



Office of the City Clerk

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Legislation Details (With Text)

File #:	O2015-6204	Status:	Passed
Type:	Ordinance	In control:	City Council
File created:	7/29/2015	Final action:	7/29/2015
Title:	Amendment of Municipal Code Section 4-144-190 regarding replica firearms and pellet guns		
Sponsors:	Burke, Edward M., Reboyras, Ariel, Beale, Anthony, O'Shea, Matthew J., Napolitano, Anthony V., Taliaferro, Chris, Ervin, Jason C., Zalewski, Michael R., Sposato, Nicholas, Mitts, Emma, Harris, Michelle A., Lopez, Raymond A., Mitchell, Gregory I., Dowell, Pat, Arena, John, Thompson, Patrick D., Burnett, Jr., Walter, Waguespack, Scott, Villegas, Gilbert		
Indexes:	Ch. 144 Weapons		
Attachments:	1. O2015-6204.pdf		

Date	Ver.	Action By	Action	Result
7/29/2015	1	City Council	Passed	Pass
7/29/2015	1	Committee on Finance	Recommended to Pass	
7/29/2015	1	Committee on Finance	Direct Introduction	

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, like other major cities across America, the City of Chicago faces the ongoing challenge of combating the scourge of gun violence in our communities; and

WHEREAS, many imitation and replica firearms are manufactured in a manner that makes them nearly indistinguishable from working firearms; and

WHEREAS, imitation and replica firearms pose the greatest threat to mistakes in the use of force by police; and

WHEREAS, several foreign manufactured mobile phone cases which have the appearance of 9mm handguns have recently appeared for sale on several online retail outlets; and

WHEREAS, one "Gun Grip Case" features the grip of an actual gun and trigger guard attached to the housing of a phone cover; and

WHEREAS, when placed in a pocket, this product is indistinguishable from a working handgun; and

WHEREAS, law enforcement officials from New York, New Jersey and Michigan among others have advised people not to purchase or use this product; and

WHEREAS, numerous incidents have been reported by law enforcement officers across the country who have mistakenly identified imitation or replica firearms to be working handguns; and

WHEREAS, the City intends to update its prohibition against replica firearms to include mobile phone cases and other items likely to pose a serious threat to public safety; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Section 4-144-190 of the Municipal Code of Chicago is hereby amended inserting the language underscored and deleting the language stricken through, as follows:

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4-144-190 Replica firearms and pellet guns.

(a) 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 the City of Chicago, except as provided in subsection (c) of this section.

(b) 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, as defined in Section 8-20-030~~(f)~~010 of this Code. 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.

c) 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 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.

d) Any person who violates the provisions of this section, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$5^750.00 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 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.

SECTION 3. This ordinance shall be in full force and effect upon its passage and publication.

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Alderman Edward M. Burke,
14th Ward

Alderman Willie B. Cochran, 20th Ward

Alderman Ariel Reboyras, 30th Ward

Alderman, _JJJ: Ward

Alderman,^^ Ward

Alderman, Ward

Alderman, Ward

Alderman, Ward

Alderman, Ward

CHICAGO July 29, 2015

To the President and Members of the City Council:

Your Committee on Finance having had under consideration

An ordinance amending Chapter 4-144 of the Municipal Code of Chicago by amending Section 4-144-190 concerning replica firearms.

Direct Introduction

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith

**This recommendation was concurred in by
of members of the committee with dissenting vote(s)T~**

(a(viva voce vote"))

Respectfully submitted

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(signed)

Chairman