



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3664

Introduced 1/21/2022, by Sen. John Connor

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-9005	from Ch. 34, par. 3-9005
430 ILCS 66/65	
720 ILCS 5/21-6	from Ch. 38, par. 21-6
720 ILCS 5/33A-2	from Ch. 38, par. 33A-2

Amends the Firearm Concealed Carry Act. Provides that a State's Attorney who has been issued a license to carry a concealed firearm pursuant to the Act may carry a concealed firearm in specified areas otherwise prohibited. Amends the Counties Code making conforming changes. Amends the Criminal Code of 2012. Provides that the offenses of unauthorized possession or storage of weapons and armed violence do not apply to the carrying of a concealed firearm by a State's Attorney as allowed by law.

LRB102 24265 AWJ 33496 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing
5 Section 3-9005 as follows:

6 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

7 Sec. 3-9005. Powers and duties of State's Attorney.

8 (a) The duty of each State's Attorney shall be:

9 (1) To commence and prosecute all actions, suits,
10 indictments and prosecutions, civil and criminal, in the
11 circuit court for the county, in which the people of the
12 State or county may be concerned.

13 (2) To prosecute all forfeited bonds and
14 recognizances, and all actions and proceedings for the
15 recovery of debts, revenues, moneys, fines, penalties and
16 forfeitures accruing to the State or the county, or to any
17 school district or road district in the county; also, to
18 prosecute all suits in the county against railroad or
19 transportation companies, which may be prosecuted in the
20 name of the People of the State of Illinois.

21 (3) To commence and prosecute all actions and
22 proceedings brought by any county officer in the county
23 officer's official capacity.

1 (4) To defend all actions and proceedings brought
2 against the county, or against any county or State
3 officer, in the county or State officer's official
4 capacity, within the county.

5 (5) To attend the examination of all persons brought
6 before any judge on habeas corpus, when the prosecution is
7 in the county.

8 (6) To attend before judges and prosecute charges of
9 felony or misdemeanor, for which the offender is required
10 to be recognized to appear before the circuit court, when
11 in the State's Attorney's power so to do.

12 (7) To give the State's Attorney's opinion, without
13 fee or reward, to any county officer in the county, upon
14 any question or law relating to any criminal or other
15 matter, in which the people or the county may be
16 concerned.

17 (8) To assist the Attorney General whenever it may be
18 necessary, and in cases of appeal from the county to the
19 Supreme Court, to which it is the duty of the Attorney
20 General to attend, the State's Attorney shall furnish the
21 Attorney General at least 10 days before such is due to be
22 filed, a manuscript of a proposed statement, brief and
23 argument to be printed and filed on behalf of the people,
24 prepared in accordance with the rules of the Supreme
25 Court. However, if such brief, argument or other document
26 is due to be filed by law or order of court within this

1 10-day period, then the State's Attorney shall furnish
2 such as soon as may be reasonable.

3 (9) To pay all moneys received by the State's Attorney
4 in trust, without delay, to the officer who by law is
5 entitled to the custody thereof.

6 (10) To notify, by first class mail, complaining
7 witnesses of the ultimate disposition of the cases arising
8 from an indictment or an information.

9 (11) To perform such other and further duties as may,
10 from time to time, be enjoined on the State's Attorney by
11 law.

12 (12) To appear in all proceedings by collectors of
13 taxes against delinquent taxpayers for judgments to sell
14 real estate, and see that all the necessary preliminary
15 steps have been legally taken to make the judgment legal
16 and binding.

17 (13) To notify, by first-class mail, the State
18 Superintendent of Education, the applicable regional
19 superintendent of schools, and the superintendent of the
20 employing school district or the chief school
21 administrator of the employing nonpublic school, if any,
22 upon the conviction of any individual known to possess a
23 certificate or license issued pursuant to Article 21 or
24 21B, respectively, of the School Code of any offense set
25 forth in Section 21B-80 of the School Code or any other
26 felony conviction, providing the name of the certificate

1 holder, the fact of the conviction, and the name and
2 location of the court where the conviction occurred. The
3 certificate holder must also be contemporaneously sent a
4 copy of the notice.

