



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3610

Introduced 2/22/2021, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 140/7.5

5 ILCS 315/4

50 ILCS 705/7

720 ILCS 5/24-2

from Ch. 48, par. 1604

from Ch. 85, par. 507

Creates the Peace Officer Accountability Act. Provides that before a peace officer is permitted to carry a firearm in the unit of government in which he or she is employed, the peace officer must either: (1) live in the unit of government in which he or she serves; or (2) complete 200 hours of specified work or training. Provides that the unit of government shall require each peace officer employed by the unit of government before entering upon the officer's duties to have a liability insurance policy. Provides that the public shall have access to all documents concerning promotions, which documents are subject to disclosure under the Freedom of Information Act. Provides that each peace officer, before discharging his or her duties as a peace officer, shall sign an affidavit declaring that he or she will report all unethical and unlawful conduct of other peace officers immediately to the internal affairs division of the department. Provides that the exclusive representative of a peace officer bargaining unit may not enter into a contract or collective bargaining agreement with the department that permits unconstitutional conduct by peace officers. Amends the Illinois Police Training Act. Provides that the minimum standards for police academies shall include 20 hours of race relations training, acquaintance with the youth residing in the unit of government in which the officers will serve, when discharging a firearm, the avoidance of the use of deadly force except when necessary to protect the life of the officer and on methods of using less than deadly force to disarm a suspect. Provides annual 20 hours of training of peace officers in race relations and constitutional methods of the use of force. Amends various other Acts to make conforming changes.

LRB102 03788 RLC 13801 b

1 AN ACT concerning criminal law.

2 WHEREAS, The United States Department of Justice has found
3 reasonable cause to believe that the Chicago Police Department
4 engages in a pattern or practice of using force, including
5 deadly force, in violation of the Fourth Amendment of the
6 United States Constitution; and

7 WHEREAS, The Department found that Chicago Police
8 Department officers' practices unnecessarily endanger
9 themselves and result in unnecessary and avoidable uses of
10 force; and

11 WHEREAS, The pattern or practice results from systemic
12 deficiencies in training and accountability, including the
13 failure to train officers in de-escalation and the failure to
14 conduct meaningful investigations of uses of force; and

15 WHEREAS, A law codifying the suggestions of the United
16 States Department of Justice for the Chicago Police Department
17 and applying to all police departments in this State could aid
18 in improving those departments; therefore

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

1 Section 1. Short title. This Act may be cited as the Peace
2 Officer Accountability Act.

3 Section 5. Definitions. As used in this Act:

4 "Department" means a municipal police department or office
5 of the county sheriff.

6 "Exclusive representative" has the meaning ascribed to it
7 in Section 3 of the Illinois Public Labor Relations Act.

8 "Liability insurance" means insurance on risks based upon
9 negligence by a peace officer.

10 "Peace officer" has the meaning ascribed to it in Section
11 2-13 of the Criminal Code of 2012.

12 "Unethical conduct" means non-criminal conduct that
13 violates department rules or procedures or violates ordinances
14 concerning peace officer conduct.

15 "Unit of government" means a municipality with respect to
16 peace officers employed by the municipality and the county
17 with respect to peace officers employed by the county sheriff.

18 "Unlawful conduct" means conduct that violates the penal
19 statutes of this State or criminal conduct proscribed by
20 ordinance of the unit of government.

21 Section 10. Peace officer firearms requirement. Before a
22 peace officer is permitted to carry a firearm in the unit of
23 government in which he or she is employed, the peace officer
24 must either:

1 (1) live in the unit of government in which he or she
2 serves; or

3 (2) complete either:

4 (A) 200 hours of volunteer work in the unit of
5 government in which he or she shall be serving; or

6 (B) 200 hours of specified training related to the
7 unit of government in which he or she shall be serving, or
8 any combination of volunteer work and training.

