



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

#### HB3681

by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1 from Ch. 38, par. 24-1  
720 ILCS 5/24-1.6  
720 ILCS 5/24-2

Amends the Criminal Code of 2012. Provides that a person who has been issued a currently valid Firearm Owner's Identification Card may transport in a vehicle an accessible rifle, shotgun, or other long gun without the weapon being broken down in a non-functioning state or without the weapon being enclosed in a case, firearm carrying box, shipping box, or other container if the firearm is unloaded.

LRB100 10270 SLF 20456 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 Sections 24-1, 24-1.6, and 24-2 as follows:

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

7 Sec. 24-1. Unlawful use of weapons.

8 (a) A person commits the offense of unlawful use of weapons  
9 when he knowingly:

10 (1) Sells, manufactures, purchases, possesses or  
11 carries any bludgeon, black-jack, slung-shot, sand-club,  
12 sand-bag, metal knuckles or other knuckle weapon  
13 regardless of its composition, throwing star, or any knife,  
14 commonly referred to as a switchblade knife, which has a  
15 blade that opens automatically by hand pressure applied to  
16 a button, spring or other device in the handle of the  
17 knife, or a ballistic knife, which is a device that propels  
18 a knifelike blade as a projectile by means of a coil  
19 spring, elastic material or compressed gas; or

20 (2) Carries or possesses with intent to use the same  
21 unlawfully against another, a dagger, dirk, billy,  
22 dangerous knife, razor, stiletto, broken bottle or other  
23 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

2 (3) Carries on or about his person or in any vehicle, a  
3 tear gas gun projector or bomb or any object containing  
4 noxious liquid gas or substance, other than an object  
5 containing a non-lethal noxious liquid gas or substance  
6 designed solely for personal defense carried by a person 18  
7 years of age or older; or

8 (4) Carries or possesses in any vehicle or concealed on  
9 or about his person except when on his land or in his own  
10 abode, legal dwelling, or fixed place of business, or on  
11 the land or in the legal dwelling of another person as an  
12 invitee with that person's permission, any pistol,  
13 revolver, stun gun or taser or other firearm, except that  
14 this subsection (a) (4) does not apply to or affect  
15 transportation of:

16 (A) weapons, other than rifles, shotguns, or other  
17 long guns that are transported in a vehicle, that meet  
18 one of the following conditions:

19 (i) are broken down in a non-functioning  
20 state; or

21 (ii) are not immediately accessible; or

22 (iii) are unloaded and enclosed in a case,  
23 firearm carrying box, shipping box, or other  
24 container by a person who has been issued a  
25 currently valid Firearm Owner's Identification  
26 Card; or

1 (iv) are carried or possessed in accordance  
2 with the Firearm Concealed Carry Act by a person  
3 who has been issued a currently valid license under  
4 the Firearm Concealed Carry Act; or

5 (B) rifles, shotguns, or other long guns in a  
6 vehicle by a person who has been issued a currently  
7 valid Firearm Owner's Identification Card if the  
8 firearms are unloaded; or

9 (5) Sets a spring gun; or

10 (6) Possesses any device or attachment of any kind  
11 designed, used or intended for use in silencing the report  
12 of any firearm; or

13 (7) Sells, manufactures, purchases, possesses or  
14 carries:

15 (i) a machine gun, which shall be defined for the  
16 purposes of this subsection as any weapon, which  
17 shoots, is designed to shoot, or can be readily  
18 restored to shoot, automatically more than one shot  
19 without manually reloading by a single function of the  
20 trigger, including the frame or receiver of any such  
21 weapon, or sells, manufactures, purchases, possesses,  
22 or carries any combination of parts designed or  
23 intended for use in converting any weapon into a  
24 machine gun, or any combination or parts from which a  
25 machine gun can be assembled if such parts are in the  
26 possession or under the control of a person;

1           (ii) any rifle having one or more barrels less than  
2           16 inches in length or a shotgun having one or more  
3           barrels less than 18 inches in length or any weapon  
4           made from a rifle or shotgun, whether by alteration,  
5           modification, or otherwise, if such a weapon as  
6           modified has an overall length of less than 26 inches;  
7           or

8           (iii) any bomb, bomb-shell, grenade, bottle or  
9           other container containing an explosive substance of  
10          over one-quarter ounce for like purposes, such as, but  
11          not limited to, black powder bombs and Molotov  
12          cocktails or artillery projectiles; or

13          (8) Carries or possesses any firearm, stun gun or taser  
14          or other deadly weapon in any place which is licensed to  
15          sell intoxicating beverages, or at any public gathering  
16          held pursuant to a license issued by any governmental body  
17          or any public gathering at which an admission is charged,  
18          excluding a place where a showing, demonstration or lecture  
19          involving the exhibition of unloaded firearms is  
20          conducted.