5 (b) The State's Attorney of each county shall have
6 authority to appoint one or more special investigators to
7 serve subpoenas and summonses, make return of process, and
8 conduct investigations which assist the State's Attorney in
9 the performance of the State's Attorney duties. In counties of
10 the first and second class, the fees for service of subpoenas
11 and summonses are allowed by this Section and shall be
12 consistent with those set forth in Section 4-5001 of this Act,
13 except when increased by county ordinance as provided for in
14 Section 4-5001. In counties of the third class, the fees for
15 service of subpoenas and summonses are allowed by this Section
16 and shall be consistent with those set forth in Section
17 4-12001 of this Act. A special investigator shall not carry
18 firearms except with permission of the State's Attorney and
19 only while carrying appropriate identification indicating the
20 special investigator's employment and in the performance of
21 the special investigator's assigned duties.

22 Subject to the qualifications set forth in this
23 subsection, special investigators shall be peace officers and
24 shall have all the powers possessed by investigators under the
25 State's Attorneys Appellate Prosecutor's Act.

26 No special investigator employed by the State's Attorney

1 shall have peace officer status or exercise police powers
2 unless the special investigator successfully completes the
3 basic police training course mandated and approved by the
4 Illinois Law Enforcement Training Standards Board or such
5 board waives the training requirement by reason of the special
6 investigator's prior law enforcement experience or training or
7 both. Any State's Attorney appointing a special investigator
8 shall consult with all affected local police agencies, to the
9 extent consistent with the public interest, if the special
10 investigator is assigned to areas within that agency's
11 jurisdiction.

12 Before a person is appointed as a special investigator,
13 the person's fingerprints shall be taken and transmitted to
14 the Department of State Police. The Department shall examine
15 its records and submit to the State's Attorney of the county in
16 which the investigator seeks appointment any conviction
17 information concerning the person on file with the Department.
18 No person shall be appointed as a special investigator if the
19 person has been convicted of a felony or other offense
20 involving moral turpitude. A special investigator shall be
21 paid a salary and be reimbursed for actual expenses incurred
22 in performing the special investigator's assigned duties. The
23 county board shall approve the salary and actual expenses and
24 appropriate the salary and expenses in the manner prescribed
25 by law or ordinance.

26 (c) The State's Attorney may request and receive from

1 employers, labor unions, telephone companies, and utility
2 companies location information concerning putative fathers and
3 noncustodial parents for the purpose of establishing a child's
4 paternity or establishing, enforcing, or modifying a child
5 support obligation. In this subsection, "location information"
6 means information about (i) the physical whereabouts of a
7 putative father or noncustodial parent, (ii) the putative
8 father or noncustodial parent's employer, or (iii) the salary,
9 wages, and other compensation paid and the health insurance
10 coverage provided to the putative father or noncustodial
11 parent by the employer of the putative father or noncustodial
12 parent or by a labor union of which the putative father or
13 noncustodial parent is a member.

14 (d) (Blank).

15 (e) The State's Attorney shall have the authority to enter
16 into a written agreement with the Department of Revenue for
17 pursuit of civil liability under subsection (E) of Section
18 17-1 of the Criminal Code of 2012 against persons who have
19 issued to the Department checks or other orders in violation
20 of the provisions of paragraph (1) of subsection (B) of
21 Section 17-1 of the Criminal Code of 2012, with the Department
22 to retain the amount owing upon the dishonored check or order
23 along with the dishonored check fee imposed under the Uniform
24 Penalty and Interest Act, with the balance of damages, fees,
25 and costs collected under subsection (E) of Section 17-1 of
26 the Criminal Code of 2012 or under Section 17-1a of that Code

1 to be retained by the State's Attorney. The agreement shall
2 not affect the allocation of fines and costs imposed in any
3 criminal prosecution.

4 (f) In a county with less than 2,000,000 inhabitants, and
5 only upon receipt of a written request by the superintendent
6 of the county Veterans Assistance Commission for the county in
7 which the State's Attorney is located, the State's Attorney
8 shall have the discretionary authority to render an opinion,
9 without fee or reward, upon any question of law relating to a
10 matter in which the county Veterans Assistance Commission may
11 be concerned. The State's Attorney shall have the discretion
12 to grant or decline such a request.

