



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3166

by Rep. Jerry Costello, II

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2

Amends the Criminal Code of 2012. Exempts from a violation of the unlawful use of weapons statute and the aggravated unlawful use of a weapon statute, the carrying or possessing of firearms by wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, whether or not the firearms are carried while in the performance of their official duty or whether or not they are commuting between their homes and places of employment (currently, if the corrections officer is not a holder of a concealed carry license, he or she may carry a firearm outside his or her land or outside his or her own abode, legal dwelling, or fixed place of business, or outside the land or outside the legal dwelling of another person as an invitee with that person's permission, only while in the performance of his or her official duty, or while commuting between his or her home and place of employment).

LRB101 08109 SLF 53175 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 24-2 as follows:

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
9 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
10 the following:

11 (1) Peace officers, and any person summoned by a peace  
12 officer to assist in making arrests or preserving the  
13 peace, while actually engaged in assisting such officer.

14 (2) (Blank). ~~Wardens, superintendents and keepers of~~  
15 ~~prisons, penitentiaries, jails and other institutions for~~  
16 ~~the detention of persons accused or convicted of an~~  
17 ~~offense, while in the performance of their official duty,~~  
18 ~~or while commuting between their homes and places of~~  
19 ~~employment.~~

20 (3) Members of the Armed Services or Reserve Forces of  
21 the United States or the Illinois National Guard or the  
22 Reserve Officers Training Corps, while in the performance  
23 of their official duty.

1           (4) Special agents employed by a railroad or a public  
2 utility to perform police functions, and guards of armored  
3 car companies, while actually engaged in the performance of  
4 the duties of their employment or commuting between their  
5 homes and places of employment; and watchmen while actually  
6 engaged in the performance of the duties of their  
7 employment.

8           (5) Persons licensed as private security contractors,  
9 private detectives, or private alarm contractors, or  
10 employed by a private security contractor, private  
11 detective, or private alarm contractor agency licensed by  
12 the Department of Financial and Professional Regulation,  
13 if their duties include the carrying of a weapon under the  
14 provisions of the Private Detective, Private Alarm,  
15 Private Security, Fingerprint Vendor, and Locksmith Act of  
16 2004, while actually engaged in the performance of the  
17 duties of their employment or commuting between their homes  
18 and places of employment. A person shall be considered  
19 eligible for this exemption if he or she has completed the  
20 required 20 hours of training for a private security  
21 contractor, private detective, or private alarm  
22 contractor, or employee of a licensed private security  
23 contractor, private detective, or private alarm contractor  
24 agency and 20 hours of required firearm training, and has  
25 been issued a firearm control card by the Department of  
26 Financial and Professional Regulation. Conditions for the

1 renewal of firearm control cards issued under the  
2 provisions of this Section shall be the same as for those  
3 cards issued under the provisions of the Private Detective,  
4 Private Alarm, Private Security, Fingerprint Vendor, and  
5 Locksmith Act of 2004. The firearm control card shall be  
6 carried by the private security contractor, private  
7 detective, or private alarm contractor, or employee of the  
8 licensed private security contractor, private detective,  
9 or private alarm contractor agency at all times when he or  
10 she is in possession of a concealable weapon permitted by  
11 his or her firearm control card.

12 (6) Any person regularly employed in a commercial or  
13 industrial operation as a security guard for the protection  
14 of persons employed and private property related to such  
15 commercial or industrial operation, while actually engaged  
16 in the performance of his or her duty or traveling between  
17 sites or properties belonging to the employer, and who, as  
18 a security guard, is a member of a security force  
19 registered with the Department of Financial and  
20 Professional Regulation; provided that such security guard  
21 has successfully completed a course of study, approved by  
22 and supervised by the Department of Financial and  
23 Professional Regulation, consisting of not less than 40  
24 hours of training that includes the theory of law  
25 enforcement, liability for acts, and the handling of  
26 weapons. A person shall be considered eligible for this

1 exemption if he or she has completed the required 20 hours  
2 of training for a security officer and 20 hours of required  
3 firearm training, and has been issued a firearm control  
4 card by the Department of Financial and Professional  
5 Regulation. Conditions for the renewal of firearm control  
6 cards issued under the provisions of this Section shall be  
7 the same as for those cards issued under the provisions of  
8 the Private Detective, Private Alarm, Private Security,  
9 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
10 control card shall be carried by the security guard at all  
11 times when he or she is in possession of a concealable  
12 weapon permitted by his or her firearm control card.

