

1 AN ACT in relation to retired peace officers.

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

4 Section 5. The Illinois Police Training Act is amended  
5 by adding Section 10.3 as follows:

6 (50 ILCS 705/10.3 new)

7 Sec. 10.3. Retired peace officers proficiency course.

8 The Board shall provide a proficiency course for retired  
9 peace officers who seek an exemption from certain unlawful  
10 use of weapons offenses as provided in paragraph (12.5) of  
11 subsection (a) of Section 24-2 of the Criminal Code of 1961.

12 The Board shall keep records of those officers who have  
13 qualified and shall issue an identification card to a retired  
14 peace officer indicating successful completion of the course.

15 The Board is authorized to charge a fee for the course and  
16 the identification card.

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

19 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

20 Sec. 24-2. Exemptions.

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

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

28 (2) Wardens, superintendents and keepers of  
29 prisons, penitentiaries, jails and other institutions for

1 the detention of persons accused or convicted of an  
2 offense, while in the performance of their official duty,  
3 or while commuting between their homes and places of  
4 employment.

5 (3) Members of the Armed Services or Reserve Forces  
6 of the United States or the Illinois National Guard or  
7 the Reserve Officers Training Corps, while in the  
8 performance of their official duty.

9 (4) Special agents employed by a railroad or a  
10 public utility to perform police functions, and guards of  
11 armored car companies, while actually engaged in the  
12 performance of the duties of their employment or  
13 commuting between their homes and places of employment;  
14 and watchmen while actually engaged in the performance of  
15 the duties of their employment.

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

1 documentation demonstrating the successful completion of  
2 the prescribed firearms training. Such documentation  
3 shall be carried at all times when such persons are in  
4 possession of a concealable weapon.

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

32 (7) Agents and investigators of the Illinois  
33 Legislative Investigating Commission authorized by the  
34 Commission to carry the weapons specified in subsections

1 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
2 any investigation for the Commission.

3 (8) Persons employed by a financial institution for  
4 the protection of other employees and property related to  
5 such financial institution, while actually engaged in the  
6 performance of their duties, commuting between their  
7 homes and places of employment, or traveling between  
8 sites or properties owned or operated by such financial  
9 institution, provided that any person so employed has  
10 successfully completed a course of study, approved by and  
11 supervised by the Department of Professional Regulation,  
12 consisting of not less than 40 hours of training which  
13 includes theory of law enforcement, liability for acts,  
14 and the handling of weapons. A person shall be considered  
15 to be eligible for this exemption if he or she has  
16 completed the required 20 hours of training for a  
17 security officer and 20 hours of required firearm  
18 training, and has been issued a firearm authorization  
19 card by the Department of Professional Regulation.  
20 Conditions for renewal of firearm authorization cards  
21 issued under the provisions of this Section shall be the  
22 same as for those issued under the provisions of the  
23 Private Detective, Private Alarm and Private Security Act  
24 of 1983. Such firearm authorization card shall be  
25 carried by the person so trained at all times when such  
26 person is in possession of a concealable weapon. For  
27 purposes of this subsection, "financial institution"  
28 means a bank, savings and loan association, credit union  
29 or company providing armored car services.

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

33 (10) Persons who have been classified as peace  
34 officers pursuant to the Peace Officer Fire Investigation

1 Act.

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

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

9 (12.5) Retired Illinois peace officers in good  
10 standing. A person exempted under this paragraph shall  
11 be required to pass an authorized proficiency test with  
12 his or her weapon once a year. The proficiency test  
13 shall include but not be limited to weapons handling and  
14 a current qualification course of firearms use. The  
15 Illinois Law Enforcement Training Standards Board as  
16 provided in Section 10.3 of the Illinois Police Training  
17 Act shall provide for the authorized proficiency course  
18 and keep records of those officers who have qualified and  
19 issue an identification card to a retired peace officer  
20 indicating successful completion that the officer must  
21 keep in his or her possession. The authorized proficiency  
22 test shall be solely for the purpose of assuring that the  
23 retired officer possesses adequate skill in the use and  
24 handling of weapons. Neither the Illinois Law  
25 Enforcement Training Standards Board, nor the retired  
26 officer's former police agency, shall be liable for any  
27 actions taken by the retired officer with a weapon. The  
28 Illinois Law Enforcement Training Standards Board shall  
29 not be liable for providing training or for failing to  
30 train the retired officer. The Illinois Law Enforcement  
31 Training Standards Board shall be authorized to charge a  
32 fee to cover the expenses for testing and keeping of  
33 records.