9 Section 15. Liability insurance. In addition to the
10 indemnity provided to peace officers by the unit of government
11 under Section 5-1002 of the Counties Code or under Section
12 1-4-5 or 1-4-6 of the Illinois Municipal Code, the unit of
13 government shall require each peace officer employed by the
14 unit of government before entering upon the officer's duties
15 to have a liability insurance policy to indemnify the unit of
16 government which employs the officer for any negligence
17 committed by the officer in the performance of his or her
18 duties.

19 Section 20. Promotions; transparency. Promotions of peace
20 officers shall be transparent. The public shall have access to
21 all documents concerning promotions, which documents are
22 subject to disclosure under the Freedom of Information Act.

23 Section 25. Peace officer report of unlawful and unethical

1 conduct to internal affairs. Each peace officer, before
2 discharging his or her duties as a peace officer, shall sign an
3 affidavit declaring that he or she will report all unethical
4 and unlawful conduct of other peace officers immediately to
5 the internal affairs division of the department. The affidavit
6 shall be a public record subject to disclosure under the
7 Freedom of Information Act.

8 Section 30. Unconstitutional contracts and collective
9 bargaining agreements prohibited. The exclusive representative
10 of a peace officer bargaining unit may not enter into a
11 contract or collective bargaining agreement with the
12 department that permits unconstitutional conduct by peace
13 officers.

14 Section 100. The Freedom of Information Act is amended by
15 changing Section 7.5 as follows:

16 (5 ILCS 140/7.5)

17 Sec. 7.5. Statutory exemptions. To the extent provided for
18 by the statutes referenced below, the following shall be
19 exempt from inspection and copying:

20 (a) All information determined to be confidential
21 under Section 4002 of the Technology Advancement and
22 Development Act.

23 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical
4 records received by the Experimental Organ Transplantation
5 Procedures Board and any and all documents or other
6 records prepared by the Experimental Organ Transplantation
7 Procedures Board or its staff relating to applications it
8 has received.

9 (d) Information and records held by the Department of
10 Public Health and its authorized representatives relating
11 to known or suspected cases of sexually transmissible
12 disease or any information the disclosure of which is
13 restricted under the Illinois Sexually Transmissible
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of
18 the Architectural, Engineering, and Land Surveying
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

3 (i) Information contained in a local emergency energy
4 plan submitted to a municipality in accordance with a
5 local emergency energy plan ordinance that is adopted
6 under Section 11-21.5-5 of the Illinois Municipal Code.

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by carriers
9 under the Emergency Telephone System Act.

10 (k) Law enforcement officer identification information
11 or driver identification information compiled by a law
12 enforcement agency or the Department of Transportation
13 under Section 11-212 of the Illinois Vehicle Code.

14 (l) Records and information provided to a residential
15 health care facility resident sexual assault and death
16 review team or the Executive Council under the Abuse
17 Prevention Review Team Act.

18 (m) Information provided to the predatory lending
19 database created pursuant to Article 3 of the Residential
20 Real Property Disclosure Act, except to the extent
21 authorized under that Article.

22 (n) Defense budgets and petitions for certification of
23 compensation and expenses for court appointed trial
24 counsel as provided under Sections 10 and 15 of the
25 Capital Crimes Litigation Act. This subsection (n) shall
26 apply until the conclusion of the trial of the case, even

1 if the prosecution chooses not to pursue the death penalty
2 prior to trial or sentencing.

3 (o) Information that is prohibited from being
4 disclosed under Section 4 of the Illinois Health and
5 Hazardous Substances Registry Act.

6 (p) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Regional Transportation Authority under Section 2.11 of
10 the Regional Transportation Authority Act or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act.

13 (q) Information prohibited from being disclosed by the
14 Personnel Record Review Act, except information required
15 to be disclosed under Section 20 of the Peace Officer
16 Accountability Act.

17 (r) Information prohibited from being disclosed by the
18 Illinois School Student Records Act.

19 (s) Information the disclosure of which is restricted
20 under Section 5-108 of the Public Utilities Act.

