



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB3987

Introduced 1/6/2004, by John J. Millner

SYNOPSIS AS INTRODUCED:

New Act
430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

Creates the Retired Officers Security Act. Permits the Department of State Police to issue permits to carry concealed firearms to retired peace officers and retired military who have served honorably for at least 10 years. Provides that permits to carry a concealed firearm shall be valid throughout the State for a period of 4 years from the date of issuance. Provides that a person in compliance with the terms of the permit may carry concealed firearms on or about his or her person. Provides that the permittee shall carry the permit at all times the permittee is carrying a concealed firearm and shall display the permit upon the request of a law enforcement officer. Establishes firearm proficiency tests for applicants for concealed carry permits. Repeals the Act on January 1, 2010. Amends the Firearm Owners Identification Card Act. Pre-empts home rule regulation of the issuance of concealed carry permits. Effective immediately.

LRB093 15267 RLC 40867 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 1. Short title. This Act may be cited as the
5 Retired Officers Security Act.

6 Section 5. Legislative declaration. The General Assembly
7 finds that as a matter of public policy it is necessary to
8 provide statewide uniform standards for issuing permits to
9 carry concealed firearms for retired peace officers and that no
10 person who does not qualify under the provisions of this Act
11 receives a permit to carry concealed firearms. The General
12 Assembly recognizes that it already regulates the use and
13 possession of concealed firearms under Sections 24-1 and 24-1.6
14 of the Criminal Code of 1961 and that the regulation of
15 concealed firearms is an exclusive statewide function. The
16 General Assembly does not delegate to the Department of State
17 Police the authority to regulate or restrict the issuing of
18 concealed firearms permits provided for in this Act beyond
19 those provisions contained in this Act.

20 Section 10. Definitions. As used in this Act:

21 "Concealed firearm" means a handgun carried on or about a
22 person completely or mostly concealed from view of the public,
23 or carried in a vehicle in such a way as it is concealed from
24 view of the public.

25 "Department" means the Department of State Police.

26 "Director" means the Director of State Police.

27 "Fund" means the Retired Officers Security Trust Fund.

28 "Handgun" has the meaning ascribed to it in subsection
29 (A) (h) of Section 24-3 of the Criminal Code of 1961.

30 "Permit" means a permit to carry a concealed firearm issued
31 by the Department of State Police.

1 "Permittee" means a person who is issued a permit to carry
2 a concealed firearm by the Department of State Police.

3 Section 15. Retired Officers Security Fund.

4 (a) There is created the Retired Officers Security Trust
5 Fund. The Fund shall be maintained apart from the State
6 treasury and shall be administered by the Department. Moneys
7 from federal and State sources may be deposited into the Fund.
8 Fees from applications for new, renewal, corrected, and
9 duplicate concealed firearms permits shall be deposited into
10 the Fund. The Department may invest the moneys in the Fund, and
11 any income on these investments shall be reinvested in the
12 Fund.

13 (b) The Department shall use the moneys in the Fund
14 exclusively for the administration of this Act.

15 Section 20. Permit for concealed firearms. The Department
16 of State Police is authorized to issue permits to carry
17 concealed firearms to persons qualified as provided in this
18 Act. Permits to carry a concealed firearm shall be valid
19 throughout the State for a period of 4 years from the date of
20 issuance. Any person in compliance with the terms of the permit
21 may carry concealed firearms on or about his or her person. The
22 permittee shall carry the permit at all times the permittee is
23 carrying a concealed firearm and shall display the permit upon
24 the request of a law enforcement officer. The permit is valid
25 throughout the State.

26 Section 25. Application for permit and qualifications of
27 applicants.

28 (a) An applicant for a permit shall obtain the application
29 from the Department of State Police. The completed application
30 and all accompanying material plus an application fee of \$100
31 for a new permit or \$75 for a renewal shall be submitted to the
32 Department of State Police.

