

SB3236



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3236

Introduced 2/11/2020, by Sen. Rachele Crowe

SYNOPSIS AS INTRODUCED:

225 ILCS 447/35-40
225 ILCS 447/35-45
720 ILCS 5/24-2

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Makes changes in provisions concerning firearm training requirements under the Act. Requires that commercial or industrial operations that employ one or more persons (rather than 5 or more persons) shall register their security forces with the Department of Financial and Professional Regulation and that registration subjects the security force to certain requirements. Amends the Criminal Code of 2012 to make conforming changes.

LRB101 18244 SPS 67686 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Sections 35-40 and 35-45 as follows:

7 (225 ILCS 447/35-40)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 35-40. Firearm control; training requirements.

10 (a) The Department shall, pursuant to rule, approve or
11 disapprove training programs for the firearm training course,
12 which shall be taught by a qualified instructor. Qualifications
13 for instructors shall be set by rule. The firearm training
14 course shall be conducted by entities, by a licensee, or by an
15 agency licensed by this Act, provided the course is approved by
16 the Department. The firearm course shall consist of the
17 following minimum requirements:

18 (1) 48 ~~40~~ hours of training as follows:~~7~~

19 (A) 20 hours consisting of training ~~which shall be~~
20 as described in Sections 15-20, 20-20, or 25-20, as
21 applicable;~~7~~ ~~and 20 hours of which shall include all of~~
22 ~~the following:~~

23 (B) 8 hours consisting of practice firing on a

1 range with live ammunition, including, but not limited
2 to, firing a minimum of 50 rounds of live ammunition
3 (factory loaded service ammunition or factory reloaded
4 ammunition) and attaining a minimum score of 70%
5 accuracy with each type of weapon the person is
6 authorized by the Department to carry and for which the
7 person has been trained; and

8 (C) 20 hours consisting of instruction in: ~~(A)~~
9 ~~Instruction in~~

10 (i) the dangers of and misuse of firearms,
11 their storage, safety rules, and care and cleaning
12 of firearms;

13 (ii) defensive tactics for in-holster weapon
14 retention;

15 (iii). ~~(B) Practice firing on a range with live~~
16 ~~ammunition. (C) Instruction in the legal use of~~
17 firearms;

18 (iv). ~~(D) A presentation of the ethical and~~
19 moral considerations necessary for any person who
20 possesses a firearm;

21 (v). ~~(E) A review of the laws regarding arrest,~~
22 search, and seizure; and

23 (vi) liability. ~~(F) Liability~~ for acts that
24 may be performed in the course of employment.

25 (2) An examination shall be given at the completion of
26 the course. The examination shall consist of a firearms

1 qualification course and a written examination. Successful
2 completion shall be determined by the Department.

3 (b) The firearm training requirement may be waived for a
4 licensee or employee who has completed training provided by the
5 Illinois Law Enforcement Training Standards Board or the
6 equivalent public body of another state or is a qualified
7 retired law enforcement officer as defined in the federal Law
8 Enforcement Officers Safety Act of 2004 and is in compliance
9 with all of the requirements of that Act, provided
10 documentation showing requalification with the weapon on the
11 firing range is submitted to the Department.

12 (c) In addition to the training provided for in subsection
13 (a), a licensee or employee in possession of a valid firearm
14 control card shall complete an additional 8 hours of refresher
15 training each calendar year commencing with the calendar year
16 following one year after the date of the issuance of the
17 firearm control card. The 8 hours of training shall consist of
18 practice firing on a range with live ammunition, including, but
19 not limited to, firing a minimum of 50 rounds of live
20 ammunition (factory loaded service ammunition or factory
21 reloaded ammunition) and attaining a minimum score of 70%
22 accuracy with each type of weapon the person is authorized by
23 the Department to carry and for which the person has been
24 trained.

25 (Source: P.A. 98-253, eff. 8-9-13.)

1 (225 ILCS 447/35-45)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 35-45. Armed proprietary security force.

4 (a) All financial institutions or commercial or industrial
5 operations that employ one or more armed employees ~~and all~~
6 ~~commercial or industrial operations that employ 5 or more~~
7 ~~persons as armed employees~~ shall register their security forces
8 with the Department on forms provided by the Department.
9 Registration subjects the security force to all of the
10 requirements of this Section. For the purposes of this Section,
11 "financial institution" includes a bank, savings and loan
12 association, credit union, currency exchange, or company
13 providing armored car services.

14 ~~(a-1) Commercial or industrial operations that employ less~~
15 ~~than 5 persons as armed employees may register their security~~
16 ~~forces with the Department on forms provided by the Department.~~
17 ~~Registration subjects the security force to all of the~~
18 ~~requirements of this Section.~~

19 (b) All armed employees of the registered proprietary
20 security force must complete a 20-hour basic training course
21 and all the 20-hour firearm training requirements of this
22 Section.

23 (c) Every proprietary security force is required to apply
24 to the Department, on forms supplied by the Department, for a
25 firearm control card for each armed employee. Each armed
26 employee shall have his or her fingerprints submitted to the

1 Department of State Police in an electronic format that
2 complies with the form and manner for requesting and furnishing
3 criminal history record information as prescribed by the
4 Department of State Police. These fingerprints shall be checked
5 against the Department of State Police and Federal Bureau of
6 Investigation criminal history record databases. The
7 Department of State Police shall charge the armed employee a
8 fee for conducting the criminal history records check, which
9 shall be deposited in the State Police Services Fund and shall
10 not exceed the actual cost of the records check. The Department
11 of State Police shall furnish, pursuant to positive
12 identification, records of Illinois convictions to the
13 Department. The Department may require armed employees to pay a
14 separate fingerprinting fee, either to the Department or
15 directly to the vendor. The Department, in its discretion, may
16 allow an armed employee who does not have reasonable access to
17 a designated vendor to provide his or her fingerprints in an
18 alternative manner. The Department, in its discretion, may also
19 use other procedures in performing or obtaining criminal
20 background checks of armed employees. Instead of submitting his
21 or her fingerprints, an individual may submit proof that is
22 satisfactory to the Department that an equivalent security
23 clearance has been conducted. Also, an individual who has
24 retired as a peace officer within 12 months before application
25 may submit verification, on forms provided by the Department
26 and signed by his or her employer, of his or her previous

1 full-time employment as a peace officer.