21          This subsection (a) (8) does not apply to any auction or  
22          raffle of a firearm held pursuant to a license or permit  
23          issued by a governmental body, nor does it apply to persons  
24          engaged in firearm safety training courses; or

25          (9) Carries or possesses in a vehicle or on or about  
26          his person any pistol, revolver, stun gun or taser or

1 firearm or ballistic knife, when he is hooded, robed or  
2 masked in such manner as to conceal his identity; or

3 (10) Carries or possesses on or about his person, upon  
4 any public street, alley, or other public lands within the  
5 corporate limits of a city, village or incorporated town,  
6 except when an invitee thereon or therein, for the purpose  
7 of the display of such weapon or the lawful commerce in  
8 weapons, or except when on his land or in his own abode,  
9 legal dwelling, or fixed place of business, or on the land  
10 or in the legal dwelling of another person as an invitee  
11 with that person's permission, any pistol, revolver, stun  
12 gun or taser or other firearm, except that this subsection  
13 (a) (10) does not apply to or affect transportation of  
14 weapons as provided in subsection 24-1(a)(4)(B) or that  
15 meet one of the following conditions:

16 (i) are broken down in a non-functioning state; or

17 (ii) are not immediately accessible; or

18 (iii) are unloaded and enclosed in a case, firearm  
19 carrying box, shipping box, or other container by a  
20 person who has been issued a currently valid Firearm  
21 Owner's Identification Card; or

22 (iv) are carried or possessed in accordance with  
23 the Firearm Concealed Carry Act by a person who has  
24 been issued a currently valid license under the Firearm  
25 Concealed Carry Act.

26 A "stun gun or taser", as used in this paragraph (a)

1 means (i) any device which is powered by electrical  
2 charging units, such as, batteries, and which fires one or  
3 several barbs attached to a length of wire and which, upon  
4 hitting a human, can send out a current capable of  
5 disrupting the person's nervous system in such a manner as  
6 to render him incapable of normal functioning or (ii) any  
7 device which is powered by electrical charging units, such  
8 as batteries, and which, upon contact with a human or  
9 clothing worn by a human, can send out current capable of  
10 disrupting the person's nervous system in such a manner as  
11 to render him incapable of normal functioning; or

12 (11) Sells, manufactures or purchases any explosive  
13 bullet. For purposes of this paragraph (a) "explosive  
14 bullet" means the projectile portion of an ammunition  
15 cartridge which contains or carries an explosive charge  
16 which will explode upon contact with the flesh of a human  
17 or an animal. "Cartridge" means a tubular metal case having  
18 a projectile affixed at the front thereof and a cap or  
19 primer at the rear end thereof, with the propellant  
20 contained in such tube between the projectile and the cap;  
21 or

22 (12) (Blank); or

23 (13) Carries or possesses on or about his or her person  
24 while in a building occupied by a unit of government, a  
25 billy club, other weapon of like character, or other  
26 instrument of like character intended for use as a weapon.

1 For the purposes of this Section, "billy club" means a  
2 short stick or club commonly carried by police officers  
3 which is either telescopic or constructed of a solid piece  
4 of wood or other man-made material.

5 (b) Sentence. A person convicted of a violation of  
6 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
7 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
8 Class A misdemeanor. A person convicted of a violation of  
9 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
10 person convicted of a violation of subsection 24-1(a)(6) or  
11 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
12 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
13 Class 2 felony and shall be sentenced to a term of imprisonment  
14 of not less than 3 years and not more than 7 years, unless the  
15 weapon is possessed in the passenger compartment of a motor  
16 vehicle as defined in Section 1-146 of the Illinois Vehicle  
17 Code, or on the person, while the weapon is loaded, in which  
18 case it shall be a Class X felony. A person convicted of a  
19 second or subsequent violation of subsection 24-1(a)(4),  
20 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
21 felony. The possession of each weapon in violation of this  
22 Section constitutes a single and separate violation.