33 (b) The Department of State Police, upon a person's

1 application for a concealed firearms permit, upon receipt of
2 the appropriate fees, and after compliance with the procedures
3 set out in this Section, shall issue the applicant a concealed
4 firearms permit if the person:

5 (1) resides within the State of Illinois and has been a
6 resident for the last 6 months and is a permanent resident
7 of the United States;

8 (2) has not been convicted of a crime punishable by
9 imprisonment for a term exceeding one year, or of a
10 misdemeanor evidencing violence, is not free on any form of
11 bond or pretrial release, and has no outstanding warrants
12 for those crimes;

13 (3) has no record of mental disease or mental illness
14 on file with the Department of State Police or the
15 Department of Human Services that would evidence
16 incapacity, or lack of proper mental capacity;

17 (4) has not been committed to a state or federal
18 facility for the abuse of a controlled substance or
19 cannabis or has not been convicted of a misdemeanor
20 violation of the Illinois Controlled Substances Act or the
21 Cannabis Control Act or similar laws of any other state
22 relating to controlled substances or cannabis within a
23 10-year period immediately preceding the date on which the
24 application is submitted; and

25 (5) shows proof that he or she either:

26 (A) is a graduate of a police training institute or
27 academy, who after graduating served for at least 10
28 years as a sworn, full-time peace officer qualified to
29 carry firearms for any federal or State department or
30 agency or for any unit of local government of Illinois
31 and has retired as a local, State, or federal peace
32 officer in a publicly created peace officer retirement
33 system; whose service in law enforcement was honorably
34 terminated through retirement or disability and not as
35 a result of discipline, suspension, discharge, or
36 decertification by the Illinois Law Enforcement

1 Training Standards Board; or

2 (B) served for at least 10 years as a member of the
3 United States Armed Forces whose service was honorably
4 terminated and not as a result of discipline,
5 suspension, or discharge.

6 Section 30. Contents of application. The initial
7 application shall be in writing, under oath and under the
8 penalties of perjury, on a standard form promulgated by the
9 Department of State Police, and shall be accompanied by the
10 appropriate fees and required documentation. The application
11 shall contain only the following information:

12 (1) the applicant's name, address, gender, and date and
13 place of birth;

14 (2) a head and shoulder color photograph taken within
15 30 days preceding the date on which the application is
16 submitted;

17 (3) questions to certify or demonstrate the applicant
18 has completed a firearms and deadly use of force training
19 and education prerequisites specified under this Act;

20 (4) a statement that the applicant is a resident of the
21 State of Illinois and has been a resident for the last 6
22 months and is a permanent resident of the United States;

23 (5) a waiver of privacy and confidentiality rights and
24 privileges enjoyed by the applicant under all federal and
25 State laws governing access to juvenile court, criminal
26 justice, psychological or psychiatric records, or records
27 relating to the applicant's history of
28 institutionalization, and an affirmative request that any
29 person having custody of any such record provide it or
30 information concerning it to the Department;

31 (6) a conspicuous warning that false statements made by
32 the applicant will result in prosecution for perjury in
33 accordance with Section 32-2 of the Criminal Code of 1961;

34 (7) that the applicant possesses a currently valid
35 Illinois Firearm Owner's Identification Card, together

1 with the card number, or is applying for the card in
2 conjunction with the concealed firearms permit
3 application;

4 (8) an affirmation that the applicant has never been
5 convicted of any felony;

6 (9) the applicant's signature, under oath, attesting
7 to the following statement: "I, the undersigned, state,
8 under oath and subject to the penalty of perjury, that I am
9 not a streetgang member as defined in Section 10 of the
10 Illinois Streetgang Terrorism Omnibus Prevention Act and
11 that I will not join or become associated with a criminal
12 streetgang."; and

13 (10) appropriate documentation to support that the
14 applicant meets the requirements of clause (b) (5) of
15 Section 25 of this Act.

16 Section 35. Submission of identifying information; fee. In
17 addition to the completed application, the applicant must
18 submit the following information to the Department of State
19 Police:

20 (i) a head and shoulder color photograph as required by
21 Section 30 in a size specified by the Department of State
22 Police taken within 30 days preceding the date on which the
23 application is submitted;

24 (ii) a non-refundable permit fee of \$100 if he or she
25 has not previously been issued such a permit by the
26 Department of State Police, or a non-refundable permit fee
27 of \$75 for each renewal of a permit;

28 (iii) a full set of legible fingerprints administered
29 to the applicant by the Department of State Police, or any
30 other federal, State, county, or municipal law enforcement
31 agency; any cost of fingerprinting shall be paid by the
32 applicant; and

33 (iv) a photocopy of a certificate or other evidence of
34 completion of a course to show compliance with Section 90
35 of this Act.

