



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4723

Introduced 2/6/2024, by Rep. Kevin Schmidt

SYNOPSIS AS INTRODUCED:

230 ILCS 10/5.5 new
720 ILCS 5/24-2

Amends the Illinois Gambling Act. Provides that gaming special agents employed by the Illinois Gaming Board shall be deemed to be qualified law enforcement officers or, for retired gaming special agents formerly employed by the Illinois Gaming Board, shall be deemed qualified retired or separated law enforcement officers in Illinois for purposes of coverage under the federal Law Enforcement Officers Safety Act of 2004 and shall have all rights and privileges granted by that Act if the gaming special agent or retired gaming special agent is otherwise compliant with the applicable laws of this State governing the implementation and administration of the federal Law Enforcement Officers Safety Act of 2004 in the State of Illinois. Amends the Criminal Code of 2012. Exempts gaming special agents and retired gaming special agents from the unlawful use of weapons violations for carrying or possessing firearms in a vehicle or concealed on or about their person or carrying or possessing firearms on or about their person upon any public street, alley, or other public lands within the corporate limits of a municipality.

LRB103 36535 RLC 66642 b

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 Illinois Gambling Act is amended by adding
5 Section 5.5 as follows:

6 (230 ILCS 10/5.5 new)

7 Sec. 5.5. Gaming special agents; coverage under the
8 federal Law Enforcement Officers Safety Act of 2004. Gaming
9 special agents employed by the Illinois Gaming Board shall be
10 deemed to be qualified law enforcement officers or, for
11 retired gaming special agents formerly employed by the
12 Illinois Gaming Board, shall be deemed qualified retired or
13 separated law enforcement officers in Illinois for purposes of
14 coverage under the federal Law Enforcement Officers Safety Act
15 of 2004 and shall have all rights and privileges granted by
16 that Act if the gaming special agent or retired gaming special
17 agent is otherwise compliant with the applicable laws of this
18 State governing the implementation and administration of the
19 federal Law Enforcement Officers Safety Act of 2004 in the
20 State of Illinois.

21 Section 10. The Criminal Code of 2012 is amended by
22 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 (2) Wardens, superintendents and keepers of prisons,
10 penitentiaries, jails and other institutions for the
11 detention of persons accused or convicted of an offense,
12 while in the performance of their official duty, or while
13 commuting between their homes and places of employment.

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

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

25 (5) Persons licensed as private security contractors,

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

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

4 (6) Any person regularly employed in a commercial or
5 industrial operation as a security guard for the
6 protection of persons employed and private property
7 related to such commercial or industrial operation, while
8 actually engaged in the performance of his or her duty or
9 traveling between sites or properties belonging to the
10 employer, and who, as a security guard, is a member of a
11 security force registered with the Department of Financial
12 and Professional Regulation; provided that such security
13 guard has successfully completed a course of study,
14 approved by and supervised by the Department of Financial
15 and Professional Regulation, consisting of not less than
16 48 hours of training that includes the theory of law
17 enforcement, liability for acts, and the handling of
18 weapons. A person shall be considered eligible for this
19 exemption if he or she has completed the required 20 hours
20 of training for a security officer and 28 hours of
21 required firearm training, and has been issued a firearm
22 control card by the Department of Financial and
23 Professional Regulation. Conditions for the renewal of
24 firearm control cards issued under the provisions of this
25 Section shall be the same as for those cards issued under
26 the provisions of the Private Detective, Private Alarm,

1 Private Security, Fingerprint Vendor, and Locksmith Act of
2 2004. The firearm control card shall be carried by the
3 security guard at all times when he or she is in possession
4 of a concealable weapon permitted by his or her firearm
5 control card.

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

11 (8) Persons employed by a financial institution as a
12 security guard for the protection of other employees and
13 property related to such financial institution, while
14 actually engaged in the performance of their duties,
15 commuting between their homes and places of employment, or
16 traveling between sites or properties owned or operated by
17 such financial institution, and who, as a security guard,
18 is a member of a security force registered with the
19 Department; provided that any person so employed has
20 successfully completed a course of study, approved by and
21 supervised by the Department of Financial and Professional
22 Regulation, consisting of not less than 48 hours of
23 training which includes theory of law enforcement,
24 liability for acts, and the handling of weapons. A person
25 shall be considered to be eligible for this exemption if
26 he or she has completed the required 20 hours of training

1 for a security officer and 28 hours of required firearm
2 training, and has been issued a firearm control card by
3 the Department of Financial and Professional Regulation.
4 Conditions for renewal of firearm control cards issued
5 under the provisions of this Section shall be the same as
6 for those issued under the provisions of the Private
7 Detective, Private Alarm, Private Security, Fingerprint
8 Vendor, and Locksmith Act of 2004. The firearm control
9 card shall be carried by the security guard at all times
10 when he or she is in possession of a concealable weapon
11 permitted by his or her firearm control card. For purposes
12 of this subsection, "financial institution" means a bank,
13 savings and loan association, credit union or company
14 providing armored car services.

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

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

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

26 (12) Special investigators appointed by a State's

1 Attorney under Section 3-9005 of the Counties Code.

2 (12.5) Probation officers while in the performance of
3 their duties, or while commuting between their homes,
4 places of employment or specific locations that are part
5 of their assigned duties, with the consent of the chief
6 judge of the circuit for which they are employed, if they
7 have received weapons training according to requirements
8 of the Peace Officer and Probation Officer Firearm
9 Training Act.

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

14 (13.5) A person employed as an armed security guard at
15 a nuclear energy, storage, weapons or development site or
16 facility regulated by the Nuclear Regulatory Commission
17 who has completed the background screening and training
18 mandated by the rules and regulations of the Nuclear
19 Regulatory Commission.

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

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

1 the commission of the offense.

2 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
3 to or affect a qualified current or retired law enforcement
4 officer or a current or retired deputy, county correctional
5 officer, ~~or~~ correctional officer of the Department of
6 Corrections, or gaming special agent or retired gaming special
7 agent employed or formerly employed by the Illinois Gaming
8 Board qualified under the laws of this State or under the
9 federal Law Enforcement Officers Safety Act.

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

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

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

20 (3) Hunters, trappers, or fishermen while engaged in
21 lawful hunting, trapping, or fishing under the provisions
22 of the Wildlife Code or the Fish and Aquatic Life Code.

23 (4) Transportation of weapons that are broken down in
24 a 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
2 person's 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
24 lawful 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
11 experimental activities necessary thereto, of rifles,
12 shotguns, and weapons made from rifles or shotguns, or
13 ammunition for such rifles, shotguns or weapons, where
14 engaged in by a person operating as a contractor or
15 subcontractor pursuant to a contract or subcontract for
16 the development and supply of such rifles, shotguns,
17 weapons or ammunition to the United States government or
18 any branch of the Armed Forces of the United States, when
19 such activities are necessary and incident to fulfilling
20 the terms of such contract.

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

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

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

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

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

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

26 (1) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in
2 the performance of their official duty.

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

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

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

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

1 authorize the general private possession of any device or
2 attachment of any kind designed, used, or intended for use in
3 silencing the report of any firearm, but only such possession
4 and activities as are within the lawful scope of a licensed
5 manufacturing business described in this subsection (g-5).
6 During transportation, these devices shall be detached from
7 any weapon or not immediately accessible.

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

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

21 (g-10) (Blank).

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

26 (i) Nothing in this Article shall prohibit, apply to, or

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

15 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
16 102-837, eff. 5-13-22; 103-154, eff. 6-30-23.)