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1 AMENDMENT TO SENATE BILL 2188

2 AMENDMENT NO. _____. Amend Senate Bill 2188 by replacing
3 everything after the enacting clause with the following:

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

1 view of the public.

2 "Department" means the Department of State Police.

3 "Director" means the Director of State Police.

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

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

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

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

11 Section 15. Retired Officers Security Fund.

12 (a) There is created the Retired Officers Security Trust
13 Fund. The Fund shall be maintained apart from the State
14 treasury and shall be administered by the Department. Moneys
15 from federal and State sources may be deposited into the Fund.
16 Fees from applications for new, renewal, corrected, and
17 duplicate concealed firearms permits shall be deposited into
18 the Fund. The Department may invest the moneys in the Fund, and
19 any income on these investments shall be reinvested in the
20 Fund.

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

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

1 throughout the State.

2 Section 25. Application for permit and qualifications of
3 applicants.

4 (a) An applicant for a permit shall obtain the application
5 from the Department of State Police. The completed application
6 and all accompanying material plus an application fee of \$100
7 for a new permit or \$75 for a renewal shall be submitted to the
8 Department of State Police.

9 (b) The Department of State Police, upon a person's
10 application for a concealed firearms permit, upon receipt of
11 the appropriate fees, and after compliance with the procedures
12 set out in this Section, shall issue the applicant a concealed
13 firearms permit if the person:

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

17 (2) has not been convicted of a crime punishable by
18 imprisonment for a term exceeding one year, or of a
19 misdemeanor evidencing violence, is not free on any form of
20 bond or pretrial release, and has no outstanding warrants
21 for those crimes;

22 (3) has no record of mental disease or mental illness
23 on file with the Department of State Police or the
24 Department of Human Services that would evidence
25 incapacity, or lack of proper mental capacity;

26 (4) has not been committed to a state or federal
27 facility for the abuse of a controlled substance or
28 cannabis or has not been convicted of a misdemeanor
29 violation of the Illinois Controlled Substances Act or the
30 Cannabis Control Act or similar laws of any other state
31 relating to controlled substances or cannabis within a
32 10-year period immediately preceding the date on which the
33 application is submitted; and

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

2 (A) is a graduate of a police training institute or
3 academy, who after graduating served for at least 10
4 years as a sworn, full-time peace officer qualified to
5 carry firearms for any federal or State department or
6 agency or for any unit of local government of Illinois
7 and has retired as a local, State, or federal peace
8 officer in a publicly created peace officer retirement
9 system; whose service in law enforcement was honorably
10 terminated through retirement or disability and not as
11 a result of discipline, suspension, discharge, or
12 decertification by the Illinois Law Enforcement
13 Training Standards Board; or

14 (B) earned the Military Occupation Specialty (MOS)
15 of a military police officer, investigator, or its
16 equivalent in any of the Armed Forces and served for at
17 least 10 years as a member of the United States Armed
18 Forces, which service was honorably terminated and not
19 as a result of discipline, suspension, or dishonorable
20 discharge.

21 Section 30. Contents of application. The initial
22 application shall be in writing, under oath and under the
23 penalties of perjury, on a standard form promulgated by the
24 Department of State Police, and shall be accompanied by the
25 appropriate fees and required documentation. The application
26 shall contain only the following information:

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

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

32 (3) questions to certify or demonstrate the applicant
33 has completed a firearms and deadly use of force training

1 and education prerequisites specified under this Act;

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

5 (5) a waiver of privacy and confidentiality rights and
6 privileges enjoyed by the applicant under all federal and
7 State laws governing access to juvenile court, criminal
8 justice, psychological or psychiatric records, or records
9 relating to the applicant's history of
10 institutionalization, and an affirmative request that any
11 person having custody of any such record provide it or
12 information concerning it to the Department;

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

16 (7) that the applicant possesses a currently valid
17 Illinois Firearm Owner's Identification Card, together
18 with the card number, or is applying for the card in
19 conjunction with the concealed firearms permit
20 application;

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

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

30 (10) appropriate documentation to support that the
31 applicant meets the requirements of clause (b) (5) of
32 Section 25 of this Act.