2 (d) The Department may provide rules for the administration
3 of this Section.

4 (Source: P.A. 98-253, eff. 8-9-13.)

5 Section 10. The Criminal Code of 2012 is amended by
6 changing Section 24-2 as follows:

7 (720 ILCS 5/24-2)

8 Sec. 24-2. Exemptions.

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

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

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

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

24 (4) Special agents employed by a railroad or a public

1 utility to perform police functions, and guards of armored
2 car companies, while actually engaged in the performance of
3 the duties of their employment or commuting between their
4 homes and places of employment; and watchmen while actually
5 engaged in the performance of the duties of their
6 employment.

7 (5) Persons licensed as private security contractors,
8 private detectives, or private alarm contractors, or
9 employed by a private security contractor, private
10 detective, or private alarm contractor agency licensed by
11 the Department of Financial and Professional Regulation,
12 if their duties include the carrying of a weapon under the
13 provisions of the Private Detective, Private Alarm,
14 Private Security, Fingerprint Vendor, and Locksmith Act of
15 2004, while actually engaged in the performance of the
16 duties of their employment or commuting between their homes
17 and places of employment. A person shall be considered
18 eligible for this exemption if he or she has completed the
19 required 28 ~~20~~ hours of training for a private security
20 contractor, private detective, or private alarm
21 contractor, or employee of a licensed private security
22 contractor, private detective, or private alarm contractor
23 agency and 20 hours of required firearm training, and has
24 been issued a firearm control card by the Department of
25 Financial and Professional Regulation. Conditions for the
26 renewal of firearm control 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, Fingerprint Vendor, and
4 Locksmith Act of 2004. The firearm control card shall be
5 carried by the private security contractor, private
6 detective, or private alarm contractor, or employee of the
7 licensed private security contractor, private detective,
8 or private alarm contractor agency at all times when he or
9 she is in possession of a concealable weapon permitted by
10 his or her firearm control card.

11 (6) Any person regularly employed in a commercial or
12 industrial operation as a security guard for the protection
13 of persons employed and private property related to such
14 commercial or industrial operation, while actually engaged
15 in the performance of his or her duty or traveling between
16 sites or properties belonging to the employer, and who, as
17 a security guard, is a member of a security force
18 registered with the Department of Financial and
19 Professional Regulation; provided that such security guard
20 has successfully completed a course of study, approved by
21 and supervised by the Department of Financial and
22 Professional Regulation, consisting of not less than 40
23 hours of training that includes the theory of law
24 enforcement, liability for acts, and the handling of
25 weapons. A person shall be considered eligible for this
26 exemption if he or she has completed the required 28 ~~20~~

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

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

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

1 successfully completed a course of study, approved by and
2 supervised by the Department of Financial and Professional
3 Regulation, consisting of not less than 40 hours of
4 training which includes theory of law enforcement,
5 liability for acts, and the handling of weapons. A person
6 shall be considered to be eligible for this exemption if he
7 or she has completed the required 20 hours of training for
8 a security officer and 28 ~~20~~ hours of required firearm
9 training, and has been issued a firearm control card by the
10 Department of Financial and Professional Regulation.
11 Conditions for renewal of firearm control cards issued
12 under the provisions of this Section shall be the same as
13 for those issued under the provisions of the Private
14 Detective, Private Alarm, Private Security, Fingerprint
15 Vendor, and Locksmith Act of 2004. The firearm control card
16 shall be carried by the security guard at all times when he
17 or she is in possession of a concealable weapon permitted
18 by his or her firearm control card. For purposes of this
19 subsection, "financial institution" means a bank, savings
20 and loan association, credit union or company providing
21 armored car services.

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

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

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

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

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

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

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

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

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

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

7 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
8 to or affect a qualified current or retired law enforcement
9 officer qualified under the laws of this State or under the
10 federal Law Enforcement Officers Safety Act.

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

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

18 (2) Duly authorized military or civil organizations
19 while parading, with the special permission of the
20 Governor.

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

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

25 (5) Carrying or possessing any pistol, revolver, stun
26 gun or taser or other firearm on the land or in the legal

1 dwelling of another person as an invitee with that person's
2 permission.

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

5 (1) Peace officers while in performance of their
6 official duties.

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

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

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

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

1 possession of any weapon from which 8 or more shots or
2 bullets can be discharged by a single function of the
3 firing device, but only such possession and activities as
4 are within the lawful scope of a licensed manufacturing
5 business described in this paragraph.

6 During transportation, such weapons shall be broken
7 down in a non-functioning state or not immediately
8 accessible.

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

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

26 (7) A person possessing a rifle with a barrel or

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

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

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

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

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

24 (1) 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.

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

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

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

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

1 report of any firearm, but only such possession and activities
2 as are within the lawful scope of a licensed manufacturing
3 business described in this subsection (g-5). During
4 transportation, these devices shall be detached from any weapon
5 or not immediately accessible.

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

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

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

1 in shooting competitions at the 2016 Olympic and Paralympic
2 Games and sanctioned test events leading up to the 2016 Olympic
3 and Paralympic Games.

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

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

22 (Source: P.A. 100-201, eff. 8-18-17; 101-80, eff. 7-12-19.)