



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2389

Introduced 2/10/2023, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.85 new
105 ILCS 5/10-27.1A
720 ILCS 5/24-2

Amends the School Code. Provides that a school board may permit any full-time employee who primarily performs his or her duties on school grounds to carry a firearm while on school grounds if the employee has received written permission to carry a firearm by the school district. Provides that the person must have undergone a psychiatric evaluation and a drug test as determined by the school board and possess a valid license to carry a concealed firearm in the State under the Firearm Concealed Carry Act. Provides that the employee must undergo periodic psychiatric evaluations and drug tests to continue to carry a firearm on school grounds. Provides that notwithstanding any other provisions of law, a school district may not require any educator, as a condition of employment, to carry a firearm on school grounds. Makes conforming changes. Amends the Criminal Code of 2012. Exempts these employees from violations of the unlawful use of weapons and aggravated unlawful use of a weapon statutes for carrying a firearm in a school under the provisions added to the School Code. Effective immediately.

LRB103 26242 RJT 52602 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 10-27.1A and by adding Section 10-20.85 as follows:

6 (105 ILCS 5/10-20.85 new)

7 Sec. 10-20.85. Firearm on school grounds permitted. A
8 school board may permit any full-time employee who primarily
9 performs his or her duties on school grounds to carry a firearm
10 while on school grounds. An employee may carry a firearm while
11 actually engaged in the performance of the duties of his or her
12 employment if the employee has received written permission to
13 carry a firearm by the school district. The person must have
14 undergone a psychiatric evaluation and drug test as determined
15 by the school board and possess a valid license to carry a
16 concealed firearm in this State under the Firearm Concealed
17 Carry Act. The employee must undergo periodic psychiatric
18 evaluations and drug tests to continue to carry a firearm on
19 school grounds. The frequency of evaluation and testing shall
20 be set by the school board. Notwithstanding any other
21 provisions of law, a school district may not require any
22 employee, as a condition of employment, to carry a firearm on
23 school grounds. A school board may add additional requirements

1 or restrictions to carry a firearm on school grounds.

2 (105 ILCS 5/10-27.1A)

3 Sec. 10-27.1A. Firearms in schools.

4 (a) All school officials, including teachers, school
5 counselors, and support staff, shall immediately notify the
6 office of the principal in the event that they observe any
7 person in possession of a firearm on school grounds; provided
8 that taking such immediate action to notify the office of the
9 principal would not immediately endanger the health, safety,
10 or welfare of students who are under the direct supervision of
11 the school official or the school official. If the health,
12 safety, or welfare of students under the direct supervision of
13 the school official or of the school official is immediately
14 endangered, the school official shall notify the office of the
15 principal as soon as the students under his or her supervision
16 and he or she are no longer under immediate danger. A report is
17 not required by this Section when the school official knows
18 that the person in possession of the firearm is a law
19 enforcement official engaged in the conduct of his or her
20 official duties or otherwise authorized by the school board to
21 carry a firearm under Section 10-20.85. Any school official
22 acting in good faith who makes such a report under this Section
23 shall have immunity from any civil or criminal liability that
24 might otherwise be incurred as a result of making the report.
25 The identity of the school official making such report shall

1 not be disclosed except as expressly and specifically
2 authorized by law. Knowingly and willfully failing to comply
3 with this Section is a petty offense. A second or subsequent
4 offense is a Class C misdemeanor.

5 (b) Upon receiving a report from any school official
6 pursuant to this Section, or from any other person, the
7 principal or his or her designee shall immediately notify a
8 local law enforcement agency. If the person found to be in
9 possession of a firearm on school grounds is a student, the
10 principal or his or her designee shall also immediately notify
11 that student's parent or guardian. Any principal or his or her
12 designee acting in good faith who makes such reports under
13 this Section shall have immunity from any civil or criminal
14 liability that might otherwise be incurred or imposed as a
15 result of making the reports. Knowingly and willfully failing
16 to comply with this Section is a petty offense. A second or
17 subsequent offense is a Class C misdemeanor. If the person
18 found to be in possession of the firearm on school grounds is a
19 minor, the law enforcement agency shall detain that minor
20 until such time as the agency makes a determination pursuant
21 to clause (a) of subsection (1) of Section 5-401 of the
22 Juvenile Court Act of 1987, as to whether the agency
23 reasonably believes that the minor is delinquent. If the law
24 enforcement agency determines that probable cause exists to
25 believe that the minor committed a violation of item (4) of
26 subsection (a) of Section 24-1 of the Criminal Code of 2012

1 while on school grounds, the agency shall detain the minor for
2 processing pursuant to Section 5-407 of the Juvenile Court Act
3 of 1987.

4 (c) On or after January 1, 1997, upon receipt of any
5 written, electronic, or verbal report from any school
6 personnel regarding a verified incident involving a firearm in
7 a school or on school owned or leased property, including any
8 conveyance owned, leased, or used by the school for the
9 transport of students or school personnel, the superintendent
10 or his or her designee shall report all such firearm-related
11 incidents occurring in a school or on school property to the
12 local law enforcement authorities immediately and to the
13 Illinois State Police in a form, manner, and frequency as
14 prescribed by the Illinois State Police.