1 Section 40. Approval of application.

2 (a) If the Department of State Police finds that the
3 applicant possesses a valid Firearm Owner's Identification
4 Card, meets the training requirements of this Act, and has
5 provided the documentation and paid the fees required for
6 issuance of a concealed firearms permit and that, as nearly as
7 it is possible to determine, nothing in the applicant's
8 background or present circumstances disqualify him or her from
9 possessing a firearm in Illinois, it shall approve the
10 application and issue the applicant a wallet-sized permit
11 bearing the photograph of the applicant within 90 days.

12 (b) If the applicant is found to be ineligible, the
13 Department of State Police shall deny the application and
14 notify the applicant in writing, stating the grounds for denial
15 and informing the applicant of the right to submit, within 30
16 days, any additional documentation relating to the grounds of
17 the denial. Upon receiving any additional documentation, the
18 Department of State Police shall reconsider its decision and
19 inform the applicant within 30 days of the result of the
20 reconsideration. The applicant shall further be informed of the
21 right to appeal the denial in the circuit court of his or her
22 place of residence.

23 (c) The Department of State Police shall maintain an
24 automated listing of permit holders and pertinent information,
25 and this information shall be available on-line, upon request,
26 at all times to all Illinois law enforcement agencies. Except
27 as provided in this subsection, information on applications for
28 permits, names and addresses, or other identifying information
29 relating to permit holders shall be confidential and shall not
30 be made available except to law enforcement agencies. Requests
31 for information about any permit holder made by persons other
32 than a bona fide law enforcement agency shall be made to the
33 Department of State Police together with any fee required for
34 the providing of information. The Department of State Police
35 shall, upon proper application and the payment of the required

1 fee, provide to the requester, in written form only, a list of
2 names of any or all holders in the State of Illinois licensed
3 to carry a concealed firearm. No identifying information other
4 than the name shall be provided, and information for geographic
5 areas or other subdivisions of any type from the list shall not
6 be provided, except to a bona fide law enforcement agency, and
7 shall be confidential. No requests for lists of local or
8 statewide permit holders shall be made to any State or local
9 law enforcement agency. No other agency of government other
10 than the Department of State Police shall provide any
11 information to a requester not entitled to it by law. The names
12 of all persons, other than law enforcement agencies and peace
13 officers, requesting information under this Section shall be
14 public records.

15 Section 45. Revocation of a permit. A permit issued under
16 Section 40 shall be suspended or revoked if the permit holder
17 becomes ineligible to be issued a permit under the criteria set
18 forth in clauses (b)(1), (2), (3), (4), and (5) of Section 25
19 or subsection (b) of Section 40 of this Act. When an order of
20 protection is issued under Section 112A-14 of the Code of
21 Criminal Procedure of 1963 or under Section 214 of the Illinois
22 Domestic Violence Act of 1986 against a person holding a permit
23 issued under this Act, the holder of the permit shall surrender
24 the permit to the court or to the officer serving the order.
25 The officer to whom the permit is surrendered shall forthwith
26 transmit the permit to the court issuing the order. The permit
27 shall be suspended until the order is terminated.

28 Section 50. Notification of renewal. Not later than 120
29 days before the expiration of any permit issued under this Act,
30 the Department of State Police shall notify the permit holder
31 in writing of the expiration and furnish an application for
32 renewal of the permit.

33 Section 55. Renewal of permit.

1 (a) The permit shall be renewed for a qualified applicant
2 upon receipt of the properly completed renewal application and
3 required renewal fee. The renewal application shall contain the
4 same required information as set forth in paragraphs (1)
5 through (9) of Section 30, except that in lieu of the firearm
6 education and use of deadly force training, the applicant need
7 only demonstrate previous issuance of and continued
8 eligibility for a concealed firearms permit.

9 (b) A permittee who fails to file a renewal application on
10 or before its expiration date must pay an additional late fee
11 of \$25. A person who fails to renew his or her application
12 within 6 months after it's expiration must reapply for a new
13 permit and pay the fee for a new application.

14 Section 60. Change of address, change of name, or lost or
15 destroyed permits.

16 (a) Within 30 days after the changing of a permanent
17 residence, or within 30 days after loss or destruction of a
18 concealed firearms permit, the permittee shall notify the
19 Department of State Police of the loss, destruction, change of
20 name, or change of residence. Failure to notify the Department
21 of State Police shall constitute a noncriminal violation with a
22 penalty of \$25 payable to the Department of State Police.