13 (g) The State's Attorney while holding office may, upon
14 being issued a license to carry a concealed firearm pursuant
15 to the Firearm Concealed Carry Act, carry a concealed firearm
16 in specified prohibited areas as provided under subsection (e)
17 of Section 65 of the Firearm Concealed Carry Act.

18 (Source: P.A. 101-275, eff. 8-9-19; 102-56, eff. 7-9-21.)

19 Section 10. The Firearm Concealed Carry Act is amended by
20 changing Section 65 as follows:

21 (430 ILCS 66/65)

22 Sec. 65. Prohibited areas.

23 (a) A licensee under this Act shall not knowingly carry a
24 firearm on or into:

1 (1) Any building, real property, and parking area
2 under the control of a public or private elementary or
3 secondary school.

4 (2) Any building, real property, and parking area
5 under the control of a pre-school or child care facility,
6 including any room or portion of a building under the
7 control of a pre-school or child care facility. Nothing in
8 this paragraph shall prevent the operator of a child care
9 facility in a family home from owning or possessing a
10 firearm in the home or license under this Act, if no child
11 under child care at the home is present in the home or the
12 firearm in the home is stored in a locked container when a
13 child under child care at the home is present in the home.

14 (3) Any building, parking area, or portion of a
15 building under the control of an officer of the executive
16 or legislative branch of government, provided that nothing
17 in this paragraph shall prohibit a licensee from carrying
18 a concealed firearm onto the real property, bikeway, or
19 trail in a park regulated by the Department of Natural
20 Resources or any other designated public hunting area or
21 building where firearm possession is permitted as
22 established by the Department of Natural Resources under
23 Section 1.8 of the Wildlife Code.

24 (4) Any building designated for matters before a
25 circuit court, appellate court, or the Supreme Court, or
26 any building or portion of a building under the control of

1 the Supreme Court.

2 (5) Any building or portion of a building under the
3 control of a unit of local government.

4 (6) Any building, real property, and parking area
5 under the control of an adult or juvenile detention or
6 correctional institution, prison, or jail.

7 (7) Any building, real property, and parking area
8 under the control of a public or private hospital or
9 hospital affiliate, mental health facility, or nursing
10 home.

11 (8) Any bus, train, or form of transportation paid for
12 in whole or in part with public funds, and any building,
13 real property, and parking area under the control of a
14 public transportation facility paid for in whole or in
15 part with public funds.

16 (9) Any building, real property, and parking area
17 under the control of an establishment that serves alcohol
18 on its premises, if more than 50% of the establishment's
19 gross receipts within the prior 3 months is from the sale
20 of alcohol. The owner of an establishment who knowingly
21 fails to prohibit concealed firearms on its premises as
22 provided in this paragraph or who knowingly makes a false
23 statement or record to avoid the prohibition on concealed
24 firearms under this paragraph is subject to the penalty
25 under subsection (c-5) of Section 10-1 of the Liquor
26 Control Act of 1934.

1 (10) Any public gathering or special event conducted
2 on property open to the public that requires the issuance
3 of a permit from the unit of local government, provided
4 this prohibition shall not apply to a licensee who must
5 walk through a public gathering in order to access his or
6 her residence, place of business, or vehicle.

7 (11) Any building or real property that has been
8 issued a Special Event Retailer's license as defined in
9 Section 1-3.17.1 of the Liquor Control Act during the time
10 designated for the sale of alcohol by the Special Event
11 Retailer's license, or a Special use permit license as
12 defined in subsection (q) of Section 5-1 of the Liquor
13 Control Act during the time designated for the sale of
14 alcohol by the Special use permit license.

15 (12) Any public playground.

16 (13) Any public park, athletic area, or athletic
17 facility under the control of a municipality or park
18 district, provided nothing in this Section shall prohibit
19 a licensee from carrying a concealed firearm while on a
20 trail or bikeway if only a portion of the trail or bikeway
21 includes a public park.