13 (7) Agents and investigators of the Illinois  
14 Legislative Investigating Commission authorized by the  
15 Commission to carry the weapons specified in subsections  
16 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
17 any investigation for the Commission.

18 (8) Persons employed by a financial institution as a  
19 security guard for the protection of other employees and  
20 property related to such financial institution, while  
21 actually engaged in the performance of their duties,  
22 commuting between their homes and places of employment, or  
23 traveling between sites or properties owned or operated by  
24 such financial institution, and who, as a security guard,  
25 is a member of a security force registered with the  
26 Department; provided that any person so employed has

1           successfully completed a course of study, approved by and  
2           supervised by the Department of Financial and Professional  
3           Regulation, consisting of not less than 40 hours of  
4           training which includes theory of law enforcement,  
5           liability for acts, and the handling of weapons. A person  
6           shall be considered to be eligible for this exemption if he  
7           or she has completed the required 20 hours of training for  
8           a security officer and 20 hours of required firearm  
9           training, and has been issued a firearm control card by the  
10          Department of Financial and Professional Regulation.  
11          Conditions for renewal of firearm control cards issued  
12          under the provisions of this Section shall be the same as  
13          for those issued under the provisions of the Private  
14          Detective, Private Alarm, Private Security, Fingerprint  
15          Vendor, and Locksmith Act of 2004. The firearm control card  
16          shall be carried by the security guard at all times when he  
17          or she is in possession of a concealable weapon permitted  
18          by his or her firearm control card. For purposes of this  
19          subsection, "financial institution" means a bank, savings  
20          and loan association, credit union or company providing  
21          armored car services.

22                 (9) Any person employed by an armored car company to  
23                 drive an armored car, while actually engaged in the  
24                 performance of his duties.

25                 (10) Persons who have been classified as peace officers  
26                 pursuant to the Peace Officer Fire Investigation Act.

1           (11) Investigators of the Office of the State's  
2 Attorneys Appellate Prosecutor authorized by the board of  
3 governors of the Office of the State's Attorneys Appellate  
4 Prosecutor to carry weapons pursuant to Section 7.06 of the  
5 State's Attorneys Appellate Prosecutor's Act.

6           (12) Special investigators appointed by a State's  
7 Attorney under Section 3-9005 of the Counties Code.

8           (12.5) Probation officers while in the performance of  
9 their duties, or while commuting between their homes,  
10 places of employment or specific locations that are part of  
11 their assigned duties, with the consent of the chief judge  
12 of the circuit for which they are employed, if they have  
13 received weapons training according to requirements of the  
14 Peace Officer and Probation Officer Firearm Training Act.

15           (13) Court Security Officers while in the performance  
16 of their official duties, or while commuting between their  
17 homes and places of employment, with the consent of the  
18 Sheriff.

19           (13.5) A person employed as an armed security guard at  
20 a nuclear energy, storage, weapons or development site or  
21 facility regulated by the Nuclear Regulatory Commission  
22 who has completed the background screening and training  
23 mandated by the rules and regulations of the Nuclear  
24 Regulatory Commission.

25           (14) Manufacture, transportation, or sale of weapons  
26 to persons authorized under subdivisions (1) through

1 (13.5) of this subsection to possess those weapons.

2 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
3 to or affect any person carrying a concealed pistol, revolver,  
4 or handgun and the person has been issued a currently valid  
5 license under the Firearm Concealed Carry Act at the time of  
6 the commission of the offense.

7 (a-6) Subsections 24-1(a)(3) and 24-1(a)(13) do not apply  
8 to or affect wardens, superintendents and keepers of prisons,  
9 penitentiaries, jails and other institutions for the detention  
10 of persons accused or convicted of an offense, while in the  
11 performance of their official duty, or while commuting between  
12 their homes and places of employment.

