



Office of the Mayor
Richard M. Daley
Mayor

News Release

July 1, 2010

Contact:

Mayor's Press Office
312-744-3334

MAYOR DALEY OUTLINES DETAILS OF CITY'S NEW GUN ORDINANCE *Urges Quick Approval by City Council*

Mayor Richard M. Daley today outlined details of the ordinance – called the “Responsible Gun Ownership” ordinance – he will introduce into the City Council to replace the City’s handgun registration ordinance that was essentially rendered unenforceable Monday by a ruling of the United States Supreme Court.

“It’s clear to all that our current handgun ordinance will soon be struck down by the 7th Circuit Court of Appeals,” Daley said in a news conference held at Hamilton Park, 513 W. 72nd St.

“With that in mind, today I want to announce our proposal to rewrite Chicago's gun laws. It responsibly and reasonably balances previous Court rulings on 2nd Amendment Rights with our determination to protect our residents from violence and keep them safe.

“For the safety of every Chicagoan, I encourage the City Council to move quickly to consider and enact it,” he said.

The Council’s Police and Fire Committee will hold a hearing today on the proposal and the full Council will meet tomorrow, July 2, to debate and vote on it.

Daley said the proposal follows the Court’s previous rulings, including the Washington, D.C. decision, that cities cannot prohibit the possession of handguns in the home for self-defense but that other reasonable restrictions are appropriate and do not violate the 2nd amendment.

“It is based on many conversations we've had with Chicagoans, our review of many studies and reports and two public hearings held by the City Council. We have, of course, also reviewed the ordinances and laws relating to guns and gun ownership in states and cities, including Washington, D.C., Los Angeles and New York,” the Mayor said.

Among its key provisions are the following:

- It allows for registration of no more than one handgun per month in the home per adult or applicant and generally prohibits the possession of a handgun by any person except in the person's home.
- It establishes a two-step process to own and register a handgun. First, the applicant must obtain a city firearms permit, which requires having a valid State of Illinois Firearm Owners' Identification Card, and then the applicant must register the gun with the Chicago Police Department.
- Handgun ownership is prohibited for anyone who has been convicted of any violent crime, has two or more offenses for driving under the influence of alcohol or drugs and under state law has been convicted of domestic violence.
- It bans assault weapons and provides for mandatory jail time beginning in 2011 for anyone who is caught with one.
- It requires firearms safety training, both in a classroom and on a firing range.
- It bans gun shops.
- It includes severe penalties for violating the ordinance, including hefty fines and jail time.

The Mayor cited facts compiled by the Joyce Foundation that pointed out, among other things, that:

- A gun in the home increases the risk of unintentional firearm injury, suicide and homicide.
- The danger of having a gun in the home is especially serious for children and adolescents. In states with more guns, young people are at higher risk for accidental gun injuries, suicide and homicide.
- Women in states with higher levels of household firearm ownership are more likely to be murdered.
- A long line of studies show that gun availability is a risk factor for suicide. Firearms in the home are associated with significantly higher rates of suicide, including among young people.

And he expressed great concern over the danger faced by law enforcement and emergency "first-responders" when they enter a home in which there are guns.

He said that to protect taxpayers against the costs the city might incur if a first-responder who in good faith perceives danger caused by the presence of a gun and shoots an armed person in the person's home, Chicago will pursue legislation at the state and federal levels granting liability immunity to first-responders and the city.

"As long as I'm Mayor, we will never give up or give in to the gun violence that continues to threaten every part of our nation, including Chicago," Daley said.

"National surveys show that Americans -- including gun owners -- support laws that protect the rights of law abiding citizens to purchase guns but also help end the flood of illegal weapons that kill our children, family members and friends.

"I believe that enacting a new handgun law is the responsible step for us to take and the right thing to do. Without it, I fear for that there will be greater violence on our streets and in our homes," he said.

KEY PROVISIONS OF THE "RESPONSIBLE GUN OWNERSHIP" ORDINANCE:

Provisions Restricting the Sale and Possession of Firearms

- Prohibits deadly weapons dealers and other persons from selling or otherwise transferring firearms, except through inheritance.
- Generally prohibits the possession of a handgun by any person, except in the person's home. (Existing law states that the registration and possession of handguns not registered prior to 1982 generally are prohibited).
 - Provides exceptions for peace officers, corrections personnel, military personnel, certain security personnel and an exception for the lawful transportation of a handgun.
- Generally prohibits a person from possessing a long gun, except when in the person's home, or fixed place of business.
- Provides for the same exceptions as above for the possession of handguns, with an additional exception for hunters where hunting is lawful.
- The possession of assault weapons and other firearms that are unregistrable is prohibited. (See below.)
- Each person who keeps or possesses a firearm in his home must keep no more than one firearm in his home that is assembled and operable. All other firearms possessed in the home must be broken down in a nonfunctioning state or shall have trigger lock or other mechanism making the firearm temporarily inoperable.