33 Section 35. Submission of identifying information; fee. In

1 addition to the completed application, the applicant must
2 submit the following information to the Department of State
3 Police:

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

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

12 (iii) a full set of legible fingerprints administered
13 to the applicant by the Department of State Police, or any
14 other federal, State, county, or municipal law enforcement
15 agency; any cost of fingerprinting shall be paid by the
16 applicant; and

17 (iv) a photocopy of a certificate or other evidence of
18 completion of a course to show compliance with Section 90
19 of this Act.

20 Section 40. Approval of application.

21 (a) If the Department of State Police finds that the
22 applicant possesses a valid Firearm Owner's Identification
23 Card, meets the training requirements of this Act, and has
24 provided the documentation and paid the fees required for
25 issuance of a concealed firearms permit and that, as nearly as
26 it is possible to determine, nothing in the applicant's
27 background or present circumstances disqualify him or her from
28 possessing a firearm in Illinois, it shall approve the
29 application and issue the applicant a wallet-sized permit
30 bearing the photograph of the applicant within 90 days.

31 (b) If the applicant is found to be ineligible, the
32 Department of State Police shall deny the application and
33 notify the applicant in writing, stating the grounds for denial

1 and informing the applicant of the right to submit, within 30
2 days, any additional documentation relating to the grounds of
3 the denial. Upon receiving any additional documentation, the
4 Department of State Police shall reconsider its decision and
5 inform the applicant within 30 days of the result of the
6 reconsideration. The applicant shall further be informed of the
7 right to appeal the denial in the circuit court of his or her
8 place of residence.

9 (c) The Department of State Police shall maintain an
10 automated listing of permit holders and pertinent information,
11 and this information shall be available on-line, upon request,
12 at all times to all Illinois law enforcement agencies. Except
13 as provided in this subsection, information on applications for
14 permits, names and addresses, or other identifying information
15 relating to permit holders shall be confidential and shall not
16 be made available except to law enforcement agencies. Requests
17 for information about any permit holder made by persons other
18 than a bona fide law enforcement agency shall be made to the
19 Department of State Police together with any fee required for
20 the providing of information. The Department of State Police
21 may, upon proper application and the payment of the required
22 fee, provide to the requester, in written form only, a list of
23 names of any or all holders in the State of Illinois licensed
24 to carry a concealed firearm. No identifying information other
25 than the name shall be provided, and information for geographic
26 areas or other subdivisions of any type from the list shall not
27 be provided, except to a bona fide law enforcement agency, and
28 shall be confidential. No requests for lists of local or
29 statewide permit holders shall be made to any State or local
30 law enforcement agency. No other agency of government other
31 than the Department of State Police shall provide any
32 information to a requester not entitled to it by law. The names
33 of all persons, other than law enforcement agencies and peace
34 officers, requesting information under this Section shall be

1 public records.

2 Section 45. Revocation of a permit. A permit issued under
3 Section 40 shall be suspended or revoked if the permit holder
4 becomes ineligible to be issued a permit under the criteria set
5 forth in clauses (b)(1), (2), (3), (4), and (5) of Section 25
6 or subsection (b) of Section 40 of this Act. When an order of
7 protection is issued under Section 112A-14 of the Code of
8 Criminal Procedure of 1963 or under Section 214 of the Illinois
9 Domestic Violence Act of 1986 against a person holding a permit
10 issued under this Act, the holder of the permit shall surrender
11 the permit to the court or to the officer serving the order.
12 The officer to whom the permit is surrendered shall forthwith
13 transmit the permit to the court issuing the order. The permit
14 shall be suspended until the order is terminated.

15 Section 50. Notification of renewal. Not later than 120
16 days before the expiration of any permit issued under this Act,
17 the Department of State Police shall notify the permit holder
18 in writing of the expiration and furnish an application for
19 renewal of the permit.

20 Section 55. Renewal of permit.

21 (a) The permit shall be renewed for a qualified applicant
22 upon receipt of the properly completed renewal application and
23 required renewal fee. The renewal application shall contain the
24 same required information as set forth in paragraphs (1)
25 through (9) of Section 30, except that in lieu of the firearm
26 education and use of deadly force training, the applicant need
27 only demonstrate previous issuance of and continued
28 eligibility for a concealed firearms permit.

29 (b) A permittee who fails to file a renewal application on
30 or before its expiration date must pay an additional late fee
31 of \$25. A person who fails to renew his or her application

1 within 6 months after it's expiration must reapply for a new
2 permit and pay the fee for a new application.