23 (c) Violations in specific places.

24 (1) A person who violates subsection 24-1(a)(6) or  
25 24-1(a)(7) in any school, regardless of the time of day or  
26 the time of year, in residential property owned, operated



1 or managed by a public housing agency or leased by a public  
2 housing agency as part of a scattered site or mixed-income  
3 development, in a public park, in a courthouse, on the real  
4 property comprising any school, regardless of the time of  
5 day or the time of year, on residential property owned,  
6 operated or managed by a public housing agency or leased by  
7 a public housing agency as part of a scattered site or  
8 mixed-income development, on the real property comprising  
9 any public park, on the real property comprising any  
10 courthouse, in any conveyance owned, leased or contracted  
11 by a school to transport students to or from school or a  
12 school related activity, in any conveyance owned, leased,  
13 or contracted by a public transportation agency, or on any  
14 public way within 1,000 feet of the real property  
15 comprising any school, public park, courthouse, public  
16 transportation facility, or residential property owned,  
17 operated, or managed by a public housing agency or leased  
18 by a public housing agency as part of a scattered site or  
19 mixed-income development commits a Class 2 felony and shall  
20 be sentenced to a term of imprisonment of not less than 3  
21 years and not more than 7 years.

22 (1.5) A person who violates subsection 24-1(a)(4),  
23 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
24 time of day or the time of year, in residential property  
25 owned, operated, or managed by a public housing agency or  
26 leased by a public housing agency as part of a scattered

1 site or mixed-income development, in a public park, in a  
2 courthouse, on the real property comprising any school,  
3 regardless of the time of day or the time of year, on  
4 residential property owned, operated, or managed by a  
5 public housing agency or leased by a public housing agency  
6 as part of a scattered site or mixed-income development, on  
7 the real property comprising any public park, on the real  
8 property comprising any courthouse, in any conveyance  
9 owned, leased, or contracted by a school to transport  
10 students to or from school or a school related activity, in  
11 any conveyance owned, leased, or contracted by a public  
12 transportation agency, or on any public way within 1,000  
13 feet of the real property comprising any school, public  
14 park, courthouse, public transportation facility, or  
15 residential property owned, operated, or managed by a  
16 public housing agency or leased by a public housing agency  
17 as part of a scattered site or mixed-income development  
18 commits a Class 3 felony.

19 (2) A person who violates subsection 24-1(a)(1),  
20 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
21 time of day or the time of year, in residential property  
22 owned, operated or managed by a public housing agency or  
23 leased by a public housing agency as part of a scattered  
24 site or mixed-income development, in a public park, in a  
25 courthouse, on the real property comprising any school,  
26 regardless of the time of day or the time of year, on

1 residential property owned, operated or managed by a public  
2 housing agency or leased by a public housing agency as part  
3 of a scattered site or mixed-income development, on the  
4 real property comprising any public park, on the real  
5 property comprising any courthouse, in any conveyance  
6 owned, leased or contracted by a school to transport  
7 students to or from school or a school related activity, in  
8 any conveyance owned, leased, or contracted by a public  
9 transportation agency, or on any public way within 1,000  
10 feet of the real property comprising any school, public  
11 park, courthouse, public transportation facility, or  
12 residential property owned, operated, or managed by a  
13 public housing agency or leased by a public housing agency  
14 as part of a scattered site or mixed-income development  
15 commits a Class 4 felony. "Courthouse" means any building  
16 that is used by the Circuit, Appellate, or Supreme Court of  
17 this State for the conduct of official business.

18 (3) Paragraphs (1), (1.5), and (2) of this subsection  
19 (c) shall not apply to law enforcement officers or security  
20 officers of such school, college, or university or to  
21 students carrying or possessing firearms for use in  
22 training courses, parades, hunting, target shooting on  
23 school ranges, or otherwise with the consent of school  
24 authorities and which firearms are transported unloaded  
25 enclosed in a suitable case, box, or transportation  
26 package.

1           (4) For the purposes of this subsection (c), "school"  
2 means any public or private elementary or secondary school,  
3 community college, college, or university.

4           (5) For the purposes of this subsection (c), "public  
5 transportation agency" means a public or private agency  
6 that provides for the transportation or conveyance of  
7 persons by means available to the general public, except  
8 for transportation by automobiles not used for conveyance  
9 of the general public as passengers; and "public  
10 transportation facility" means a terminal or other place  
11 where one may obtain public transportation.