21 (t) All identified or deidentified health information
22 in the form of health data or medical records contained
23 in, stored in, submitted to, transferred by, or released
24 from the Illinois Health Information Exchange, and
25 identified or deidentified health information in the form
26 of health data and medical records of the Illinois Health

1 Information Exchange in the possession of the Illinois
2 Health Information Exchange Office due to its
3 administration of the Illinois Health Information
4 Exchange. The terms "identified" and "deidentified" shall
5 be given the same meaning as in the Health Insurance
6 Portability and Accountability Act of 1996, Public Law
7 104-191, or any subsequent amendments thereto, and any
8 regulations promulgated thereunder.

9 (u) Records and information provided to an independent
10 team of experts under the Developmental Disability and
11 Mental Health Safety Act (also known as Brian's Law).

12 (v) Names and information of people who have applied
13 for or received Firearm Owner's Identification Cards under
14 the Firearm Owners Identification Card Act or applied for
15 or received a concealed carry license under the Firearm
16 Concealed Carry Act, unless otherwise authorized by the
17 Firearm Concealed Carry Act; and databases under the
18 Firearm Concealed Carry Act, records of the Concealed
19 Carry Licensing Review Board under the Firearm Concealed
20 Carry Act, and law enforcement agency objections under the
21 Firearm Concealed Carry Act.

22 (w) Personally identifiable information which is
23 exempted from disclosure under subsection (g) of Section
24 19.1 of the Toll Highway Act.

25 (x) Information which is exempted from disclosure
26 under Section 5-1014.3 of the Counties Code or Section

1 8-11-21 of the Illinois Municipal Code.

2 (y) Confidential information under the Adult
3 Protective Services Act and its predecessor enabling
4 statute, the Elder Abuse and Neglect Act, including
5 information about the identity and administrative finding
6 against any caregiver of a verified and substantiated
7 decision of abuse, neglect, or financial exploitation of
8 an eligible adult maintained in the Registry established
9 under Section 7.5 of the Adult Protective Services Act.

10 (z) Records and information provided to a fatality
11 review team or the Illinois Fatality Review Team Advisory
12 Council under Section 15 of the Adult Protective Services
13 Act.

14 (aa) Information which is exempted from disclosure
15 under Section 2.37 of the Wildlife Code.

16 (bb) Information which is or was prohibited from
17 disclosure by the Juvenile Court Act of 1987.

18 (cc) Recordings made under the Law Enforcement
19 Officer-Worn Body Camera Act, except to the extent
20 authorized under that Act.

21 (dd) Information that is prohibited from being
22 disclosed under Section 45 of the Condominium and Common
23 Interest Community Ombudsperson Act.

24 (ee) Information that is exempted from disclosure
25 under Section 30.1 of the Pharmacy Practice Act.

26 (ff) Information that is exempted from disclosure

1 under the Revised Uniform Unclaimed Property Act.

2 (gg) Information that is prohibited from being
3 disclosed under Section 7-603.5 of the Illinois Vehicle
4 Code.

5 (hh) Records that are exempt from disclosure under
6 Section 1A-16.7 of the Election Code.

7 (ii) Information which is exempted from disclosure
8 under Section 2505-800 of the Department of Revenue Law of
9 the Civil Administrative Code of Illinois.

10 (jj) Information and reports that are required to be
11 submitted to the Department of Labor by registering day
12 and temporary labor service agencies but are exempt from
13 disclosure under subsection (a-1) of Section 45 of the Day
14 and Temporary Labor Services Act.

15 (kk) Information prohibited from disclosure under the
16 Seizure and Forfeiture Reporting Act.

17 (ll) Information the disclosure of which is restricted
18 and exempted under Section 5-30.8 of the Illinois Public
19 Aid Code.

20 (mm) Records that are exempt from disclosure under
21 Section 4.2 of the Crime Victims Compensation Act.

22 (nn) Information that is exempt from disclosure under
23 Section 70 of the Higher Education Student Assistance Act.

