

**SECOND NEW ITEMS AGENDA**

**Meeting of the Cook County Board of Commissioners  
County Board Room, County Building  
Wednesday, January 16, 2013 11:00 A.M.  
Issued: Monday, January 16, 2013  
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**PRESIDENT**

**PROPOSED ORDINANCE**

**NEW ITEM #2**

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President, and JESUS G. GARCIA, JOHN P. DALEY, EDWIN REYES, and LARRY SUFFREDIN, County Commissioners

**REPORT OF LOST, STOLEN, DESTROYED OR TRANSFERRED FIREARMS ORDINANCE**

**WHEREAS**, the State of Illinois has already enacted several laws to regulate the possession of firearms, but the State does not require all firearm owners to report to the local authorities when firearms are lost, stolen, destroyed or transferred; and

**WHEREAS**, a report by Mayors Against Illegal Guns, a coalition of over 300 mayors that targets illegal guns nationwide, indicates that lost and stolen firearm reporting laws “can help law enforcement more easily identify and prosecute gun traffickers”; and

**WHEREAS**, a report by the International Association of Chiefs of Police, recommends that state and local governments mandate reporting of lost and stolen firearms in order to enhance law enforcement entities’ ability to recover those guns and reduce gun violence; and

**WHEREAS**, laws requiring the reporting of lost, stolen, destroyed or transferred firearms provide a tool for law enforcement to detect the behavior of criminals and gun traffickers who transfer or falsely claim that their guns have been lost or stolen and used by others to commit crimes; and

**WHEREAS**, it is within Cook County’s home rule authority to require persons who own or possess firearms within Cook County to report the loss, theft, destruction or transfer of the firearm in order to provide for the public health, safety and welfare of persons in Cook County; and

**WHEREAS**, Cook County and the State of Illinois should pass legislation mandating the reporting of lost, stolen, destroyed or transferred firearms to County and other local law enforcement entities.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 58, Offenses and Miscellaneous Provisions, Article VII., Report of Lost or Stolen Firearms, Section 58-185 through Section 58-195, of the Cook County Code is hereby enacted 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.

**PRESIDENT (continued)**

**NEW ITEM #2 cont'd**

**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.

**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.

*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.

**Sec. 58-189. – Report of Transferred, Destroyed, Lost or Stolen Firearms.**

(a) Any person residing in Cook County who owns or possesses a firearm shall report the transfer, destruction, loss or theft of the firearm to the Cook County Sheriff's Office on a form prescribed by the Cook County Sheriff within 48 hours of the time he or she knew or should have known that the firearm was transferred, lost or stolen, regardless of the location of where the firearm was transferred, destroyed, lost or stolen.

(b) Any person residing outside Cook County who owns or possesses a firearm shall report the transfer, destruction, loss or theft of the firearm to the Cook County Sheriff's Office on a form prescribed by the Cook County Sheriff within 48 hours of the time he or she knew or should have known that the firearm was transferred, destroyed, lost or stolen in Cook County.

**PRESIDENT (continued)**

**NEW ITEM #2 cont'd**

(c) A person reporting transfer, destruction, loss or theft of a firearm shall report the following information:

- (1) Owner Name;
- (2) Owner Address;
- (3) Owner Firearm Owner's Identification Card number;
- (4) Date of Purchase;
- (5) Place of Purchase;
- (6) Firearm Type;
- (7) Firearm Serial Number;
- (8) Date of Transfer, loss, theft or destruction;
- (9) If transferred, the name and address of the transferee; and
- (10) Transferee Firearm Owner's Identification Card number.

**Sec. 58-190. – Exempt from Reporting Requirements.** The reporting provisions in Sec. 58-189 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. 58-191. – Violations; Penalties.**

(a) Any person violating or failing to truthfully comply with sections 58-189 (a), 58-189 (b) or 58-189 (c) of this article 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 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. 58-192. – Enforcement; Rules and Regulations.**

- (a) The Sheriff is authorized to enforce the 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.

**PRESIDENT (continued)**

**NEW ITEM #2 cont'd**

(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, other County agencies and other law enforcement entities to facilitate the implementation of this article.

**Sec. 58-193. –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. 58-194. – 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.

**Sec. 58-195. - Effective date.**

This ordinance from which this article is derived shall take effect six months after its passage and publication.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that the County Clerk publishes a copy of this ordinance within 30 days after adoption in one or more daily newspapers published in Cook County; and

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that the County Clerk submits a copy of this ordinance within 30 days after adoption to the Department of State Police.