- No person may keep or possess any firearm or ammunition in his home if the person knows or has reason to believe that a minor under 18 years old is likely to gain access to the firearm or ammunition, unless: (i) the person is physically present in the home and the firearm is either being held by the person or is physically secured on the person's body; (ii) the firearm is secured by a trigger lock or similar mechanism; or (iii) the firearm and ammunition are placed in a securely locked box or container. However, no person may be punished under this provision if the minor uses the firearm for self-defense, or gains access to the firearm through unlawful entry.
- The possession or transfer of any laser sight accessory, or a firearm silencer or muffler is prohibited.
- The registered owner of a vehicle that contains a firearm registered to a person who is not the driver or occupant of the vehicle, an unregistered firearm, a firearm that is not being lawfully transported, an unregistrable firearm, a laser sight accessory, or a firearm silencer or muffler, shall be subject to an administrative penalty of \$1,000 plus any towing and storage fees.
- The possession of ammunition by any person is prohibited unless the person has a valid owner's permit (CFP—see below) and registration certificate for a firearm of the same caliber as the ammunition possessed.

Provisions for Permits for Firearms Owners and the Registration of Firearms

Permit to carry or possess a firearm (CFP)

- Any person who carries or possesses a firearm must have a CFP issued by superintendent of police.
- Qualifications for CFP:
 - Must be 21 years of age, or 18-20 with parent's permission and no misdemeanor conviction;
 - Must possess a valid Illinois FOID card;
 - Must not have been convicted of (i) a violent crime,(ii) two or more offenses for driving under the influence of alcohol or other drugs; or (iii) an unlawful use of a weapon that is a firearm.
 - Must have vision sufficient for a drivers' license;
 - Must not be otherwise ineligible to possess a firearm under any law
 - Must not have violated Municipal Code provisions prohibiting possession of a laser sight accessory, firearm silencer or muffler, or unlawful sales of firearms;
 - A CFP card shall expire 3 years after the date of issuance; the fee shall be \$100.00 (fee waived for retired CPD officers).

- Applicant for a CFP must have completed a firearm safety and training course with at least one hour of range training and four hours of classroom instruction, and must submit to fingerprinting.
- Superintendent must process applications within 45 days (120 days for applications submitted within 180 days after passage of the ordinance), unless good cause is shown.

Firearm registration certificate

- A registration certificate is required to carry or possess each firearm
- The certificate expires at the time of the CFP, but an annual registration report is required. Application fee is \$15.00 for each firearm registered.
- Each applicant shall be issued only one registration certificate per month for a handgun for the home in which the applicant resides.
- Unregisterable firearms:
 - A sawed-off shotgun, 50 caliber rifle, machine gun, or short-barreled rifle;
 - Handguns defined as “unsafe” i.e. does not meet safety standards or otherwise inappropriate for lawful use;
 - Firearms that become unregisterable as to a person for violations of the Municipal Code;
 - Firearms defined as assault weapons, with certain exceptions.

Additional provisions

- Lost or stolen firearms must be reported immediately to the superintendent
- Procedures are established for application denials, and revocations of CFP and registration certificates.
- Penalties include fines of \$1,000.00-\$5,000.00, incarceration for not less than 20 days or more than 90 days, or both. Any subsequent convictions are punishable by a fine of \$5,000.00- \$10,000.00, and by incarceration for not less than 30 days, nor more than six months.
- Establishes procedures for hearing for denials and revocations of a CFP and registration certificate.
- Superintendent will develop a roster of safe handguns and assault weapons that will be posted on the dept.'s web site. Only handguns that are listed on the roster are permissible. Assault weapons listed on the list of assault weapons are banned.
- Authorizes the seizure, forfeiture and destruction of weapons, firearms, laser sight accessories, and firearm silencers and mufflers kept in violation of the chapter.
- Rules and regulations pertaining to the chapter will be posted on the police department's web site.

- Prohibits shooting galleries and target ranges (other than for law enforcement) in the city.
- Establishes a range of penalties for violations of the chapter.
- Amends section 8-24-010 to permit the discharge of a firearm in the city only in the lawful self-defense or self defense of another.

#