

CHAPTER 134: HANDGUN CONTROL

SECTION

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Sec. 134.001 Rules and Definitions.

(A) The language in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural number, and the plural the singular;
- (2) The word "shall" is mandatory; the word "may" is permissive; and
- (3) The masculine gender includes the feminine and neuter.

(B) Whenever hereafter in this Chapter the following words and phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Subsection, except when the context otherwise indicates.

(1) "Ammunition" means any self-contained cartridge, shot, bullet or projectile by whatever name known, which is designed to be used, or adaptable to use, in a Firearm and shot or discharged therefrom.

(2) "Antique Firearm" means:

(a) Any Firearm (including any Firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(b) Any replica of any Firearm described in subparagraph (a) if such replica;

(i) Is not designed or redesigned for using rimfire or conventional centerfire Ammunition, or

(ii) Uses rimfire or conventional centerfire fixed Ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels or commercial trade.

(3) "Chief of Police" means the Chief of Police of the City of Highland Park.

(4) "City" means the City of Highland Park, Lake County, Illinois.

(5) "Collector" means any Person who acquires, holds, or disposes of Firearms or Ammunition as curios or relics;

(6) "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding however:

(a) Any pneumatic gun, spring gun or B-B gun which expels a single globular projectile not exceeding .18 inches in diameter;

(b) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(c) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(d) An Antique Firearm; and

(e) Model rockets used to propel a model vehicle in a vertical direction.

(7) "Handgun" means any Firearm which:

(a) Is designed or made, or remade or redesigned, and intended to be fired while held in one hand; or

(b) Has a barrel less than ten (10) inches in length; or

(c) Is a Firearm of a size which may be concealed upon the person.

(8) "Licensed Firearm Collector" means any Collector licensed by the Secretary of the Treasury of the United States under and by virtue of Title 18, United States Code, Section 923, and whose possession of Firearms is limited to curios and relics.

(9) "Licensed Shooting Range" means a location, indoors or out of doors, licensed and operating in accord with and pursuant to Section 130.045 of this Code, or the laws of any other municipality or local jurisdiction in which it has its sites. (Ord. 9-94, J. 21, p. 073-082, passed 2/28/94)

(10) "Person" means any individual, corporation, company, association, firm, partnership, club, society or joint stock company.

(11) "Police Department" means the Police Department of the City.

Sec. 134.002 Manufacture, assembly and sale of Handguns and Ammunition prohibited.

No Person shall engage in the business of manufacturing, assembling, selling, or otherwise transferring Handguns or Ammunition within the corporate limits of the City, except that this prohibition shall not include the following:

(A) Reloading Ammunition for reuse in a Firearm which is in the possession of a Person in an exempt category as established under Section 134.003;

(B) Acquisition of a Handgun as the executor, administrator, or other legal representative of a decedent's estate;

(C) Transfer of a Handgun and/or Ammunition by bequest or intestate succession;

(D) Return of a Handgun and/or Ammunition to a Person from whom it was received;

(E) Transfer of a Handgun and/or Ammunition where it is required by or in accordance with a judgment or decree of any court lawful jurisdiction;

(F) Transfer of a Handgun and/or Ammunition to any Federal, State or local government, or any department, agency, bureau, institution or commission thereof;

(G) Transfer of a Handgun and/or Ammunition to a private museum, society, institution or other private organization which customarily acquires and holds Firearms as curios and relics or for scientific or research purposes, or to theatrical organizations providing a regular performance schedule to the public and utilizing said Handguns only pursuant to Section 134.003(E) hereof; and/or

(H) Loan or rental of a Handgun solely for the purpose of target shooting in a Licensed Shooting Range.

Sec. 134.003 Possession of Handguns prohibited.

No person shall possess a Handgun within the corporate limits of the City, except that this prohibition shall not apply to persons in the following exempt categories:

(A) A member of any federal, state or local governmental authority when such Handgun has been issued in the course of such member's official duties, or a retired member of such authority. (Ord. 41-89, J. 18, p. 079-081, passed 6/12/89)

(B) Security guards, watchmen, and special agents of public utilities or railroads or agents of the Illinois Legislative Investigating Commission while in performance of official duties;

(C) Persons legally entitled to possess Handguns, while transporting their Handguns between their residences or places of employment and a Licensed Shooting Range, provided that at all times during such transportation said Handgun shall be unloaded and disassembled or otherwise be taken apart so as to render it incapable of being fired or be enclosed in a case having trigger locks securely fastened to the Handgun; (Ord. 9-94, J. 21, p. 073-082, passed 2/28/94)

(D) Licensed Firearm Collectors whose possession is limited to Antique Firearms, provided they do not possess or carry Ammunition and further provided that any transportation of such Handguns by such collectors shall not be undertaken unless such Handguns are broken down in a non-functioning state;

(E) Established theater groups, provided they maintain possession and control of such Handguns and do not possess or carry Ammunition; and

(F) Licensed Shooting Range Proprietors; and

(G) Those persons who are registered owners pursuant to Section 134.004 and who have attended at least once in the last three (3) years a gun safety and training session which shall be conducted by the Police Department at least once every four (4) months.

(1) In cases involving a person having a disability which makes attendance at such a session impossible, the Police Department will conduct such safety and training session in the home of such disabled person at a time convenient to such disabled person and the Police Department.