3 Section 60. Change of address, change of name, or lost or
4 destroyed permits.

5 (a) Within 30 days after the changing of a permanent
6 residence, or within 30 days after loss or destruction of a
7 concealed firearms permit, the permittee shall notify the
8 Department of State Police of the loss, destruction, change of
9 name, or change of residence. Failure to notify the Department
10 of State Police shall constitute a noncriminal violation with a
11 penalty of \$25 payable to the Department of State Police.

12 (b) If a person issued a permit to carry a concealed
13 firearm changes residence within this State, or changes his or
14 her name, the person to whom the permit was issued may upon
15 payment of \$25 to the Department of State Police obtain a
16 corrected concealed firearms permit with a change of address or
17 change of name upon furnishing a notarized statement to the
18 Department of State Police that the permittee has changed
19 residence, or his or her name, and upon submission of an
20 application as set forth in Section 25 and photograph as set
21 forth in paragraph (2) of Section 30 of this Act. A concealed
22 firearms permit shall be automatically invalid after 30 days if
23 the permittee has not notified the Department of State Police
24 of a change of residence.

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

1 Section 65. Concealed firearms permit.

2 (a) A concealed firearm permit shall authorize the person
3 in whose name the permit is issued to carry concealed firearms
4 on or about his or her person or vehicle throughout the State.
5 No permit issued under this Section shall authorize any person
6 to carry a concealed firearm into or upon:

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

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

12 (iii) Any courthouse, solely occupied by the Circuit,
13 Appellate, or Supreme Court, or a courtroom of any of those
14 courts, or court proceeding, except that nothing in this
15 Section shall preclude a judge, holding a concealed firearm
16 permit, from carrying a concealed firearm within a
17 courthouse.

18 (iv) Any meeting of the governing body of a unit of
19 local government; or any meeting of the General Assembly or
20 a committee of the General Assembly, except that nothing in
21 this Section shall preclude a member of the body, holding a
22 concealed firearms permit, from carrying a concealed
23 firearm at a meeting of the body which he or she is a
24 member.

25 (v) The General Assembly may by statute, and the county
26 or municipality may by ordinance, prohibit or limit the
27 carrying of concealed firearms by permit holders in that
28 portion of a building owned, leased, or controlled by that
29 unit of government. That portion of a building in which the
30 carrying of concealed firearms is prohibited or limited
31 shall be clearly identified by signs posted at the entrance
32 to the restricted area. The statute or ordinance shall
33 exempt any building used for public housing by private
34 persons, highways or rest areas, firing ranges, and private

1 dwellings owned, leased, or controlled by that unit of
2 government from any restriction on the carrying or
3 possession of a firearm. The statute or ordinance shall not
4 specify any criminal penalty for its violation but may
5 specify that persons violating the statute or ordinance may
6 be denied entrance to the building, ordered to leave the
7 building, and, if the employees of the unit of government,
8 be subjected to disciplinary measures for violation of the
9 provisions of the statute or ordinance. The provisions of
10 this Section shall not apply to any other unit of
11 government.

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

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

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

24 (ix) Any elementary or secondary school facility
25 without the consent of school authorities.

26 (x) Any portion of a building used as a child care
27 facility without the consent of the manager. Nothing in
28 this Section shall prevent the operator of a child care
29 facility in a family home from owning or possessing a
30 firearm or permit.

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

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

34 (xiii) Any stadium, arena, or collegiate or

1 professional sporting event.

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

3 A violation of this subsection (a) is a Class C
4 misdemeanor.

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

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

15 Section 80. Fees.

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

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

23	New permit	\$100
24	Renewal	\$75
25	Duplicate due to lost or destroyed	\$25
26	Corrected permit due to change of address	
27	or name	\$25
28	Late renewal fee	\$25

29 Section 85. Applicant training.

30 (a) The applicant training course shall be the standardized
31 training course furnished by the Department and taught by a

1 qualified firearms instructor, consisting of:

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

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

6 (ii) the basic principles of marksmanship;

7 (iii) care and cleaning of handguns; and

8 (iv) by means of a videotape produced or approved
9 by the Department:

10 (A) the requirements for obtaining a concealed
11 firearms permit in this State;

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

16 (C) laws relating to the justifiable use of
17 force as prescribed in Article 7 of the Criminal
18 Code of 1961.