12           (d) The presence in an automobile other than a public  
13 omnibus of any weapon, instrument or substance referred to in  
14 subsection (a) (7) is prima facie evidence that it is in the  
15 possession of, and is being carried by, all persons occupying  
16 such automobile at the time such weapon, instrument or  
17 substance is found, except under the following circumstances:  
18 (i) if such weapon, instrument or instrumentality is found upon  
19 the person of one of the occupants therein; or (ii) if such  
20 weapon, instrument or substance is found in an automobile  
21 operated for hire by a duly licensed driver in the due, lawful  
22 and proper pursuit of his trade, then such presumption shall  
23 not apply to the driver.

24           (e) Exemptions. Crossbows, Common or Compound bows and  
25 Underwater Spearguns are exempted from the definition of  
26 ballistic knife as defined in paragraph (1) of subsection (a)

1 of this Section.

2 (Source: P.A. 99-29, eff. 7-10-15.)

3 (720 ILCS 5/24-1.6)

4 Sec. 24-1.6. Aggravated unlawful use of a weapon.

5 (a) A person commits the offense of aggravated unlawful use  
6 of a weapon when he or she knowingly:

7 (1) Carries on or about his or her person or in any  
8 vehicle or concealed on or about his or her person except  
9 when on his or her land or in his or her abode, legal  
10 dwelling, or fixed place of business, or on the land or in  
11 the legal dwelling of another person as an invitee with  
12 that person's permission, any pistol, revolver, stun gun or  
13 taser or other firearm; or

14 (2) Carries or possesses on or about his or her person,  
15 upon any public street, alley, or other public lands within  
16 the corporate limits of a city, village or incorporated  
17 town, except when an invitee thereon or therein, for the  
18 purpose of the display of such weapon or the lawful  
19 commerce in weapons, or except when on his or her own land  
20 or in his or her own abode, legal dwelling, or fixed place  
21 of business, or on the land or in the legal dwelling of  
22 another person as an invitee with that person's permission,  
23 any pistol, revolver, stun gun or taser or other firearm;  
24 and

25 (3) One of the following factors is present:

1 (A) the firearm, other than a pistol, revolver, or  
2 handgun, possessed was uncased, loaded, and  
3 immediately accessible at the time of the offense; or

4 (A-5) the pistol, revolver, or handgun possessed  
5 was uncased, loaded, and immediately accessible at the  
6 time of the offense and the person possessing the  
7 pistol, revolver, or handgun has not been issued a  
8 currently valid license under the Firearm Concealed  
9 Carry Act; or

10 (B) the firearm, other than a pistol, revolver, or  
11 handgun, possessed was uncased, unloaded, and the  
12 ammunition for the weapon was immediately accessible  
13 at the time of the offense; or

14 (B-5) the pistol, revolver, or handgun possessed  
15 was uncased, unloaded, and the ammunition for the  
16 weapon was immediately accessible at the time of the  
17 offense and the person possessing the pistol,  
18 revolver, or handgun has not been issued a currently  
19 valid license under the Firearm Concealed Carry Act; or

20 (C) the person possessing the firearm has not been  
21 issued a currently valid Firearm Owner's  
22 Identification Card; or

23 (D) the person possessing the weapon was  
24 previously adjudicated a delinquent minor under the  
25 Juvenile Court Act of 1987 for an act that if committed  
26 by an adult would be a felony; or

1 (E) the person possessing the weapon was engaged in  
2 a misdemeanor violation of the Cannabis Control Act, in  
3 a misdemeanor violation of the Illinois Controlled  
4 Substances Act, or in a misdemeanor violation of the  
5 Methamphetamine Control and Community Protection Act;  
6 or

7 (F) (blank); or

8 (G) the person possessing the weapon had an ~~a~~ order  
9 of protection issued against him or her within the  
10 previous 2 years; or

11 (H) the person possessing the weapon was engaged in  
12 the commission or attempted commission of a  
13 misdemeanor involving the use or threat of violence  
14 against the person or property of another; or

15 (I) the person possessing the weapon was under 21  
16 years of age and in possession of a handgun, unless the  
17 person under 21 is engaged in lawful activities under  
18 the Wildlife Code or described in subsection  
19 24-2(b)(1), (b)(3), or 24-2(f).