34 For the purpose of this paragraph the term "good

1 standing" shall be defined as full-time service either  
2 with one police department located in Illinois or  
3 collectively with several police departments located in  
4 Illinois, so long as the total full-time service equals  
5 at least 20 years and the officer left the last police  
6 department in good standing.

7 Prima facie evidence of entitlement shall be  
8 possession of a picture identification card showing that  
9 he or she is a retired Illinois peace officer, a valid  
10 Firearm Owner's Identification Card, and the  
11 identification card showing successful qualification with  
12 the firearm within the last year. The identification  
13 card shall be displayed to any Illinois law enforcement  
14 officer upon request. Any retired officer that no longer  
15 qualifies to possess an Illinois Firearm Owner's  
16 Identification Card shall lose good standing status.

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

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

27 (14) Manufacture, transportation, or sale of  
28 weapons to persons authorized under subdivisions (1)  
29 through (13.5) of this subsection to possess those  
30 weapons.

31 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
32 24-1.6 do not apply to or affect any of the following:

33 (1) Members of any club or organization organized  
34 for the purpose of practicing shooting at targets upon

1 established target ranges, whether public or private, and  
2 patrons of such ranges, while such members or patrons are  
3 using their firearms on those target ranges.

4 (2) Duly authorized military or civil organizations  
5 while parading, with the special permission of the  
6 Governor.

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

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

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

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

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

20 (3) Members of the Armed Services or Reserve Forces  
21 of the United States or the Illinois National Guard,  
22 while in 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  
27 or are not immediately accessible.

28 (5) Persons licensed under federal law to  
29 manufacture any weapon from which 8 or more shots or  
30 bullets can be discharged by a single function of the  
31 firing device, or ammunition for such weapons, and  
32 actually engaged in the business of manufacturing such  
33 weapons or ammunition, but only with respect to  
34 activities which are within the lawful scope of such

1 business, such as the manufacture, transportation, or  
2 testing of such weapons or ammunition. This exemption  
3 does not authorize the general private possession of any  
4 weapon from which 8 or more shots or bullets can be  
5 discharged by a single function of the firing device, but  
6 only such possession and activities as are within the  
7 lawful scope of a licensed manufacturing business  
8 described in this paragraph.

9 During transportation, such weapons shall be broken  
10 down in a non-functioning state or not immediately  
11 accessible.

12 (6) The manufacture, transport, testing, delivery,  
13 transfer or sale, and all lawful commercial or  
14 experimental activities necessary thereto, of rifles,  
15 shotguns, and weapons made from rifles or shotguns, or  
16 ammunition for such rifles, shotguns or weapons, where  
17 engaged in by a person operating as a contractor or  
18 subcontractor pursuant to a contract or subcontract for  
19 the development and supply of such rifles, shotguns,  
20 weapons or ammunition to the United States government or  
21 any branch of the Armed Forces of the United States, when  
22 such activities are necessary and incident to fulfilling  
23 the terms of such contract.

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

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

33 (d) Subsection 24-1(a)(1) does not apply to the  
34 purchase, possession or carrying of a black-jack or



1 slung-shot by a peace officer.

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

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

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

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

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

17 (3) Laboratories having a department of forensic  
18 ballistics, or specializing in the development of  
19 ammunition or explosive ordinance.

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

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

33 (i) Nothing in this Article shall prohibit, apply to, or  
34 affect the transportation, carrying, or possession, of any

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

14 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;  
15 92-325, eff. 8-9-01.)