24 (oo) Communications, notes, records, and reports
25 arising out of a peer support counseling session
26 prohibited from disclosure under the First Responders

1 Suicide Prevention Act.

2 (pp) Names and all identifying information relating to
3 an employee of an emergency services provider or law
4 enforcement agency under the First Responders Suicide
5 Prevention Act.

6 (qq) Information and records held by the Department of
7 Public Health and its authorized representatives collected
8 under the Reproductive Health Act.

9 (rr) Information that is exempt from disclosure under
10 the Cannabis Regulation and Tax Act.

11 (ss) Data reported by an employer to the Department of
12 Human Rights pursuant to Section 2-108 of the Illinois
13 Human Rights Act.

14 (tt) Recordings made under the Children's Advocacy
15 Center Act, except to the extent authorized under that
16 Act.

17 (uu) Information that is exempt from disclosure under
18 Section 50 of the Sexual Assault Evidence Submission Act.

19 (vv) Information that is exempt from disclosure under
20 subsections (f) and (j) of Section 5-36 of the Illinois
21 Public Aid Code.

22 (ww) Information that is exempt from disclosure under
23 Section 16.8 of the State Treasurer Act.

24 (xx) Information that is exempt from disclosure or
25 information that shall not be made public under the
26 Illinois Insurance Code.

1 (yy) Information prohibited from being disclosed under
2 the Illinois Educational Labor Relations Act.

3 (zz) Information prohibited from being disclosed under
4 the Illinois Public Labor Relations Act.

5 (aaa) Information prohibited from being disclosed
6 under Section 1-167 of the Illinois Pension Code.

7 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
8 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
9 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
10 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
11 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
12 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
13 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
14 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
15 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,
16 eff. 7-7-20.)

17 Section 105. The Illinois Public Labor Relations Act is
18 amended by changing Section 4 as follows:

19 (5 ILCS 315/4) (from Ch. 48, par. 1604)

20 (Text of Section WITHOUT the changes made by P.A. 98-599,
21 which has been held unconstitutional)

22 Sec. 4. Management Rights; Unconstitutional Peace Officer
23 Conduct. Employers shall not be required to bargain over
24 matters of inherent managerial policy, which shall include

1 such areas of discretion or policy as the functions of the
2 employer, standards of services, its overall budget, the
3 organizational structure and selection of new employees,
4 examination techniques and direction of employees. Employers,
5 however, shall be required to bargain collectively with regard
6 to policy matters directly affecting wages, hours and terms
7 and conditions of employment as well as the impact thereon
8 upon request by employee representatives.

9 The exclusive representative of a peace officer unit and
10 an employer may not bargain over matters that would permit
11 peace officer conduct that would violate the Constitution of
12 the United States or this State and any agreement that would
13 permit peace officer conduct that would violate the
14 Constitution of the United States or this State is void.

15 To preserve the rights of employers and exclusive
16 representatives which have established collective bargaining
17 relationships or negotiated collective bargaining agreements
18 prior to the effective date of this Act, employers shall be
19 required to bargain collectively with regard to any matter
20 concerning wages, hours or conditions of employment about
21 which they have bargained for and agreed to in a collective
22 bargaining agreement prior to the effective date of this Act.

23 The chief judge of the judicial circuit that employs a
24 public employee who is a court reporter, as defined in the
25 Court Reporters Act, has the authority to hire, appoint,
26 promote, evaluate, discipline, and discharge court reporters

1 within that judicial circuit.

2 Nothing in this amendatory Act of the 94th General
3 Assembly shall be construed to intrude upon the judicial
4 functions of any court. This amendatory Act of the 94th
5 General Assembly applies only to nonjudicial administrative
6 matters relating to the collective bargaining rights of court
7 reporters.

8 (Source: P.A. 94-98, eff. 7-1-05.)