20 (a-5) "Handgun" as used in this Section has the meaning  
21 given to it in Section 5 of the Firearm Concealed Carry Act.

22 (b) "Stun gun or taser" as used in this Section has the  
23 same definition given to it in Section 24-1 of this Code.

24 (c) This Section does not apply to or affect the  
25 transportation or possession of weapons as provided in  
26 subsection 24-1(a)(4)(B) or that:

1           (i) are broken down in a non-functioning state; or  
2           (ii) are not immediately accessible; or  
3           (iii) are unloaded and enclosed in a case, firearm  
4 carrying box, shipping box, or other container by a person  
5 who has been issued a currently valid Firearm Owner's  
6 Identification Card.

7           (d) Sentence.

8           (1) Aggravated unlawful use of a weapon is a Class 4  
9 felony; a second or subsequent offense is a Class 2 felony  
10 for which the person shall be sentenced to a term of  
11 imprisonment of not less than 3 years and not more than 7  
12 years.

13           (2) Except as otherwise provided in paragraphs (3) and  
14 (4) of this subsection (d), a first offense of aggravated  
15 unlawful use of a weapon committed with a firearm by a  
16 person 18 years of age or older where the factors listed in  
17 both items (A) and (C) or both items (A-5) and (C) of  
18 paragraph (3) of subsection (a) are present is a Class 4  
19 felony, for which the person shall be sentenced to a term  
20 of imprisonment of not less than one year and not more than  
21 3 years.

22           (3) Aggravated unlawful use of a weapon by a person who  
23 has been previously convicted of a felony in this State or  
24 another jurisdiction is a Class 2 felony for which the  
25 person shall be sentenced to a term of imprisonment of not  
26 less than 3 years and not more than 7 years.



1           (4) Aggravated unlawful use of a weapon while wearing  
2           or in possession of body armor as defined in Section 33F-1  
3           by a person who has not been issued a valid Firearms  
4           Owner's Identification Card in accordance with Section 5 of  
5           the Firearm Owners Identification Card Act is a Class X  
6           felony.

7           (e) The possession of each firearm in violation of this  
8           Section constitutes a single and separate violation.

9           (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)

10           (720 ILCS 5/24-2)

11           Sec. 24-2. Exemptions.

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

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

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

23           (3) Members of the Armed Services or Reserve Forces of  
24           the United States or the Illinois National Guard or the  
25           Reserve Officers Training Corps, while in the performance

1 of their official duty.

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

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

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

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

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

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

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

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

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

26 (10) Persons who have been classified as peace officers

1           pursuant to the Peace Officer Fire Investigation Act.

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

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

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

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

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

26          (14) Manufacture, transportation, or sale of weapons

1 to persons authorized under subdivisions (1) through  
2 (13.5) of this subsection to possess those weapons.

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

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

10 (1) Members of any club or organization organized for  
11 the purpose of practicing shooting at targets upon  
12 established target ranges, whether public or private, and  
13 patrons of such ranges, while such members or patrons are  
14 using their firearms on those target ranges.

15 (2) Duly authorized military or civil organizations  
16 while parading, with the special permission of the  
17 Governor.

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

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

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

26 (c) Subsection 24-1(a)(7) does not apply to or affect any

1 of the following:

2 (1) Peace officers while in performance of their  
3 official duties.

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

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

10 (4) Manufacture, transportation, or sale of machine  
11 guns to persons authorized under subdivisions (1) through  
12 (3) of this subsection to possess machine guns, if the  
13 machine guns are broken down in a non-functioning state or  
14 are not immediately accessible.

15 (5) Persons licensed under federal law to manufacture  
16 any weapon from which 8 or more shots or bullets can be  
17 discharged by a single function of the firing device, or  
18 ammunition for such weapons, and actually engaged in the  
19 business of manufacturing such weapons or ammunition, but  
20 only with respect to activities which are within the lawful  
21 scope of such business, such as the manufacture,  
22 transportation, or testing of such weapons or ammunition.  
23 This exemption does not authorize the general private  
24 possession of any weapon from which 8 or more shots or  
25 bullets can be discharged by a single function of the  
26 firing device, but only such possession and activities as



1 are within the lawful scope of a licensed manufacturing  
2 business described in this paragraph.