22 (14) Any real property under the control of the Cook
23 County Forest Preserve District.

24 (15) Any building, classroom, laboratory, medical
25 clinic, hospital, artistic venue, athletic venue,
26 entertainment venue, officially recognized

1 university-related organization property, whether owned or
2 leased, and any real property, including parking areas,
3 sidewalks, and common areas under the control of a public
4 or private community college, college, or university.

5 (16) Any building, real property, or parking area
6 under the control of a gaming facility licensed under the
7 Illinois Gambling Act or the Illinois Horse Racing Act of
8 1975, including an inter-track wagering location licensee.

9 (17) Any stadium, arena, or the real property or
10 parking area under the control of a stadium, arena, or any
11 collegiate or professional sporting event.

12 (18) Any building, real property, or parking area
13 under the control of a public library.

14 (19) Any building, real property, or parking area
15 under the control of an airport.

16 (20) Any building, real property, or parking area
17 under the control of an amusement park.

18 (21) Any building, real property, or parking area
19 under the control of a zoo or museum.

20 (22) Any street, driveway, parking area, property,
21 building, or facility, owned, leased, controlled, or used
22 by a nuclear energy, storage, weapons, or development site
23 or facility regulated by the federal Nuclear Regulatory
24 Commission. The licensee shall not under any circumstance
25 store a firearm or ammunition in his or her vehicle or in a
26 compartment or container within a vehicle located anywhere

1 in or on the street, driveway, parking area, property,
2 building, or facility described in this paragraph.

3 (23) Any area where firearms are prohibited under
4 federal law.

5 (a-5) Nothing in this Act shall prohibit a public or
6 private community college, college, or university from:

7 (1) prohibiting persons from carrying a firearm within
8 a vehicle owned, leased, or controlled by the college or
9 university;

10 (2) developing resolutions, regulations, or policies
11 regarding student, employee, or visitor misconduct and
12 discipline, including suspension and expulsion;

13 (3) developing resolutions, regulations, or policies
14 regarding the storage or maintenance of firearms, which
15 must include designated areas where persons can park
16 vehicles that carry firearms; and

17 (4) permitting the carrying or use of firearms for the
18 purpose of instruction and curriculum of officially
19 recognized programs, including but not limited to military
20 science and law enforcement training programs, or in any
21 designated area used for hunting purposes or target
22 shooting.

23 (a-10) The owner of private real property of any type may
24 prohibit the carrying of concealed firearms on the property
25 under his or her control. The owner must post a sign in
26 accordance with subsection (d) of this Section indicating that

1 firearms are prohibited on the property, unless the property
2 is a private residence.

3 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
4 this Section except under paragraph (22) or (23) of subsection
5 (a), any licensee prohibited from carrying a concealed firearm
6 into the parking area of a prohibited location specified in
7 subsection (a), (a-5), or (a-10) of this Section shall be
8 permitted to carry a concealed firearm on or about his or her
9 person within a vehicle into the parking area and may store a
10 firearm or ammunition concealed in a case within a locked
11 vehicle or locked container out of plain view within the
12 vehicle in the parking area. A licensee may carry a concealed
13 firearm in the immediate area surrounding his or her vehicle
14 within a prohibited parking lot area only for the limited
15 purpose of storing or retrieving a firearm within the
16 vehicle's trunk. For purposes of this subsection, "case"
17 includes a glove compartment or console that completely
18 encloses the concealed firearm or ammunition, the trunk of the
19 vehicle, or a firearm carrying box, shipping box, or other
20 container.

21 (c) A licensee shall not be in violation of this Section
22 while he or she is traveling along a public right of way that
23 touches or crosses any of the premises under subsection (a),
24 (a-5), or (a-10) of this Section if the concealed firearm is
25 carried on his or her person in accordance with the provisions
26 of this Act or is being transported in a vehicle by the

1 licensee in accordance with all other applicable provisions of
2 law.