15 The State Board of Education shall receive an annual
16 statistical compilation and related data associated with
17 incidents involving firearms in schools from the Illinois
18 State Police. The State Board of Education shall compile this
19 information by school district and make it available to the
20 public.

21 (d) As used in this Section, the term "firearm" shall have
22 the meaning ascribed to it in Section 1.1 of the Firearm Owners
23 Identification Card Act.

24 As used in this Section, the term "school" means any
25 public or private elementary or secondary school.

26 As used in this Section, the term "school grounds"

1 includes the real property comprising any school, any
2 conveyance owned, leased, or contracted by a school to
3 transport students to or from school or a school-related
4 activity, or any public way within 1,000 feet of the real
5 property comprising any school.

6 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
7 102-813, eff. 5-13-22.)

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

10 (720 ILCS 5/24-2)

11 Sec. 24-2. Exemptions.

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

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

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

23 (3) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard or the

1 Reserve Officers Training Corps, while in the performance
2 of their official duty.

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

10 (5) Persons licensed as private security contractors,
11 private detectives, or private alarm contractors, or
12 employed by a private security contractor, private
13 detective, or private alarm contractor agency licensed by
14 the Department of Financial and Professional Regulation,
15 if their duties include the carrying of a weapon under the
16 provisions of the Private Detective, Private Alarm,
17 Private Security, Fingerprint Vendor, and Locksmith Act of
18 2004, while actually engaged in the performance of the
19 duties of their employment or commuting between their
20 homes and places of employment. A person shall be
21 considered eligible for this exemption if he or she has
22 completed the required 20 hours of training for a private
23 security contractor, private detective, or private alarm
24 contractor, or employee of a licensed private security
25 contractor, private detective, or private alarm contractor
26 agency and 28 hours of required firearm training, and has

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

14 (6) Any person regularly employed in a commercial or
15 industrial operation as a security guard for the
16 protection of persons employed and private property
17 related to such commercial or industrial operation, while
18 actually engaged in the performance of his or her duty or
19 traveling between sites or properties belonging to the
20 employer, and who, as a security guard, is a member of a
21 security force registered with the Department of Financial
22 and Professional Regulation; provided that such security
23 guard has successfully completed a course of study,
24 approved by and supervised by the Department of Financial
25 and Professional Regulation, consisting of not less than
26 48 hours of training that includes the theory of law

1 enforcement, liability for acts, and the handling of
2 weapons. A person shall be considered eligible for this
3 exemption if he or she has completed the required 20 hours
4 of training for a security officer and 28 hours of
5 required firearm training, and has been issued a firearm
6 control card by the Department of Financial and
7 Professional Regulation. Conditions for the renewal of
8 firearm control cards issued under the provisions of this
9 Section shall be the same as for those cards issued under
10 the provisions of the Private Detective, Private Alarm,
11 Private Security, Fingerprint Vendor, and Locksmith Act of
12 2004. The firearm control card shall be carried by the
13 security guard at all times when he or she is in possession
14 of a concealable weapon permitted by his or her firearm
15 control card.

16 (7) Agents and investigators of the Illinois
17 Legislative Investigating Commission authorized by the
18 Commission to carry the weapons specified in subsections
19 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
20 any investigation for the Commission.

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

1 such financial institution, and who, as a security guard,
2 is a member of a security force registered with the
3 Department; provided that any person so employed has
4 successfully completed a course of study, approved by and
5 supervised by the Department of Financial and Professional
6 Regulation, consisting of not less than 48 hours of
7 training which includes theory of law enforcement,
8 liability for acts, and the handling of weapons. A person
9 shall be considered to be eligible for this exemption if
10 he or she has completed the required 20 hours of training
11 for a security officer and 28 hours of required firearm
12 training, and has been issued a firearm control card by
13 the Department of Financial and Professional Regulation.
14 Conditions for renewal of firearm control cards issued
15 under the provisions of this Section shall be the same as
16 for those issued under the provisions of the Private
17 Detective, Private Alarm, Private Security, Fingerprint
18 Vendor, and Locksmith Act of 2004. The firearm control
19 card shall be carried by the security guard at all times
20 when he or she is in possession of a concealable weapon
21 permitted by his or her firearm control card. For purposes
22 of this subsection, "financial institution" means a bank,
23 savings and loan association, credit union or company
24 providing armored car services.

25 (9) Any person employed by an armored car company to
26 drive an armored car, while actually engaged in the

1 performance of his duties.

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

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

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

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

20 (13) Court Security Officers while in the performance
21 of their official duties, or while commuting between their
22 homes and places of employment, with the consent of the
23 Sheriff.

24 (13.5) A person employed as an armed security guard at
25 a nuclear energy, storage, weapons or development site or
26 facility regulated by the Nuclear Regulatory Commission

1 who has completed the background screening and training
2 mandated by the rules and regulations of the Nuclear
3 Regulatory Commission.