23 (b) If a person issued a permit to carry a concealed
24 firearm changes residence within this State, or changes his or
25 her name, the person to whom the permit was issued may upon
26 payment of \$25 to the Department of State Police obtain a
27 corrected concealed firearms permit with a change of address or
28 change of name upon furnishing a notarized statement to the
29 Department of State Police that the permittee has changed
30 residence, or his or her name, and upon submission of an
31 application as set forth in Section 25 and photograph as set
32 forth in paragraph (2) of Section 30 of this Act. A concealed
33 firearms permit shall be automatically invalid after 30 days if
34 the permittee has not notified the Department of State Police
35 of a change of residence.

1 (c) If a permit to carry a concealed firearm is lost or
2 destroyed, the permit shall be automatically invalid, and the
3 person to whom the permit was issued may upon payment of \$25 to
4 the Department of State Police obtain a duplicate, upon
5 furnishing a notarized statement to the Department of State
6 Police that the permit was lost or destroyed and submission of
7 an application as set forth in Section 25 and photograph as set
8 forth in paragraph (2) of Section 30 of this Act.

9 Section 65. Concealed firearms permit.

10 (a) A concealed firearm permit shall authorize the person
11 in whose name the permit is issued to carry concealed firearms
12 on or about his or her person or vehicle throughout the State.
13 No permit issued under this Section shall authorize any person
14 to carry a concealed firearm into or upon:

15 (i) Any police, sheriff, or Department of State Police
16 office or station without the consent of the chief law
17 enforcement officer in charge of that office or station.

18 (ii) The facility of any adult or juvenile detention or
19 correctional institution, prison, or jail.

20 (iii) Any courthouse, solely occupied by the Circuit,
21 Appellate, or Supreme Court, or a courtroom of any of those
22 courts, or court proceeding, except that nothing in this
23 Section shall preclude a judge, holding a concealed firearm
24 permit, from carrying a concealed firearm within a
25 courthouse.

26 (iv) Any meeting of the governing body of a unit of
27 local government; or any meeting of the General Assembly or
28 a committee of the General Assembly, except that nothing in
29 this Section shall preclude a member of the body, holding a
30 concealed firearms permit, from carrying a concealed
31 firearm at a meeting of the body which he or she is a
32 member.

33 (v) The General Assembly may by statute, and the county
34 or municipality may by ordinance, prohibit or limit the
35 carrying of concealed firearms by permit holders in that

1 portion of a building owned, leased, or controlled by that
2 unit of government. That portion of a building in which the
3 carrying of concealed firearms is prohibited or limited
4 shall be clearly identified by signs posted at the entrance
5 to the restricted area. The statute or ordinance shall
6 exempt any building used for public housing by private
7 persons, highways or rest areas, firing ranges, and private
8 dwellings owned, leased, or controlled by that unit of
9 government from any restriction on the carrying or
10 possession of a firearm. The statute or ordinance shall not
11 specify any criminal penalty for its violation but may
12 specify that persons violating the statute or ordinance may
13 be denied entrance to the building, ordered to leave the
14 building, and, if the employees of the unit of government,
15 be subjected to disciplinary measures for violation of the
16 provisions of the statute or ordinance. The provisions of
17 this Section shall not apply to any other unit of
18 government.

19 (vi) Any portion of an establishment licensed to
20 dispense beer or alcoholic beverages for consumption on the
21 premises, which portion of the establishment is primarily
22 devoted to that purpose. This paragraph (vi) does not apply
23 to any bona fide restaurant open to the general public
24 having dining facilities for not less than 50 persons and
25 that receives at least 50% of its gross annual income from
26 the dining facilities by the sale of food.

27 (vii) Any area of an airport to which access is
28 controlled by the inspection of persons and property.

29 (viii) Any place where the carrying of a firearm is
30 prohibited by federal law.

31 (ix) Any elementary or secondary school facility
32 without the consent of school authorities.

33 (x) Any portion of a building used as a child care
34 facility without the consent of the manager. Nothing in
35 this Section shall prevent the operator of a child care
36 facility in a family home from owning or possessing a

1 firearm or permit.