19 (2) Live firing exercises of sufficient duration for
20 each applicant to fire:

21 (i) a handgun from a standing position;

22 (ii) a minimum of 20 rounds; and

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

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

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

31 (2) An applicant training course students shall
32 complete a course application form, which shall include a
33 statement acknowledging receipt of copies of pertinent
34 statutory provisions listed in clauses (A), (B), and (C) of

1 subparagraph (iv) of paragraph (1) of subsection (a) and a
2 liability waiver.

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

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

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

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

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

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

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

20 (e) A person shall not:

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

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

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

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

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

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

33 (ii) not allow the firing of a handgun that is not
34 in sound mechanical condition or otherwise may pose a

1 safety hazard.

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

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

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

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

12 (h) Certified firearms instructors shall:

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

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

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

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

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

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

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

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

30 (1) grade the examinations; and

31 (2) mail to the Department:

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

1 range work; and

2 (ii) the graded examinations.

3 (l) Within 15 days after receipt of the material described
4 in section (k), the Department shall mail to the applicant:

5 (i) a certificate of successful course completion;

6 or

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

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

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

13 (ii) achieves a grade of "passing" on the range
14 work.

15 (n) (1) Students who score below 70% on the written
16 examination may retake the examination one time without having
17 to retake the course.

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

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

23 Section 90. Firearms instructors training.

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

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

30 (c) Persons who are not certified instructor trainers shall
31 not teach instructor qualification courses.

32 (d) Persons wishing to become qualified firearms
33 instructors shall:

- 1 (1) be at least 21 years of age;
- 2 (2) be a citizen of the United States; and
- 3 (3) meet the requirements of subsection (b) of Section
- 4 25.

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

6 addition to the requirements of subsection (d) of this Section,

7 shall:

- 8 (1) possess a high school diploma or GED certificate;
- 9 (2) have at least one of the following valid firearms
- 10 instructor certifications:

11 (I) National Rifle Association Personal Protection

12 Instructor;

13 (II) National Rifle Association Pistol

14 Marksmanship Instructor;

15 (III) certification from a firearms instructor's

16 course offered by a State or federal governmental

17 agency; or

18 (IV) a similar firearms instructor qualifying

19 course, approved the Director of State Police or his or

20 her designee.

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

22 (2) An applicant may be disqualified from taking

23 firearms instructor training, or have his or her instructor

24 qualification revoked, if the applicant:

25 (A) does not meet the requirements of this Act to

26 possess a concealed firearms permit;

27 (B) provides false or misleading information on

28 the application; or

29 (C) has had a prior instructor qualification

30 revoked by the Department.

31 (g) The training course to certify firearms instructors and

32 instructor trainers shall include:

33 (1) Sixteen hours of classroom instruction covering at

34 least the following topics:

1 (i) by means of a videotape produced or approved by
2 the Department:

3 (A) the requirements for obtaining a concealed
4 firearms permit in this State;

5 (B) laws relating to firearms as contained in the
6 Firearm Owners Identification Card Act, Article 24 of
7 the Criminal Code of 1961, and 18 U.S.C. 921 through
8 930;

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

11 (D) the conduct of applicant training courses;

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

13 (F) the basic nomenclature of handguns;

14 (G) the basic principles of marksmanship; and

15 (H) the safe handling of handguns.

16 (2) A classroom demonstration, during which the
17 instructor candidate shall receive instruction on and
18 demonstrate competency in the ability to prepare and
19 deliver a classroom presentation using materials from the
20 applicant curriculum.

21 (3) Range instruction and firing of live ammunition,
22 during which the instructor candidate shall receive
23 instruction on and demonstrate competency in the ability
24 to:

25 (i) handle and fire a handgun safely and
26 accurately;

27 (ii) conduct a function test and safety inspection
28 of common types of handguns;

29 (iii) clean common types of handguns; and

30 (iv) supervise and conduct live firing exercises
31 in a safe and efficient manner.

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

34 (1) a minimum score of 70% on a written examination

1 covering the material taught during the classroom portion
2 of the course;

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

7 (i) ten rounds from 7 yards;

8 (ii) ten rounds from 15 yards; and

9 (iii) a score of "passing" from the course
10 instructor for demonstrating competency in each of the
11 following:

12 (A) supervising and conducting live fire;

13 (B) cleaning and inspecting handguns; and

14 (C) preparing and delivering the classroom
15 lecture.