4 (14) Manufacture, transportation, or sale of weapons
5 to persons authorized under subdivisions (1) through
6 (13.5) of this subsection to possess those weapons.

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

12 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
13 to or affect a qualified current or retired law enforcement
14 officer or a current or retired deputy, county correctional
15 officer, or correctional officer of the Department of
16 Corrections qualified under the laws of this State or under
17 the federal Law Enforcement Officers Safety Act.

18 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
19 24-1.6 do not apply to or affect any of the following:

20 (1) Members of any club or organization organized for
21 the purpose of practicing shooting at targets upon
22 established target ranges, whether public or private, and
23 patrons of such ranges, while such members or patrons are
24 using their firearms on those target ranges.

25 (2) Duly authorized military or civil organizations
26 while parading, with the special permission of the

1 Governor.

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

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

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

11 (6) Persons authorized to carry firearms under Section
12 10-20.85 of the School Code.

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

15 (1) Peace officers while in performance of their
16 official duties.

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

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

23 (4) Manufacture, transportation, or sale of machine
24 guns to persons authorized under subdivisions (1) through
25 (3) of this subsection to possess machine guns, if the
26 machine guns are broken down in a non-functioning state or

1 are not immediately accessible.

2 (5) Persons licensed under federal law to manufacture
3 any weapon from which 8 or more shots or bullets can be
4 discharged by a single function of the firing device, or
5 ammunition for such weapons, and actually engaged in the
6 business of manufacturing such weapons or ammunition, but
7 only with respect to activities which are within the
8 lawful scope of such business, such as the manufacture,
9 transportation, or testing of such weapons or ammunition.
10 This exemption does not authorize the general private
11 possession of any weapon from which 8 or more shots or
12 bullets can be discharged by a single function of the
13 firing device, but only such possession and activities as
14 are within the lawful scope of a licensed manufacturing
15 business described in this paragraph.

16 During transportation, such weapons shall be broken
17 down in a non-functioning state or not immediately
18 accessible.

19 (6) The manufacture, transport, testing, delivery,
20 transfer or sale, and all lawful commercial or
21 experimental activities necessary thereto, of rifles,
22 shotguns, and weapons made from rifles or shotguns, or
23 ammunition for such rifles, shotguns or weapons, where
24 engaged in by a person operating as a contractor or
25 subcontractor pursuant to a contract or subcontract for
26 the development and supply of such rifles, shotguns,

1 weapons or ammunition to the United States government or
2 any branch of the Armed Forces of the United States, when
3 such activities are necessary and incident to fulfilling
4 the terms of such contract.

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

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

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

26 (e) Subsection 24-1(a)(8) does not apply to any owner,

1 manager or authorized employee of any place specified in that
2 subsection nor to any law enforcement officer.

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

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

10 (1) 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 (2) Bonafide collectors of antique or surplus military
14 ordnance.

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

18 (4) Commerce, preparation, assembly or possession of
19 explosive bullets by manufacturers of ammunition licensed
20 by the federal government, in connection with the supply
21 of those organizations and persons exempted by subdivision
22 (g)(1) of this Section, or like organizations and persons
23 outside this State, or the transportation of explosive
24 bullets to any organization or person exempted in this
25 Section by a common carrier or by a vehicle owned or leased
26 by an exempted manufacturer.

1 (g-5) Subsection 24-1(a)(6) does not apply to or affect
2 persons licensed under federal law to manufacture any device
3 or attachment of any kind designed, used, or intended for use
4 in silencing the report of any firearm, firearms, or
5 ammunition for those firearms equipped with those devices, and
6 actually engaged in the business of manufacturing those
7 devices, firearms, or ammunition, but only with respect to
8 activities that are within the lawful scope of that business,
9 such as the manufacture, transportation, or testing of those
10 devices, firearms, or ammunition. This exemption does not
11 authorize the general private possession of any device or
12 attachment of any kind designed, used, or intended for use in
13 silencing the report of any firearm, but only such possession
14 and activities as are within the lawful scope of a licensed
15 manufacturing business described in this subsection (g-5).
16 During transportation, these devices shall be detached from
17 any weapon or not immediately accessible.

18 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
19 24-1.6 do not apply to or affect any parole agent or parole
20 supervisor who meets the qualifications and conditions
21 prescribed in Section 3-14-1.5 of the Unified Code of
22 Corrections.

23 (g-7) Subsection 24-1(a)(6) does not apply to a peace
24 officer while serving as a member of a tactical response team
25 or special operations team. A peace officer may not personally
26 own or apply for ownership of a device or attachment of any

1 kind designed, used, or intended for use in silencing the
2 report of any firearm. These devices shall be owned and
3 maintained by lawfully recognized units of government whose
4 duties include the investigation of criminal acts.

5 (g-10) (Blank).

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

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

25 (Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22;
26 102-779, eff. 1-1-23; 102-837, eff. 5-13-22; revised

1 12-14-22.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.