2 (xi) A riverboat gambling operation or horse racing
3 facility accessible by the public.

4 (xii) Any gated area of an amusement park.

5 (xiii) Any stadium, arena, or collegiate or
6 professional sporting event.

7 (xiv) A church or other place of religious worship.

8 A violation of this subsection (a) is a Class C
9 misdemeanor.

10 (b) A concealed firearm permit does not authorize the
11 concealed carrying or transportation of a stun gun or taser.

12 Section 70. Immunity of Department, sheriff, municipal
13 police department, and their employees and agents. The
14 Department of State Police, office of the county sheriff, or
15 municipal police department, and any employee or agent of the
16 Department of State Police, county sheriff, or municipal police
17 department is not liable for damages in any civil action
18 arising from alleged wrongful or improper granting, renewing,
19 or failure to revoke permits issued under this Act.

20 Section 80. Fees.

21 (a) Fees collected under this Act and deposited into the
22 Retired Officers Security Trust Fund shall be used exclusively
23 for administering the provisions of this Act; except that,
24 commencing January 1, 2005, any excess moneys in the Fund may
25 be used to ensure the prompt and efficient processing of
26 applications received under Section 30 of this Act.

27 (b) Fees for a concealed firearms permit shall be:

28	New permit	\$100
29	Renewal	\$75
30	Duplicate due to lost or destroyed	\$25
31	Corrected permit due to change of address	
32	or name	\$25
33	Late renewal fee	\$25

1 Section 85. Applicant training.

2 (a) The applicant training course shall be the standardized
3 training course furnished by the Department and taught by a
4 qualified firearms instructor, consisting of:

5 (1) Eight hours of classroom instruction, covering at
6 least the following topics:

7 (i) handgun safety in the classroom, at home, on
8 the firing range, or while carrying the firearm;

9 (ii) the basic principles of marksmanship;

10 (iii) care and cleaning of handguns; and

11 (iv) by means of a videotape produced or approved
12 by the Department:

13 (A) the requirements for obtaining a concealed
14 firearms permit in this State;

15 (B) laws relating to firearms as prescribed in
16 the Firearm Owners Identification Card Act,
17 Article 24 of the Criminal Code of 1961, and 18
18 U.S.C. 921 through 930; and

19 (C) laws relating to the justifiable use of
20 force as prescribed in Article 7 of the Criminal
21 Code of 1961.

22 (2) Live firing exercises of sufficient duration for
23 each applicant to fire:

24 (i) a handgun from a standing position;

25 (ii) a minimum of 20 rounds; and

26 (iii) at a distance from a B-21 silhouette target,
27 or an equivalent as approved by the Department, of 7
28 yards.

29 (b) The classroom portion of the course may be, at the
30 qualified firearms instructor's discretion, divided into
31 segments of not less than 2 hours each.

32 (c) (1) An applicant training course shall not be open to
33 persons who are less than 21 years of age.

34 (2) An applicant training course students shall
35 complete a course application form, which shall include a
36 statement acknowledging receipt of copies of pertinent

1 statutory provisions listed in clauses (A), (B), and (C) of
2 subparagraph (iv) of paragraph (1) of subsection (a) and a
3 liability waiver.

4 (3) The course application form may be obtained from
5 the qualified firearms instructor at the time of the
6 course.

7 (d) At the conclusion of the classroom portion of the
8 applicant training course, the qualified firearms instructor
9 shall:

10 (1) distribute a standard course examination to the
11 students;

12 (2) not leave the room in which the examination is
13 being held while the examination is in progress;

14 (3) collect examination booklets and answer sheets
15 from each student at the end of the examination period;

16 (4) not grade the examinations in the presence of
17 students; and

18 (5) not divulge an applicant's numeric score on the day
19 of the examination, but may indicate whether an applicant
20 passed or failed the examination.

21 (e) A person shall not:

22 (1) make an unauthorized copy of the applicant training
23 course examination, in whole or in part;

24 (2) possess the applicant training course examination,
25 or questions from the examination, unless authorized by the
26 Department; or

27 (3) divulge the contents of an applicant training
28 course examination questions to another person.

29 (f) (1) Students shall provide their own safe, functional
30 handgun and factory-loaded ammunition.