13 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
14 24-1.6 do not apply to or affect any of the following:

15 (1) Members of any club or organization organized for  
16 the purpose of practicing shooting at targets upon  
17 established target ranges, whether public or private, and  
18 patrons of such ranges, while such members or patrons are  
19 using their firearms on those target ranges.

20 (1.5) Wardens, superintendents and keepers of prisons,  
21 penitentiaries, jails and other institutions for the  
22 detention of persons accused or convicted of an offense.

23 (2) Duly authorized military or civil organizations  
24 while parading, with the special permission of the  
25 Governor.

26 (3) Hunters, trappers or fishermen with a license or



1 permit while engaged in hunting, trapping or fishing.

2 (4) Transportation of weapons that are broken down in a  
3 non-functioning state or are not immediately accessible.

4 (5) Carrying or possessing any pistol, revolver, stun  
5 gun or taser or other firearm on the land or in the legal  
6 dwelling of another person as an invitee with that person's  
7 permission.

8 (c) Subsection 24-1(a)(7) does not apply to or affect any  
9 of the following:

10 (1) Peace officers while in performance of their  
11 official duties.

12 (2) Wardens, superintendents and keepers of prisons,  
13 penitentiaries, jails and other institutions for the  
14 detention of persons accused or convicted of an offense.

15 (3) Members of the Armed Services or Reserve Forces of  
16 the United States or the Illinois National Guard, while in  
17 the performance of their official duty.

18 (4) Manufacture, transportation, or sale of machine  
19 guns to persons authorized under subdivisions (1) through  
20 (3) of this subsection to possess machine guns, if the  
21 machine guns are broken down in a non-functioning state or  
22 are not immediately accessible.

23 (5) Persons licensed under federal law to manufacture  
24 any weapon from which 8 or more shots or bullets can be  
25 discharged by a single function of the firing device, or  
26 ammunition for such weapons, and actually engaged in the

1 business of manufacturing such weapons or ammunition, but  
2 only with respect to activities which are within the lawful  
3 scope of such business, such as the manufacture,  
4 transportation, or testing of such weapons or ammunition.  
5 This exemption does not authorize the general private  
6 possession of any weapon from which 8 or more shots or  
7 bullets can be discharged by a single function of the  
8 firing device, but only such possession and activities as  
9 are within the lawful scope of a licensed manufacturing  
10 business described in this paragraph.

11 During transportation, such weapons shall be broken  
12 down in a non-functioning state or not immediately  
13 accessible.

14 (6) The manufacture, transport, testing, delivery,  
15 transfer or sale, and all lawful commercial or experimental  
16 activities necessary thereto, of rifles, shotguns, and  
17 weapons made from rifles or shotguns, or ammunition for  
18 such rifles, shotguns or weapons, where engaged in by a  
19 person operating as a contractor or subcontractor pursuant  
20 to a contract or subcontract for the development and supply  
21 of such rifles, shotguns, weapons or ammunition to the  
22 United States government or any branch of the Armed Forces  
23 of the United States, when such activities are necessary  
24 and incident to fulfilling the terms of such contract.

25 The exemption granted under this subdivision (c)(6)  
26 shall also apply to any authorized agent of any such

1 contractor or subcontractor who is operating within the  
2 scope of his employment, where such activities involving  
3 such weapon, weapons or ammunition are necessary and  
4 incident to fulfilling the terms of such contract.

5 (7) A person possessing a rifle with a barrel or  
6 barrels less than 16 inches in length if: (A) the person  
7 has been issued a Curios and Relics license from the U.S.  
8 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
9 the person is an active member of a bona fide, nationally  
10 recognized military re-enacting group and the modification  
11 is required and necessary to accurately portray the weapon  
12 for historical re-enactment purposes; the re-enactor is in  
13 possession of a valid and current re-enacting group  
14 membership credential; and the overall length of the weapon  
15 as modified is not less than 26 inches.

16 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
17 possession or carrying of a black-jack or slung-shot by a peace  
18 officer.

