition tax when the firearm and/or firearm ammunition is being sold to the following:
 - (1) An office, division, or agency of the United States, the State of Illinois, or any municipal corporation or political subdivision, including the Armed Forces of the United States or National Guard.
 - (2) A bona fide veterans organization which receive firearms and/or firearm ammunition directly from the Armed Forces of the United States and uses said firearms and/or firearm ammunition strictly and solely for ceremonial purposes with blank ammunition.
 - (3) Any active sworn law enforcement officer purchasing a firearm and/or firearm ammunition for official or training related purposes presenting an official law enforcement identification card at the time of purchase.
- (b) In accordance with rules to be promulgated by the department, an active member of the Armed Forces of the United States, National Guard or deputized law enforcement officer may apply for a refund from the department for the tax paid on a firearm and/or firearm ammunition that was purchased for official use or training related purposes.
- (c) Notwithstanding any other provision in this Article, in accordance with rules that shall be promulgated by the department in regards to tax-exempt purchases, retail dealers shall not collect firearm ammunition tax on blank ammunition.

Sec. 74-670. Collection and remittance.

- (a) Tax Collection. Any retail dealer shall collect the taxes imposed by this Article from any purchaser to whom the sale of said firearms and/or firearm ammunition is made within the County of Cook and shall remit to the Department the tax levied by this Article.

- (b) Tax Remittance. It shall be the duty of every retail dealer to remit the tax due on the sales of firearms and/or firearm ammunition purchased in Cook County, on forms prescribed by the Department, on or before the 20th day of the month following the month in which the firearm and/or firearm ammunition sale occurred on a form and in the manner required by the department.
- (c) If for any reason a retailer dealer fails to collect the tax imposed by this article from the purchaser, the purchaser shall file a return and pay the tax directly to the department, on or before the date required by Subsection (b) of this Section.

Sec. 74-671. Violations and penalties.

- (a) It shall be a violation of this Article for any retail dealer to sell firearms and/or firearm ammunition without collecting and remitting the tax imposed in this Article.
- (b) It shall be a violation of this Article for any retail dealer fail to keep books and records as required in this Article.
- (c) It shall be a violation of this Article for any purchaser to fail to remit the tax imposed in this Article when not collected by the retail dealer.
- (d) Any person determined to have violated this Article, shall be subject to a fine in the amount of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. Separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof. It shall be deemed a violation of this Article for any person to knowingly furnish false or inaccurate information to the Department.

Sec. 74-672. Required books and records.

Every person who is subject to this tax shall keep and maintain accurate and complete documents, books, and records of each transaction or activity subject to or exempted by this Ordinance, from start to complete, including all original source documents. All such books and records shall be kept as provided in Chapter 34, Article III, of the Uniform Penalties, Interest, and Procedures Ordinance, and shall, at all reasonable times during normal business hours, be open to inspection, audit, or copying by the department and its agents.

Sec. 74-673. Inspection; audits.

Books and records kept in compliance with this Article shall be made available to the Department upon request for inspection, audit and/or copying during regular business hours. Representatives of the Department shall be permitted to inspect or audit firearm and/or firearm ammunition inventory in or upon any premises. It shall be unlawful for any person to prevent, or hinder a duly authorized Department representative from performing the enforcement duties provided in this Article.

Sec. 74-674. Application of uniform penalties, interest, and procedures ordinance.

Whenever not inconsistent with the provisions of this Article, or whenever this Article is silent, the provisions of the Uniform Penalties, Interest, and Procedures Ordinance, Chapter 34, Article III, of the Cook County Code of Ordinances, shall apply to and supplement this Article.

Sec. 74-675. Rulemaking; policies, procedures, rules, forms.

The department may promulgate policies, procedures, rules, definitions and forms to carry out the duties imposed by this Article as well as pertaining to the administration and enforcement of this Article.

Sec. 74-676. Enforcement, department and sheriff.

The department is authorized to enforce this Article, and the Sheriff is authorized to assist the department in said enforcement.

Sec. 74-677. Dedication of funds.

The revenue generated as the result of the collection and remittance of the tax on firearm ammunition set forth herein shall be directed to the Public Safety Fund to fund operations related to public safety. Effective November 4, 2021 revenue generated as the result of the collection and remittance of the firearm tax and the firearm ammunition tax set forth herein shall be directed to the Special Purpose Equity Fund to fund gun violence prevention programs as well as operations and programs aimed at reducing gun violence as determined by the Justice Advisory Council.

Secs. 74-678-74-799. Reserved.

Effective Date. Effectively immediately upon passage.