31 (2) Prior to conducting range firing, the certified
32 firearms instructor shall:

33 (i) inspect each applicant's firearm; and

34 (ii) not allow the firing of a handgun that is not
35 in sound mechanical condition or otherwise may pose a
36 safety hazard.

1 (g) Grades of "passing" shall not be given on range work to
2 an applicant who:

3 (1) does not follow the orders of the certified
4 firearms instructor;

5 (2) in the judgment of the certified firearms
6 instructor, handles a firearm in a manner that poses a
7 danger to the applicant or to others; or

8 (3) during the testing portion of the range work fails
9 to hit the silhouette portion of the target with a majority
10 of 20 rounds.

11 (h) Certified firearms instructors shall:

12 (1) allow monitoring of their classes by officials of
13 any certifying agency;

14 (2) make all course records available upon demand to
15 authorized personnel of the Department; and

16 (3) not divulge course records except as authorized by
17 the certifying agency.

18 (i) (1) Fees for applicant training courses shall not
19 exceed \$75 per student.

20 (2) Qualified firearms instructors shall collect the
21 fee and remit \$25 of the fee to the Department.

22 (3) Fees shall not be refunded to students who fail or
23 otherwise do not complete the course.

24 (j) An applicant training course shall not have more than
25 40 students in the classroom portion or more than 10 students
26 per range officer engaged in range firing.

27 (k) Within 3 working days after the completion of the
28 course, the certified firearms instructor shall:

29 (1) grade the examinations; and

30 (2) mail to the Department:

31 (i) the completed course application form, showing
32 the student's score on the written examination and
33 indicating whether the student passed or failed the
34 range work; and

35 (ii) the graded examinations.

36 (l) Within 15 days after receipt of the material described

1 in section (k), the Department shall mail to the applicant:

2 (i) a certificate of successful course completion;

3 or

4 (ii) notification that the applicant has failed
5 the course and will not be certified.

6 (m) A student shall be issued a certificate of completion
7 if he or she:

8 (i) answers at least 70% of the written examination
9 questions correctly; and

10 (ii) achieves a grade of "passing" on the range
11 work.

12 (n) (1) Students who score below 70% on the written
13 examination may retake the examination one time without having
14 to retake the course.

15 (2) Students who do not achieve a grade of "passing" on the
16 range work may repeat the range work one time without having to
17 retake the course.

18 (3) Notices of failure shall include information on whether
19 the student failed the written exam, the range firing, or both.

20 Section 90. Firearms instructors training.

21 (a) Persons who are not qualified firearms instructors
22 shall not teach applicant training courses.

23 (b) Persons who are not qualified firearms instructors
24 shall not advertise or otherwise represent courses they teach
25 as qualifying their students to meet the requirements to
26 receive a permit to carry concealed firearms in this State.

27 (c) Persons who are not certified instructor trainers shall
28 not teach instructor qualification courses.

29 (d) Persons wishing to become qualified firearms
30 instructors shall:

31 (1) be at least 21 years of age;

32 (2) be a citizen of the United States; and

33 (3) meet the requirements of subsection (b) of Section
34 25.

35 (e) Persons wishing to become instructor trainers, in

1 addition to the requirements of subsection (d) of this Section,
2 shall:

3 (1) possess a high school diploma or GED certificate;

4 (2) have at least one of the following valid firearms
5 instructor certifications:

6 (I) National Rifle Association Personal Protection
7 Instructor;

8 (II) National Rifle Association Pistol
9 Marksmanship Instructor;

10 (III) certification from a firearms instructor's
11 course offered by a State or federal governmental
12 agency; or

13 (IV) a similar firearms instructor qualifying
14 course, approved the Director of State Police or his or
15 her designee.

16 (f) (1) Applicants shall agree to background checks.

17 (2) An applicant may be disqualified from taking
18 firearms instructor training, or have his or her instructor
19 qualification revoked, if the applicant:

20 (A) does not meet the requirements of this Act to
21 possess a concealed firearms permit;

22 (B) provides false or misleading information on
23 the application; or

24 (C) has had a prior instructor qualification
25 revoked by the Department.