19 (e) Subsection 24-1(a)(8) does not apply to any owner,  
20 manager or authorized employee of any place specified in that  
21 subsection nor to any law enforcement officer.

22 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
23 Section 24-1.6 do not apply to members of any club or  
24 organization organized for the purpose of practicing shooting  
25 at targets upon established target ranges, whether public or  
26 private, while using their firearms on those target ranges.

1 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply  
2 to:

3 (1) Members of the Armed Services or Reserve Forces of  
4 the United States or the Illinois National Guard, while in  
5 the performance of their official duty.

6 (2) Bonafide collectors of antique or surplus military  
7 ordnance.

8 (3) Laboratories having a department of forensic  
9 ballistics, or specializing in the development of  
10 ammunition or explosive ordnance.

11 (4) Commerce, preparation, assembly or possession of  
12 explosive bullets by manufacturers of ammunition licensed  
13 by the federal government, in connection with the supply of  
14 those organizations and persons exempted by subdivision  
15 (g)(1) of this Section, or like organizations and persons  
16 outside this State, or the transportation of explosive  
17 bullets to any organization or person exempted in this  
18 Section by a common carrier or by a vehicle owned or leased  
19 by an exempted manufacturer.

20 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
21 persons licensed under federal law to manufacture any device or  
22 attachment of any kind designed, used, or intended for use in  
23 silencing the report of any firearm, firearms, or ammunition  
24 for those firearms equipped with those devices, and actually  
25 engaged in the business of manufacturing those devices,  
26 firearms, or ammunition, but only with respect to activities

1 that are within the lawful scope of that business, such as the  
2 manufacture, transportation, or testing of those devices,  
3 firearms, or ammunition. This exemption does not authorize the  
4 general private possession of any device or attachment of any  
5 kind designed, used, or intended for use in silencing the  
6 report of any firearm, but only such possession and activities  
7 as are within the lawful scope of a licensed manufacturing  
8 business described in this subsection (g-5). During  
9 transportation, these devices shall be detached from any weapon  
10 or not immediately accessible.

11 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
12 24-1.6 do not apply to or affect any parole agent or parole  
13 supervisor who meets the qualifications and conditions  
14 prescribed in Section 3-14-1.5 of the Unified Code of  
15 Corrections.

16 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
17 officer while serving as a member of a tactical response team  
18 or special operations team. A peace officer may not personally  
19 own or apply for ownership of a device or attachment of any  
20 kind designed, used, or intended for use in silencing the  
21 report of any firearm. These devices shall be owned and  
22 maintained by lawfully recognized units of government whose  
23 duties include the investigation of criminal acts.

24 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
25 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
26 athlete's possession, transport on official Olympic and

1 Paralympic transit systems established for athletes, or use of  
2 competition firearms sanctioned by the International Olympic  
3 Committee, the International Paralympic Committee, the  
4 International Shooting Sport Federation, or USA Shooting in  
5 connection with such athlete's training for and participation  
6 in shooting competitions at the 2016 Olympic and Paralympic  
7 Games and sanctioned test events leading up to the 2016 Olympic  
8 and Paralympic Games.

9 (h) An information or indictment based upon a violation of  
10 any subsection of this Article need not negative any exemptions  
11 contained in this Article. The defendant shall have the burden  
12 of proving such an exemption.

13 (i) Nothing in this Article shall prohibit, apply to, or  
14 affect the transportation, carrying, or possession, of any  
15 pistol or revolver, stun gun, taser, or other firearm consigned  
16 to a common carrier operating under license of the State of  
17 Illinois or the federal government, where such transportation,  
18 carrying, or possession is incident to the lawful  
19 transportation in which such common carrier is engaged; and  
20 nothing in this Article shall prohibit, apply to, or affect the  
21 transportation, carrying, or possession of any pistol,  
22 revolver, stun gun, taser, or other firearm, not the subject of  
23 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
24 this Article, which is unloaded and enclosed in a case, firearm  
25 carrying box, shipping box, or other container, by the  
26 possessor of a valid Firearm Owners Identification Card.

1 (Source: P.A. 99-174, eff. 7-29-15; 100-201, eff. 8-18-17.)