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

20 (j) Qualified firearms instructor and instructor trainer
21 certificates shall be valid for 3 years from date of issue.
22 Qualified firearms instructors or instructor trainers may
23 renew their certification by successfully completing a
24 refresher course offered or approved by the Department.

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

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

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

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

34 (m) Prior to conducting range firing, the course instructor

1 shall:

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

6 Section 95. Repeal. This Act is repealed on January 1,
7 2010.

8 Section 97. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes.

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

12 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

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

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

29 Section 110. The Criminal Code of 1961 is amended by

1 changing Section 24-2 as follows:

2 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

3 Sec. 24-2. Exemptions.

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

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

9 (2) Wardens, superintendents and keepers of prisons,
10 penitentiaries, jails and other institutions for the
11 detention of persons accused or convicted of an offense,
12 while in the performance of their official duty, or while
13 commuting between their homes and places of employment.

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

18 (4) Special agents employed by a railroad or a public
19 utility to perform police functions, and guards of armored
20 car companies, while actually engaged in the performance of
21 the duties of their employment or commuting between their
22 homes and places of employment; and watchmen while actually
23 engaged in the performance of the duties of their
24 employment.

25 (5) Persons licensed as private security contractors,
26 private detectives, or private alarm contractors, or
27 employed by an agency certified by the Department of
28 Professional Regulation, if their duties include the
29 carrying of a weapon under the provisions of the Private
30 Detective, Private Alarm, Private Security, and Locksmith
31 Act of 2004, while actually engaged in the performance of
32 the duties of their employment or commuting between their
33 homes and places of employment, provided that such

1 commuting is accomplished within one hour from departure
2 from home or place of employment, as the case may be.
3 Persons exempted under this subdivision (a)(5) shall be
4 required to have completed a course of study in firearms
5 handling and training approved and supervised by the
6 Department of Professional Regulation as prescribed by
7 Section 28 of the Private Detective, Private Alarm, Private
8 Security, and Locksmith Act of 2004, prior to becoming
9 eligible for this exemption. The Department of
10 Professional Regulation shall provide suitable
11 documentation demonstrating the successful completion of
12 the prescribed firearms training. Such documentation shall
13 be carried at all times when such persons are in possession
14 of a concealable weapon.

15 (6) Any person regularly employed in a commercial or
16 industrial operation as a security guard for the protection
17 of persons employed and private property related to such
18 commercial or industrial operation, while actually engaged
19 in the performance of his or her duty or traveling between
20 sites or properties belonging to the employer, and who, as
21 a security guard, is a member of a security force of at
22 least 5 persons registered with the Department of
23 Professional Regulation; provided that such security guard
24 has successfully completed a course of study, approved by
25 and supervised by the Department of Professional
26 Regulation, consisting of not less than 40 hours of
27 training that includes the theory of law enforcement,
28 liability for acts, and the handling of weapons. A person
29 shall be considered eligible for this exemption if he or
30 she has completed the required 20 hours of training for a
31 security officer and 20 hours of required firearm training,
32 and has been issued a firearm authorization card by the
33 Department of Professional Regulation. Conditions for the
34 renewal of firearm authorization cards issued under the

1 provisions of this Section shall be the same as for those
2 cards issued under the provisions of the Private Detective,
3 Private Alarm, Private Security, and Locksmith Act of 2004.
4 Such firearm authorization card shall be carried by the
5 security guard at all times when he or she is in possession
6 of a concealable weapon.

7 (7) Agents and investigators of the Illinois
8 Legislative Investigating Commission authorized by the
9 Commission to carry the weapons specified in subsections
10 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
11 any investigation for the Commission.

