



# Office of the City Clerk

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## Legislation Text

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**File #:** O2018-7044, **Version:** 1

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### Committee on Public Safety

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, the Second Amendment provides the fundamental right of American citizens to keep and bear firearms, but the ability to download and print a deadly plastic gun poses a unique threat to public safety; and

WHEREAS, Cody Wilson (Wilson), the founder of Defense Distributed, a Texas company, first published downloadable designs for a three-dimensional printed firearm in 2013, introducing the firearm threat in a new form; and

WHEREAS, within a few months, there were numerous videos online demonstrating working guns made from three-dimensional printers, some capable of firing dozens of bullets; and

WHEREAS, hundreds of videos of people shooting different types of untraceable plastic guns are now available on the internet; and

WHEREAS, the first downloadable design firearm Wilson offered was a pistol called the "Liberator" that costs \$9.30 and is made out of ABS plastic, the same material used to make Lego bricks, and a nail used as a firing pin to launch the bullet; and

WHEREAS, Wilson also offered an AR-15 rifle called the "Ghost Gunner," made from plastic and aluminum, and

WHEREAS, AR-15 rifles have been used in several recent United States mass shootings; and

WHEREAS, Wilson's design was downloaded about 100,000 times before the State Department ordered him to cease sales, stating that it violated federal export laws when the blueprints were downloaded by people outside of the United States; and

WHEREAS, after years of fighting Wilson, the State Department suddenly agreed to settle its case and allow him to resume posting the blueprints; and

WHEREAS, Wilson posted on Twitter, declaring a victory and announcing that he would start posting the blueprints beginning August 1, 2018; and

WHEREAS, for a nominal fee, anyone can become a member of Defense Distributed and download blueprints to manufacture firearms at home; and

WHEREAS, law enforcement officials expressed concern about these three-dimensional printed firearms, which are easily concealed and untraceable because there is no requirement for serial numbers and they contain no amount of metal, and are therefore undetectable by metal detectors; and

WHEREAS, Rich Myers, executive director of the Major Cities Chiefs Association said, "[w]hen you think about all the rhetoric we hear in our nation about tightening our borders and homeland security, and now we're going to put out there for anyone who wants a recipe for how to overcome.. .TSA airport screenings or any other metal detector, it's absolutely insane;" and

WHEREAS, on July 29, 2018, the State of Pennsylvania and the Pennsylvania State Police filed a lawsuit seeking an injunction to stop Wilson, Defense Distributed, DEFCAD, and Ghost Gunner from posting designs for three-dimensional printed firearms; and

WHEREAS, Defense Distributed responded by filing its own lawsuit in Texas, contending that "it's a violation of the First Amendment, it's unconscionable and we're going to fight it to the very end;" and

WHEREAS, Defense Distributed agreed to temporarily block residents from downloading the designs from the states of Pennsylvania and New Jersey and the city of Los Angeles because these jurisdictions prohibit three-dimensional printed firearms; and

WHEREAS, on July 30, 2018, eight states including Washington, Massachusetts, Connecticut, New Jersey, Pennsylvania, Oregon, Maryland, New York, and the District of Columbia filed a lawsuit against the Trump Administration over its decision to allow Defense Distributed to publish downloadable blueprints for three-dimensional printed firearms in Seattle; and

WHEREAS, the lawsuit states that allowing Defense Distributed to continue posting the blueprints online is a threat to public safety and that terrorists could use hard-to-trace plastic weapons to evade detection by metal detectors and that "[a]nyone with access to the CAD files and a commercially available 3-D printer could readily manufacture, possess, or sell such a weapon;" and

WHEREAS, while announcing the suit, the Attorney General of Washington, Bob Ferguson said, "I have a question for the Trump Administration: Why are you allowing dangerous criminals easy access to weapons? These downloadable guns are unregistered and very difficult to detect, even with metal detectors, and will be available to anyone regardless of age, mental health or criminal history;" and

WHEREAS, in addition, attorneys general in twenty-one states pressed United States Secretary of State Michael Pompeo and United States Attorney General Jefferson Sessions to withdraw from the settlement with Defense Distributed, saying it "creates an imminent risk to public safety;" and

WHEREAS, on July 31, 2018, a federal judge in Seattle blocked Wilson and Defense Distributed from releasing any blueprints of these 3-D firearms by stating that the lawsuit had established "a likelihood of irreparable harm" but that there were "serious First Amendment issues;" and

WHEREAS, on August 27, 2018, Judge Robert S. Lasnik of United States District Court in Seattle granted a preliminary injunction in favor of attorneys general from nineteen states and Washington, D.C., and in his ruling stated that Wilson's First Amendment rights "are dwarfed by the irreparable harms the states are likely to suffer if the existing restrictions are withdrawn and that, overall, the public interest strongly supports maintaining the status quo through the pendency of this litigation;" and

WHEREAS, Timothy D. Lytton, a law professor at Georgia State University who has studied guns, said "[f]his is a high-tech version of what's been going on in the margins of the gun industry for a long time - looking for clever ways to market firearms that evade federal restrictions;" and

WHEREAS, homemade firearms are not illegal, but all-plastic firearms are illegal pursuant to the Undetectable Firearms Act that prohibits owning a gun that can pass through a metal detector unnoticed; and

WHEREAS, with some screws and a spring, anyone can print a firearm using a 3-D printer that now cost as little as \$250 or a commercial grade printer that costs about \$1,375; and

WHEREAS, by early August 2018, over 5,500 illegal guns have been confiscated off the streets in Chicago and three-dimensional printed guns need not be added to that tally; and

WHEREAS, the City Council is charged with keeping Chicagoans safe from the threat of violence involving all firearms and now seeks to join the states of Pennsylvania and New Jersey and the city of Los Angeles in mitigating the threat posed by three-dimensional printed firearms; now therefore,

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

SECTION 1. Section 8-20-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored as follows:

8-20-010 Definitions.

For purposes of this chapter the following terms shall apply:

*(Omitted text is unaffected by this ordinance.)*

"Safety mechanism" means a design adaption or nondetachable accessory that lessens the likelihood of unanticipated use of the handgun.

"Three-dimensional printer" means a computer-driven machine capable of producing a three-dimensional object from a digital model

*(Omitted text is unaffected by this ordinance.)*

SECTION 2. Chapter 8-20 of the Municipal Code of Chicago is hereby amended by adding the Section 8-20-095 as follows:

8-20-095 Use of three-dimensional printer to manufacture firearms.

- a) No person shall use a three-dimensional printer to create any firearm, or any piece or part thereof, unless such person possesses a license to manufacture firearms under 18 U.S.C. § 923(a).
- b) Any violation of this section shall be punished by a fine not less than \$2,500, nor more than \$5,000 for the first offense or be incarcerated for not less than 10 days nor more than 90 days, or both. Any subsequent violation of this section shall be punishable by a fine of not less than \$5,000.00 and not more than \$10,000.00, and by incarceration for a term of not less than 30 days, nor more than six months. Each day that such violation exists shall constitute a separate and distinct offense.

SECTION 3. This ordinance shall take effect upon its passage and publication.