

1 AN ACT to permit retired peace officers to carry
2 concealed firearms.

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

5 Section 5. The Illinois Police Training Act is amended
6 by adding Section 8.3 as follows:

7 (50 ILCS 705/8.3 new)

8 Sec. 8.3. Concealed weapons identification.

9 (a) In this Section, "retired peace officer" means a
10 person:

11 (1) who is a graduate of a police training
12 institute or academy, who after graduating served for at
13 least 15 consecutive years as a sworn, full-time peace
14 officer qualified to carry firearms for any federal or
15 State department or agency or for any unit of local
16 government of Illinois;

17 (2) who has retired as a local, State, or federal
18 peace officer in a publicly created peace officer
19 retirement system;

20 (3) whose service in law enforcement was honorably
21 terminated through retirement or disability and not as a
22 result of discipline, suspension, or discharge; and

23 (4) who possesses a currently valid Firearm Owner's
24 Identification Card issued under the Firearm Owners
25 Identification Card Act and a currently valid Illinois
26 driver's license.

27 (b) The Illinois Law Enforcement Training Standards
28 Board must issue appropriate concealed weapons
29 identification, valid for a period of one year from the date
30 of issuance, to any person presenting certified documentation
31 in a form acceptable to it of an applicant's fulfilling the

1 requirements of this Section and its verification of that
2 information by independent inquiry of the retiree's
3 identified police agency, force, or employing jurisdiction.

4 The Board may charge a reasonable fee for the processing
5 of applications and the provision of concealed weapons
6 identification. The fee must be deposited into the Traffic
7 and Criminal Conviction Surcharge Fund. Expenditures for
8 activities related to the processing of applications and the
9 provision of identification are considered ordinary and
10 contingent expenses as described in subsection (1) of Section
11 9 of this Act.

12 Section 10. The Criminal Code of 1961 is amended by
13 changing Section 24-2 as follows:

14 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

15 Sec. 24-2. Exemptions.

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

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

23 (2) Wardens, superintendents and keepers of
24 prisons, penitentiaries, jails and other institutions for
25 the detention of persons accused or convicted of an
26 offense, while in the performance of their official duty,
27 or while commuting between their homes and places of
28 employment.

29 (3) Members of the Armed Services or Reserve Forces
30 of the United States or the Illinois National Guard or
31 the Reserve Officers Training Corps, while in the
32 performance of their official duty.

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

8 (5) Persons licensed as private security
9 contractors, private detectives, or private alarm
10 contractors, or employed by an agency certified by the
11 Department of Professional Regulation, if their duties
12 include the carrying of a weapon under the provisions of
13 the Private Detective, Private Alarm, and Private
14 Security Act of 1983, while actually engaged in the
15 performance of the duties of their employment or
16 commuting between their homes and places of employment,
17 provided that such commuting is accomplished within one
18 hour from departure from home or place of employment, as
19 the case may be. Persons exempted under this subdivision
20 (a)(5) shall be required to have completed a course of
21 study in firearms handling and training approved and
22 supervised by the Department of Professional Regulation
23 as prescribed by Section 28 of the Private Detective,
24 Private Alarm, and Private Security Act of 1983, prior to
25 becoming eligible for this exemption. The Department of
26 Professional Regulation shall provide suitable
27 documentation demonstrating the successful completion of
28 the prescribed firearms training. Such documentation
29 shall be carried at all times when such persons are in
30 possession of a concealable weapon.

31 (6) Any person regularly employed in a commercial
32 or industrial operation as a security guard for the
33 protection of persons employed and private property
34 related to such commercial or industrial operation, while

1 actually engaged in the performance of his or her duty or
2 traveling between sites or properties belonging to the
3 employer, and who, as a security guard, is a member of a
4 security force of at least 5 persons registered with the
5 Department of Professional Regulation; provided that such
6 security guard has successfully completed a course of
7 study, approved by and supervised by the Department of
8 Professional Regulation, consisting of not less than 40
9 hours of training that includes the theory of law
10 enforcement, liability for acts, and the handling of
11 weapons. A person shall be considered eligible for this
12 exemption if he or she has completed the required 20
13 hours of training for a security officer and 20 hours of
14 required firearm training, and has been issued a firearm
15 authorization card by the Department of Professional
16 Regulation. Conditions for the renewal of firearm
17 authorization cards issued under the provisions of this
18 Section shall be the same as for those cards issued under
19 the provisions of the Private Detective, Private Alarm
20 and Private Security Act of 1983. Such firearm
21 authorization card shall be carried by the security guard
22 at all times when he or she is in possession of a
23 concealable weapon.