(2) In an effort to further safety and training, any rifle or pistol shooting range constructed by the City after the effective date of this amendment may be made available for fee on a monthly basis to Highland Park residents who have registered as Handgun owners with the Police Department pursuant to Section 134.004 hereinbelow. (Ord. 9-94, J. 21, p.73-82, passed 2/28/94)

#### Sec. 134.004 Registration.

(A) Other than those Persons listed in Subsection (A) of Section 134.003, any Person who resides within the corporate limits of the City and has a Handgun in his possession shall register annually with the Police Department and pay a fee at the rate set forth in the Annual Fee Resolution. (Ord. 41-89, J. 18, p. 079-081, passed 6/12/89; Ord. 9-94, J. 21, p. 073-082, passed 2/28/94, **Ord. 35-03, J. 29, p. 134, passed 5/27/03**)

(B) Application for registration and re-registration to possess a Handgun under such exempt category shall be made on forms sent annually to each household within the corporate limits of the City and made available at Police Department headquarters which shall require the following information:

(1) The name, address, date of birth, and social security number of the applicant;

(2) A physical description of the applicant;

(3) The exempt category (as established under Section 134.003) claimed by the applicant;

(4) A statement by the applicant that the applicant has in his possession a list containing the make, model and serial number of each Handgun in his possession; (Ord. 9-94, J. 21, p. 073-082, passed 2/28/94)

(5) A statement by the applicant that he has in his possession a valid Firearm Owner's Identification Card issued pursuant to the statutes of the State of Illinois, and a copy thereof; and

(6) Such additional information as the Chief of Police may deem necessary to process the application. (Ord. 41-89, J. 18, p. 079-081, passed 6/12/89; Ord. 9-94, J. 21, p. 073-082, passed 2/28/94)

(C) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(D) The Chief of Police shall require every applicant to submit to fingerprinting by the Police Department in connection with the application for handgun registration.

(E) The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto on all applications for owner's registration cards issued or denied under the provision of this Chapter. Applications for owner's registration cards shall be numbered in consecutive numbers as filed, and every card issued shall be identified with the duplicate number of the application upon which it was issued and shall expire automatically one year from the date of issuance. The records and registration cards shall be maintained by the Chief of Police as investigatory records compiled for administrative law enforcement purposes, disclosure of which would interfere with pending or actually and reasonably contemplated enforcement proceedings and/or constitute an invasion of personal privacy. (Ord. 41-89, J. 18, p. 079-081, passed 6/12/89; Ord. 9-94, J. 21, p. 073-082, passed 2/28/94)

(F) Within thirty (30) days of his receipt of an application, the Chief of Police, after consideration of the application for an owner's registration card and all information obtained relative thereto, shall either approve or deny the application and so notify the applicant in writing thereof.

(1) In the event the application is approved, the Chief of Police shall issue to the applicant therefor an owner's registration card which shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other

personal information as may be required by the Chief of Police. Each such registration card must have printed on it the following: "CAUTION --This card does not permit bearer to UNLAWFULLY carry or use handguns." (Ord. 9-94, J. 21, p. 073-082, passed 2/28/94)

(2) In the event the application is denied, the Chief of Police shall inform the applicant accordingly. Thereupon the applicant shall dispose of the Handgun(s) in his possession in accord with the regulations set forth in this Chapter.

(G) It is mandatory that a person possessing an owner's registration card immediately report to the Police Department the theft or loss of any Handgun in his possession. Such report shall include the make, model and serial number of such Handgun. (Ord. 9-94, J. 21, p. 073-082, passed 2/28/94)

#### Sec. 134.005 Voluntary delivery to Police Department.

In the event a Person voluntarily and peaceably delivers and surrenders any Handgun in his possession to the Police Department, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this Chapter and/or Section 130.045 of "The Highland Park Code of 1968", as amended, with respect to the Handgun voluntarily delivered. Voluntary delivery under this Section shall be made at the headquarters of the Police Department or by summoning a police officer to the residence or place of business of the Person having such Handgun in his possession. Every Handgun to be delivered and surrendered to the Police Department under this Section shall be unloaded and securely wrapped in a package, and in the case of delivery to Police Department headquarters, the package shall be carried in open view. No Person who delivers and surrenders a Handgun under this Section shall be required to furnish identification, photographs or fingerprints. No amount of money shall be paid for any Handgun delivered or surrendered under this Section.

#### Sec. 134.006 Disposition of Handguns.

All Handguns ordered confiscated by the Court under the provisions of this Chapter and all Handguns received by the Police Department under and by virtue of Section 134.005 shall be held and the owner thereof identified, if possible, by the Police Department. In the event the owner thereof is identified and such owner is not in an exempt category as set forth in Section 134.003, such Handgun shall be destroyed by the Police Department; otherwise, such Handgun shall be returned to the owner, unless such owner desires such Handgun to be destroyed. If after two (2) years from the date such Handgun comes into the possession of the Police Department, the Police Department is unable to ascertain the owner thereof, the Handgun shall be destroyed by the Police Department.

#### Sec. 134.007 Construction.

Nothing in this Chapter shall be construed or applied to necessarily require or excuse non-compliance with any provision of the laws of the State of Illinois and/or the United States. This Chapter and the penalties proscribed for violation thereof shall not supersede, but shall supplement, all Statutes of the State of Illinois and/or of the United

Sates in which similar conduct may be prohibited or regulated.

Sec. 134.099 Penalty.

(A) Whoever violates any of the provisions of this Chapter shall, upon conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for the first such offense; for each such subsequent offense such Person shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(B) The trial court shall confiscate any Handgun seized under this Chapter and, when no longer needed for evidentiary purposes, the court shall transfer any such Handgun to the Police Department which shall destroy it in accord with Section 134.006 of this Chapter.

(Note: Chapter 134 added by Ord. 52-72, J. 9, p. 621, passed 9/11/72; Chapter 134 amended in its entirety by Ord. 28-89, J. 18, P. 036-044, passed 3/27/89; Chapter 134 amended in its entirety by Ord. 9-94, J. 21, p. 073-082, passed 2/28/94)