26 (g) The training course to certify firearms instructors and
27 instructor trainers shall include:

28 (1) Sixteen hours of classroom instruction covering at
29 least the following topics:

30 (i) by means of a videotape produced or approved by
31 the Department:

32 (A) the requirements for obtaining a concealed
33 firearms permit in this State;

34 (B) laws relating to firearms as contained in the
35 Firearm Owners Identification Card Act, Article 24 of
36 the Criminal Code of 1961, and 18 U.S.C. 921 through

1 930;

2 (C) laws relating to the justifiable use of force
3 as contained in Article 7 of the Criminal Code of 1961;

4 (D) the conduct of applicant training courses;

5 (E) record-keeping requirements of this Act;

6 (F) the basic nomenclature of handguns;

7 (G) the basic principles of marksmanship; and

8 (H) the safe handling of handguns.

9 (2) A classroom demonstration, during which the
10 instructor candidate shall receive instruction on and
11 demonstrate competency in the ability to prepare and
12 deliver a classroom presentation using materials from the
13 applicant curriculum.

14 (3) Range instruction and firing of live ammunition,
15 during which the instructor candidate shall receive
16 instruction on and demonstrate competency in the ability
17 to:

18 (i) handle and fire a handgun safely and
19 accurately;

20 (ii) conduct a function test and safety inspection
21 of common types of handguns;

22 (iii) clean common types of handguns; and

23 (iv) supervise and conduct live firing exercises
24 in a safe and efficient manner.

25 (h) To qualify as a certified firearms instructor or
26 instructor trainer, instructor candidates shall achieve:

27 (1) a minimum score of 70% on a written examination
28 covering the material taught during the classroom portion
29 of the course;

30 (2) a minimum score of 80% on range firing of a handgun
31 from the standing position while aiming at a B-21 PC
32 silhouette target or an equivalent as approved by the
33 Department, with a minimum of:

34 (i) ten rounds from 7 yards;

35 (ii) ten rounds from 15 yards; and

36 (iii) a score of "passing" from the course

1 instructor for demonstrating competency in each of the
2 following:

- 3 (A) supervising and conducting live fire;
- 4 (B) cleaning and inspecting handguns; and
- 5 (C) preparing and delivering the classroom
6 lecture.

7 (i) Instructor candidates who fail to meet the minimum
8 requirements of subsection (g) of this Section may retake the
9 examination, range work, or classroom demonstration one time
10 without having to repeat the course.

11 (j) Qualified firearms instructor and instructor trainer
12 certificates shall be valid for 3 years from date of issue.
13 Qualified firearms instructors or instructor trainers may
14 renew their certification by successfully completing a
15 refresher course offered or approved by the Department.

16 (k) The fees for instructor trainer or refresher courses
17 shall be \$100 per student.

18 (1) The fees for qualified instructor courses shall be
19 no more than \$100 per student. The instructor trainer shall
20 remit \$50 per student to the Department.

21 (2) Fees shall not be refunded to those who do not pass
22 or otherwise fail to complete a course.

23 (l) Course participants shall provide their own safe,
24 functional handgun and factory-loaded ammunition.

25 (m) Prior to conducting range firing, the course instructor
26 shall:

- 27 (1) inspect each applicant's firearm; and
- 28 (2) not allow the firing of a handgun that is not
29 in sound mechanical condition or otherwise may pose a
30 safety hazard.

31 Section 95. Repeal. This Act is repealed on January 1,
32 2010.

33 Section 100. Severability. The provisions of this Act are
34 severable under Section 1.31 of the Statute on Statutes.

1 Section 105. The Firearm Owners Identification Card Act is
2 amended by changing Section 13.1 as follows:

3 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

4 Sec. 13.1. The provisions of any ordinance enacted by any
5 municipality which requires registration or imposes greater
6 restrictions or limitations on the acquisition, possession and
7 transfer of firearms than are imposed by this Act, are not
8 invalidated or affected by this Act, except that an ordinance
9 of a unit of local government, including a home rule unit, is
10 invalid if it is inconsistent with the Retired Officers
11 Security Act. It is declared to be the policy of this State
12 that the regulation of the right to carry concealed firearms is
13 an exclusive power and function of the State. A home rule unit
14 may not regulate the issuance of permits to carry concealed
15 firearms or the carrying and transportation of firearms. This
16 Section is a denial and limitation of home rule powers and
17 functions under subsection (h) of Section 6 of Article VII of
18 the Illinois Constitution.

19 (Source: P.A. 76-1939.)

20 Section 999. Effective date. This Act takes effect upon
21 becoming a law.