24 (7) Agents and investigators of the Illinois
25 Legislative Investigating Commission authorized by the
26 Commission to carry the weapons specified in subsections
27 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
28 any investigation for the Commission.

29 (8) Persons employed by a financial institution for
30 the protection of other employees and property related to
31 such financial institution, while actually engaged in the
32 performance of their duties, commuting between their
33 homes and places of employment, or traveling between
34 sites or properties owned or operated by such financial

1 institution, provided that any person so employed has
2 successfully completed a course of study, approved by and
3 supervised by the Department of Professional Regulation,
4 consisting of not less than 40 hours of training which
5 includes theory of law enforcement, liability for acts,
6 and the handling of weapons. A person shall be considered
7 to be eligible for this exemption if he or she has
8 completed the required 20 hours of training for a
9 security officer and 20 hours of required firearm
10 training, and has been issued a firearm authorization
11 card by the Department of Professional Regulation.
12 Conditions for renewal of firearm authorization cards
13 issued under the provisions of this Section shall be the
14 same as for those issued under the provisions of the
15 Private Detective, Private Alarm and Private Security Act
16 of 1983. Such firearm authorization card shall be
17 carried by the person so trained at all times when such
18 person is in possession of a concealable weapon. For
19 purposes of this subsection, "financial institution"
20 means a bank, savings and loan association, credit union
21 or company providing armored car services.

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

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

28 (11) Investigators of the Office of the State's
29 Attorneys Appellate Prosecutor authorized by the board of
30 governors of the Office of the State's Attorneys
31 Appellate Prosecutor to carry weapons pursuant to Section
32 7.06 of the State's Attorneys Appellate Prosecutor's Act.

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

1 (13) Court Security Officers while in the
2 performance of their official duties, or while commuting
3 between their homes and places of employment, with the
4 consent of the Sheriff.

5 (13.5) A person employed as an armed security guard
6 at a nuclear energy, storage, weapons or development site
7 or facility regulated by the Nuclear Regulatory
8 Commission who has completed the background screening and
9 training mandated by the rules and regulations of the
10 Nuclear Regulatory Commission.

11 (14) Manufacture, transportation, or sale of
12 weapons to persons authorized under subdivisions (1)
13 through (13.5) of this subsection to possess those
14 weapons.

15 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
16 24-1.6 do not apply to or affect any of the following:

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

22 (2) Duly authorized military or civil organizations
23 while parading, with the special permission of the
24 Governor.

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

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

30 (5) A retired peace officer who possesses concealed
31 weapons identification under Section 8.3 of the Illinois
32 Police Training Act.

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

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

3 (2) Wardens, superintendents and keepers of
4 prisons, penitentiaries, jails and other institutions for
5 the detention of persons accused or convicted of an
6 offense.

7 (3) Members of the Armed Services or Reserve Forces
8 of the United States or the Illinois National Guard,
9 while in 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
14 or are not immediately accessible.

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

30 During transportation, such weapons shall be broken
31 down in a non-functioning state or not immediately
32 accessible.

33 (6) The manufacture, transport, testing, delivery,
34 transfer or sale, and all lawful commercial or

1 experimental activities necessary thereto, of rifles,
2 shotguns, and weapons made from rifles or shotguns, or
3 ammunition for such rifles, shotguns or weapons, where
4 engaged in by a person operating as a contractor or
5 subcontractor pursuant to a contract or subcontract for
6 the development and supply of such rifles, shotguns,
7 weapons or ammunition to the United States government or
8 any branch of the Armed Forces of the United States, when
9 such activities are necessary and incident to fulfilling
10 the terms of such contract.

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

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

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

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

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

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

33 (1) Members of the Armed Services or Reserve Forces
34 of the United States or the Illinois National Guard,

1 while in the performance of their official duty.

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

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

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

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

20 (i) Nothing in this Article shall prohibit, apply to, or
21 affect the transportation, carrying, or possession, of any
22 pistol or revolver, stun gun, taser, or other firearm
23 consigned to a common carrier operating under license of the
24 State of Illinois or the federal government, where such
25 transportation, carrying, or possession is incident to the
26 lawful transportation in which such common carrier is
27 engaged; and nothing in this Article shall prohibit, apply
28 to, or affect the transportation, carrying, or possession of
29 any pistol, revolver, stun gun, taser, or other firearm, not
30 the subject of and regulated by subsection 24-1(a)(7) or
31 subsection 24-2(c) of this Article, which is unloaded and
32 enclosed in a case, firearm carrying box, shipping box, or
33 other container, by the possessor of a valid Firearm Owners
34 Identification Card.

1 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;
2 92-325, eff. 8-9-01.)