3 (d) Signs stating that the carrying of firearms is
4 prohibited shall be clearly and conspicuously posted at the
5 entrance of a building, premises, or real property specified
6 in this Section as a prohibited area, unless the building or
7 premises is a private residence. Signs shall be of a uniform
8 design as established by the Illinois State Police and shall
9 be 4 inches by 6 inches in size. The Illinois State Police
10 shall adopt rules for standardized signs to be used under this
11 subsection.

12 (e) A State's Attorney who has been issued a license to
13 carry a concealed firearm pursuant to this Act may carry a
14 concealed firearm in areas prohibited by this Section while
15 holding office. However, this subsection does not authorize
16 the State's Attorney to carry a concealed firearm in the areas
17 prohibited in paragraph (6), (7), (14), (19), (22), or (23) of
18 subsection (a).

19 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21.)

20 Section 15. The Criminal Code of 2012 is amended by
21 changing Sections 21-6 and 33A-2 as follows:

22 (720 ILCS 5/21-6) (from Ch. 38, par. 21-6)

23 Sec. 21-6. Unauthorized Possession or Storage of Weapons.

24 (a) Whoever possesses or stores any weapon enumerated in

1 Section 33A-1 in any building or on land supported in whole or
2 in part with public funds or in any building on such land
3 without prior written permission from the chief security
4 officer for such land or building commits a Class A
5 misdemeanor.

6 (b) The chief security officer must grant any reasonable
7 request for permission under paragraph (a).

8 (c) This Section does not apply to the carrying of a
9 concealed firearm by a State's Attorney as provided in Section
10 3-9005 of the Counties Code.

11 (Source: P.A. 89-685, eff. 6-1-97.)

12 (720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

13 Sec. 33A-2. Armed violence-Elements of the offense.

14 (a) A person commits armed violence when, while armed with
15 a dangerous weapon, he commits any felony defined by Illinois
16 Law, except first degree murder, attempted first degree
17 murder, intentional homicide of an unborn child, second degree
18 murder, involuntary manslaughter, reckless homicide, predatory
19 criminal sexual assault of a child, aggravated battery of a
20 child as described in Section 12-4.3 or subdivision (b) (1) of
21 Section 12-3.05, home invasion, or any offense that makes the
22 possession or use of a dangerous weapon either an element of
23 the base offense, an aggravated or enhanced version of the
24 offense, or a mandatory sentencing factor that increases the
25 sentencing range.

1 (b) A person commits armed violence when he or she
2 personally discharges a firearm that is a Category I or
3 Category II weapon while committing any felony defined by
4 Illinois law, except first degree murder, attempted first
5 degree murder, intentional homicide of an unborn child, second
6 degree murder, involuntary manslaughter, reckless homicide,
7 predatory criminal sexual assault of a child, aggravated
8 battery of a child as described in Section 12-4.3 or
9 subdivision (b)(1) of Section 12-3.05, home invasion, or any
10 offense that makes the possession or use of a dangerous weapon
11 either an element of the base offense, an aggravated or
12 enhanced version of the offense, or a mandatory sentencing
13 factor that increases the sentencing range.

14 (c) A person commits armed violence when he or she
15 personally discharges a firearm that is a Category I or
16 Category II weapon that proximately causes great bodily harm,
17 permanent disability, or permanent disfigurement or death to
18 another person while committing any felony defined by Illinois
19 law, except first degree murder, attempted first degree
20 murder, intentional homicide of an unborn child, second degree
21 murder, involuntary manslaughter, reckless homicide, predatory
22 criminal sexual assault of a child, aggravated battery of a
23 child as described in Section 12-4.3 or subdivision (b)(1) of
24 Section 12-3.05, home invasion, or any offense that makes the
25 possession or use of a dangerous weapon either an element of
26 the base offense, an aggravated or enhanced version of the

1 offense, or a mandatory sentencing factor that increases the
2 sentencing range.

3 (d) This Section does not apply to: violations of the Fish
4 and Aquatic Life Code or the Wildlife Code; or the carrying of
5 a concealed firearm by a State's Attorney as provided in
6 Section 3-9005 of the Counties Code.

7 (Source: P.A. 95-688, eff. 10-23-07; 96-1551, eff. 7-1-11.)