9 Section 110. The Illinois Police Training Act is amended
10 by changing Section 7 as follows:

11 (50 ILCS 705/7) (from Ch. 85, par. 507)

12 Sec. 7. Rules and standards for schools. The Board shall
13 adopt rules and minimum standards for such schools which shall
14 include, but not be limited to, the following:

15 a. The curriculum for probationary police officers
16 which shall be offered by all certified schools shall
17 include, but not be limited to, courses of procedural
18 justice, arrest and use and control tactics, search and
19 seizure, including temporary questioning, civil rights,
20 human rights, human relations, cultural competency,
21 including implicit bias and racial and ethnic sensitivity,
22 20 hours of race relations training, acquaintance with the
23 youth residing in the unit of government in which the
24 officers will serve, when discharging a firearm, the

1 avoidance of the use of deadly force except when necessary
2 to protect the life of the officer and on methods of using
3 less than deadly force to disarm a suspect, criminal law,
4 law of criminal procedure, constitutional and proper use
5 of law enforcement authority, vehicle and traffic law
6 including uniform and non-discriminatory enforcement of
7 the Illinois Vehicle Code, traffic control and accident
8 investigation, techniques of obtaining physical evidence,
9 court testimonies, statements, reports, firearms training,
10 training in the use of electronic control devices,
11 including the psychological and physiological effects of
12 the use of those devices on humans, first-aid (including
13 cardiopulmonary resuscitation), training in the
14 administration of opioid antagonists as defined in
15 paragraph (1) of subsection (e) of Section 5-23 of the
16 Substance Use Disorder Act, handling of juvenile
17 offenders, recognition of mental conditions and crises,
18 including, but not limited to, the disease of addiction,
19 which require immediate assistance and response and
20 methods to safeguard and provide assistance to a person in
21 need of mental treatment, recognition of abuse, neglect,
22 financial exploitation, and self-neglect of adults with
23 disabilities and older adults, as defined in Section 2 of
24 the Adult Protective Services Act, crimes against the
25 elderly, law of evidence, the hazards of high-speed police
26 vehicle chases with an emphasis on alternatives to the

1 high-speed chase, and physical training. The curriculum
2 shall include specific training in techniques for
3 immediate response to and investigation of cases of
4 domestic violence and of sexual assault of adults and
5 children, including cultural perceptions and common myths
6 of sexual assault and sexual abuse as well as interview
7 techniques that are age sensitive and are trauma informed,
8 victim centered, and victim sensitive. The curriculum
9 shall include training in techniques designed to promote
10 effective communication at the initial contact with crime
11 victims and ways to comprehensively explain to victims and
12 witnesses their rights under the Rights of Crime Victims
13 and Witnesses Act and the Crime Victims Compensation Act.
14 The curriculum shall also include training in effective
15 recognition of and responses to stress, trauma, and
16 post-traumatic stress experienced by police officers that
17 is consistent with Section 25 of the Illinois Mental
18 Health First Aid Training Act in a peer setting, including
19 recognizing signs and symptoms of work-related cumulative
20 stress, issues that may lead to suicide, and solutions for
21 intervention with peer support resources. The curriculum
22 shall include a block of instruction addressing the
23 mandatory reporting requirements under the Abused and
24 Neglected Child Reporting Act. The curriculum shall also
25 include a block of instruction aimed at identifying and
26 interacting with persons with autism and other

1 developmental or physical disabilities, reducing barriers
2 to reporting crimes against persons with autism, and
3 addressing the unique challenges presented by cases
4 involving victims or witnesses with autism and other
5 developmental disabilities. The curriculum shall include
6 training in the detection and investigation of all forms
7 of human trafficking. The curriculum shall also include
8 instruction in trauma-informed responses designed to
9 ensure the physical safety and well-being of a child of an
10 arrested parent or immediate family member; this
11 instruction must include, but is not limited to: (1)
12 understanding the trauma experienced by the child while
13 maintaining the integrity of the arrest and safety of
14 officers, suspects, and other involved individuals; (2)
15 de-escalation tactics that would include the use of force
16 when reasonably necessary; and (3) inquiring whether a
17 child will require supervision and care. The curriculum
18 for permanent police officers shall include, but not be
19 limited to: (1) refresher and in-service training in any
20 of the courses listed above in this subparagraph, (2)
21 advanced courses in any of the subjects listed above in
22 this subparagraph, (3) training for supervisory personnel,
23 and (4) specialized training in subjects and fields to be
24 selected by the board. The training in the use of
25 electronic control devices shall be conducted for
26 probationary police officers, including University police

1 officers.