12 (8) Persons employed by a financial institution for the
13 protection of other employees and property related to such
14 financial institution, while actually engaged in the
15 performance of their duties, commuting between their homes
16 and places of employment, or traveling between sites or
17 properties owned or operated by such financial
18 institution, provided that any person so employed has
19 successfully completed a course of study, approved by and
20 supervised by the Department of Professional Regulation,
21 consisting of not less than 40 hours of training which
22 includes theory of law enforcement, liability for acts, and
23 the handling of weapons. A person shall be considered to be
24 eligible for this exemption if he or she has completed the
25 required 20 hours of training for a security officer and 20
26 hours of required firearm training, and has been issued a
27 firearm authorization card by the Department of
28 Professional Regulation. Conditions for renewal of firearm
29 authorization cards issued under the provisions of this
30 Section shall be the same as for those issued under the
31 provisions of the Private Detective, Private Alarm,
32 Private Security, and Locksmith Act of 2004. Such firearm
33 authorization card shall be carried by the person so
34 trained at all times when such person is in possession of a

1 concealable weapon. For purposes of this subsection,
2 "financial institution" means a bank, savings and loan
3 association, credit union or company providing armored car
4 services.

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

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

10 (11) Investigators of the Office of the State's
11 Attorneys Appellate Prosecutor authorized by the board of
12 governors of the Office of the State's Attorneys Appellate
13 Prosecutor to carry weapons pursuant to Section 7.06 of the
14 State's Attorneys Appellate Prosecutor's Act.

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

17 (12.5) Probation officers while in the performance of
18 their duties, or while commuting between their homes,
19 places of employment or specific locations that are part of
20 their assigned duties, with the consent of the chief judge
21 of the circuit for which they are employed.

22 (13) Court Security Officers while in the performance
23 of their official duties, or while commuting between their
24 homes and places of employment, with the consent of the
25 Sheriff.

26 (13.5) A person employed as an armed security guard at
27 a nuclear energy, storage, weapons or development site or
28 facility regulated by the Nuclear Regulatory Commission
29 who has completed the background screening and training
30 mandated by the rules and regulations of the Nuclear
31 Regulatory Commission.

32 (14) Manufacture, transportation, or sale of weapons
33 to persons authorized under subdivisions (1) through
34 (13.5) of this subsection to possess those weapons.

1 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
2 24-1.6 do not apply to or affect any of the following:

3 (1) Members of any club or organization organized for
4 the purpose of practicing shooting at targets upon
5 established target ranges, whether public or private, and
6 patrons of such ranges, while such members or patrons are
7 using their firearms on those target ranges.

8 (2) Duly authorized military or civil organizations
9 while parading, with the special permission of the
10 Governor.

11 (3) Hunters, trappers or fishermen with a license or
12 permit while engaged in hunting, trapping or fishing.

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

15 (5) A person issued a permit to carry a concealed
16 firearm under the Retired Officers Security Act.

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

19 (1) Peace officers while in performance of their
20 official duties.

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

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

27 (4) Manufacture, transportation, or sale of machine
28 guns to persons authorized under subdivisions (1) through
29 (3) of this subsection to possess machine guns, if the
30 machine guns are broken down in a non-functioning state or
31 are not immediately accessible.

32 (5) Persons licensed under federal law to manufacture
33 any weapon from which 8 or more shots or bullets can be
34 discharged by a single function of the firing device, or

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

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

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

26 The exemption granted under this subdivision (c)(6)
27 shall also apply to any authorized agent of any such
28 contractor or subcontractor who is operating within the
29 scope of his employment, where such activities involving
30 such weapon, weapons or ammunition are necessary and
31 incident to fulfilling the terms of such contract.

32 During transportation, any such weapon shall be broken
33 down in a non-functioning state, or not immediately
34 accessible.

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

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

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

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

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

17 (2) Bonafide collectors of antique or surplus military
18 ordinance.

19 (3) Laboratories having a department of forensic
20 ballistics, or specializing in the development of
21 ammunition or explosive ordinance.

22 (4) Commerce, preparation, assembly or possession of
23 explosive bullets by manufacturers of ammunition licensed
24 by the federal government, in connection with the supply of
25 those organizations and persons exempted by subdivision
26 (g)(1) of this Section, or like organizations and persons
27 outside this State, or the transportation of explosive
28 bullets to any organization or person exempted in this
29 Section by a common carrier or by a vehicle owned or leased
30 by an exempted manufacturer.

31 (g-5) Subsection 24-1(a)(6) does not apply to or affect
32 persons licensed under federal law to manufacture any device or
33 attachment of any kind designed, used, or intended for use in
34 silencing the report of any firearm, firearms, or ammunition

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

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

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

32 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
33 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

1 Section 999. Effective date. This Act takes effect upon
2 becoming a law.".