3 During transportation, such weapons shall be broken  
4 down in a non-functioning state or not immediately  
5 accessible.

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

17 The exemption granted under this subdivision (c)(6)  
18 shall also apply to any authorized agent of any such  
19 contractor or subcontractor who is operating within the  
20 scope of his employment, where such activities involving  
21 such weapon, weapons or ammunition are necessary and  
22 incident to fulfilling the terms of such contract.

23 (7) A person possessing a rifle with a barrel or  
24 barrels less than 16 inches in length if: (A) the person  
25 has been issued a Curios and Relics license from the U.S.  
26 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)

1 the person is an active member of a bona fide, nationally  
2 recognized military re-enacting group and the modification  
3 is required and necessary to accurately portray the weapon  
4 for historical re-enactment purposes; the re-enactor is in  
5 possession of a valid and current re-enacting group  
6 membership credential; and the overall length of the weapon  
7 as modified is not less than 26 inches.

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

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

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

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

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

24 (2) Bonafide collectors of antique or surplus military  
25 ordnance ~~ordinance~~.

26 (3) Laboratories having a department of forensic

1 ballistics, or specializing in the development of  
2 ammunition or explosive ordnance ~~ordinance~~.

3 (4) Commerce, preparation, assembly or possession of  
4 explosive bullets by manufacturers of ammunition licensed  
5 by the federal government, in connection with the supply of  
6 those organizations and persons exempted by subdivision  
7 (g) (1) of this Section, or like organizations and persons  
8 outside this State, or the transportation of explosive  
9 bullets to any organization or person exempted in this  
10 Section by a common carrier or by a vehicle owned or leased  
11 by an exempted manufacturer.

12 (g-5) Subsection 24-1(a) (6) does not apply to or affect  
13 persons licensed under federal law to manufacture any device or  
14 attachment of any kind designed, used, or intended for use in  
15 silencing the report of any firearm, firearms, or ammunition  
16 for those firearms equipped with those devices, and actually  
17 engaged in the business of manufacturing those devices,  
18 firearms, or ammunition, but only with respect to activities  
19 that are within the lawful scope of that business, such as the  
20 manufacture, transportation, or testing of those devices,  
21 firearms, or ammunition. This exemption does not authorize the  
22 general private possession of any device or attachment of any  
23 kind designed, used, or intended for use in silencing the  
24 report of any firearm, but only such possession and activities  
25 as are within the lawful scope of a licensed manufacturing  
26 business described in this subsection (g-5). During

1 transportation, these devices shall be detached from any weapon  
2 or not immediately accessible.

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

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

16 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
17 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
18 athlete's possession, transport on official Olympic and  
19 Paralympic transit systems established for athletes, or use of  
20 competition firearms sanctioned by the International Olympic  
21 Committee, the International Paralympic Committee, the  
22 International Shooting Sport Federation, or USA Shooting in  
23 connection with such athlete's training for and participation  
24 in shooting competitions at the 2016 Olympic and Paralympic  
25 Games and sanctioned test events leading up to the 2016 Olympic  
26 and Paralympic Games.

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

5 (i) Nothing in this Article shall prohibit, apply to, or  
6 affect the transportation, carrying, or possession, of any  
7 pistol or revolver, stun gun, taser, or other firearm consigned  
8 to a common carrier operating under license of the State of  
9 Illinois or the federal government, where such transportation,  
10 carrying, or possession is incident to the lawful  
11 transportation in which such common carrier is engaged; and  
12 nothing in this Article shall prohibit, apply to, or affect the  
13 transportation, carrying, or possession of any pistol,  
14 revolver, stun gun, taser, or other firearm, not the subject of  
15 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
16 this Article, which is unloaded and enclosed in a case, firearm  
17 carrying box, shipping box, or other container, by the  
18 possessor of a valid Firearm Owners Identification Card; and  
19 nothing in this Article shall prohibit, apply to, or affect the  
20 transportation of any rifle, shotgun, or other long gun in a  
21 vehicle by a person who has been issued a currently valid  
22 Firearm Owner's Identification Card if the firearm is unloaded.

23 (Source: P.A. 98-63, eff. 7-9-13; 98-463, eff. 8-16-13; 98-725,  
24 eff. 1-1-15; 99-174, eff. 7-29-15; revised 10-6-16.)