2 b. Minimum courses of study, attendance requirements
3 and equipment requirements.

4 c. Minimum requirements for instructors.

5 d. Minimum basic training requirements, which a
6 probationary police officer must satisfactorily complete
7 before being eligible for permanent employment as a local
8 law enforcement officer for a participating local
9 governmental agency. Those requirements shall include
10 training in first aid (including cardiopulmonary
11 resuscitation).

12 e. Minimum basic training requirements, which a
13 probationary county corrections officer must
14 satisfactorily complete before being eligible for
15 permanent employment as a county corrections officer for a
16 participating local governmental agency.

17 f. Minimum basic training requirements which a
18 probationary court security officer must satisfactorily
19 complete before being eligible for permanent employment as
20 a court security officer for a participating local
21 governmental agency. The Board shall establish those
22 training requirements which it considers appropriate for
23 court security officers and shall certify schools to
24 conduct that training.

25 A person hired to serve as a court security officer
26 must obtain from the Board a certificate (i) attesting to

1 his or her successful completion of the training course;
2 (ii) attesting to his or her satisfactory completion of a
3 training program of similar content and number of hours
4 that has been found acceptable by the Board under the
5 provisions of this Act; or (iii) attesting to the Board's
6 determination that the training course is unnecessary
7 because of the person's extensive prior law enforcement
8 experience.

9 Individuals who currently serve as court security
10 officers shall be deemed qualified to continue to serve in
11 that capacity so long as they are certified as provided by
12 this Act within 24 months of June 1, 1997 (the effective
13 date of Public Act 89-685). Failure to be so certified,
14 absent a waiver from the Board, shall cause the officer to
15 forfeit his or her position.

16 All individuals hired as court security officers on or
17 after June 1, 1997 (the effective date of Public Act
18 89-685) shall be certified within 12 months of the date of
19 their hire, unless a waiver has been obtained by the
20 Board, or they shall forfeit their positions.

21 The Sheriff's Merit Commission, if one exists, or the
22 Sheriff's Office if there is no Sheriff's Merit
23 Commission, shall maintain a list of all individuals who
24 have filed applications to become court security officers
25 and who meet the eligibility requirements established
26 under this Act. Either the Sheriff's Merit Commission, or

1 the Sheriff's Office if no Sheriff's Merit Commission
2 exists, shall establish a schedule of reasonable intervals
3 for verification of the applicants' qualifications under
4 this Act and as established by the Board.

5 g. Minimum in-service training requirements, which a
6 police officer must satisfactorily complete every 3 years.
7 Those requirements shall include constitutional and proper
8 use of law enforcement authority, procedural justice,
9 civil rights, human rights, mental health awareness and
10 response, officer wellness, reporting child abuse and
11 neglect, and cultural competency.

12 h. Minimum in-service training requirements, which a
13 police officer must satisfactorily complete at least
14 annually. Those requirements shall include 20 hours of
15 race relations training, constitutional methods of the use
16 of force, law updates and use of force training which
17 shall include scenario based training, or similar training
18 approved by the Board.

19 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
20 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
21 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
22 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
23 101-564, eff. 1-1-20; revised 9-10-19.)

24 Section 115. The Criminal Code of 2012 is amended by
25 changing Section 24-2 as follows:

1 (720 ILCS 5/24-2)

2 Sec. 24-2. Exemptions.

3 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
4 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
5 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 subject to the provisions of Section 10 of the Peace
10 Officer Accountability Act.

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

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

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

1 employment.

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

1 private detective, or private alarm contractor, or
2 employee of the licensed private security contractor,
3 private detective, or private alarm contractor agency at
4 all times when he or she is in possession of a concealable
5 weapon permitted by his or her firearm control card.

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

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

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

13 (8) Persons employed by a financial institution as a
14 security guard for the protection of other employees and
15 property related to such financial institution, while
16 actually engaged in the performance of their duties,
17 commuting between their homes and places of employment, or
18 traveling between sites or properties owned or operated by
19 such financial institution, and who, as a security guard,
20 is a member of a security force registered with the
21 Department; provided that any person so employed has
22 successfully completed a course of study, approved by and
23 supervised by the Department of Financial and Professional
24 Regulation, consisting of not less than 40 hours of
25 training which includes theory of law enforcement,
26 liability for acts, and the handling of weapons. A person

1 shall be considered to be eligible for this exemption if
2 he or she has completed the required 20 hours of training
3 for a security officer and 20 hours of required firearm
4 training, and has been issued a firearm control card by
5 the Department of Financial and Professional Regulation.
6 Conditions for renewal of firearm control cards issued
7 under the provisions of this Section shall be the same as
8 for those issued under the provisions of the Private
9 Detective, Private Alarm, Private Security, Fingerprint
10 Vendor, and Locksmith Act of 2004. The firearm control
11 card shall be carried by the security guard at all times
12 when he or she is in possession of a concealable weapon
13 permitted by his or her firearm control card. For purposes
14 of this subsection, "financial institution" means a bank,
15 savings and loan association, credit union or company
16 providing armored car services.

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

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

23 (11) Investigators of the Office of the State's
24 Attorneys Appellate Prosecutor authorized by the board of
25 governors of the Office of the State's Attorneys Appellate
26 Prosecutor to carry weapons pursuant to Section 7.06 of

1 the State's Attorneys Appellate Prosecutor's Act.

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

4 (12.5) Probation officers while in the performance of
5 their duties, or while commuting between their homes,
6 places of employment or specific locations that are part
7 of their assigned duties, with the consent of the chief
8 judge of the circuit for which they are employed, if they
9 have received weapons training according to requirements
10 of the Peace Officer and Probation Officer Firearm
11 Training Act.

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

16 (13.5) A person employed as an armed security guard at
17 a nuclear energy, storage, weapons or development site or
18 facility regulated by the Nuclear Regulatory Commission
19 who has completed the background screening and training
20 mandated by the rules and regulations of the Nuclear
21 Regulatory Commission.

22 (14) Manufacture, transportation, or sale of weapons
23 to persons authorized under subdivisions (1) through
24 (13.5) of this subsection to possess those weapons.

25 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
26 to or affect any person carrying a concealed pistol, revolver,

1 or handgun and the person has been issued a currently valid
2 license under the Firearm Concealed Carry Act at the time of
3 the commission of the offense.

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

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
21 a 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
25 person's 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
21 lawful 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
8 experimental activities necessary thereto, of rifles,
9 shotguns, and weapons made from rifles or shotguns, or
10 ammunition for such rifles, shotguns or weapons, where
11 engaged in by a person operating as a contractor or
12 subcontractor pursuant to a contract or subcontract for
13 the development and supply of such rifles, shotguns,
14 weapons or ammunition to the United States government or
15 any branch of the Armed Forces of the United States, when
16 such activities are necessary and incident to fulfilling
17 the terms of such contract.

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

24 (7) A person possessing a rifle with a barrel or
25 barrels less than 16 inches in length if: (A) the person
26 has been issued a Curios and Relics license from the U.S.

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

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

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

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

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

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

26 (2) Bonafide collectors of antique or surplus military

1 ordnance.

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

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

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

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

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

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

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

1 Games and sanctioned test events leading up to the 2016
2 Olympic and Paralympic Games.

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

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

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