

1 AN ACT concerning firearms.

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

4 Section 1. Short title. This Act may be cited as the
5 Retired Officers Security Act.

6 Section 5. Legislative declaration. The General Assembly
7 finds that as a matter of public policy it is necessary to
8 provide statewide uniform standards for issuing permits to
9 carry concealed firearms for retired peace officers and that no
10 person who does not qualify under the provisions of this Act
11 receives a permit to carry concealed firearms. The General
12 Assembly recognizes that it already regulates the use and
13 possession of concealed firearms under Sections 24-1 and 24-1.6
14 of the Criminal Code of 1961 and that the regulation of
15 concealed firearms is an exclusive statewide function. The
16 General Assembly does not delegate to the Department of State
17 Police the authority to regulate or restrict the issuing of
18 concealed firearms permits provided for in this Act beyond
19 those provisions contained in this Act.

20 Section 10. Definitions. As used in this Act:

21 "Concealed firearm" means a handgun carried on or about a
22 person completely or mostly concealed from view of the public,
23 or carried in a vehicle in such a way as it is concealed from
24 view of the public.

25 "Department" means the Department of State Police.

26 "Director" means the Director of State Police.

27 "Fund" means the Retired Officers Security Trust Fund.

28 "Handgun" has the meaning ascribed to it in subsection
29 (A) (h) of Section 24-3 of the Criminal Code of 1961.

30 "Permit" means a permit to carry a concealed firearm issued
31 by the Department of State Police.

1 "Permittee" means a person who is issued a permit to carry
2 a concealed firearm by the Department of State Police.

3 Section 15. Retired Officers Security Fund.

4 (a) There is created the Retired Officers Security Trust
5 Fund. The Fund shall be maintained apart from the State
6 treasury and shall be administered by the Department. Moneys
7 from federal and State sources may be deposited into the Fund.
8 Fees from applications for new, renewal, corrected, and
9 duplicate concealed firearms permits shall be deposited into
10 the Fund. The Department may invest the moneys in the Fund, and
11 any income on these investments shall be reinvested in the
12 Fund.

13 (b) The Department shall use the moneys in the Fund
14 exclusively for the administration of this Act.

15 Section 20. Permit for concealed firearms. The Department
16 of State Police is authorized to issue permits to carry
17 concealed firearms to persons qualified as provided in this
18 Act. Permits to carry a concealed firearm shall be valid
19 throughout the State for a period of 5 years from the date of
20 issuance. Any person in compliance with the terms of the permit
21 may carry concealed firearms on or about his or her person. The
22 permittee shall carry the permit at all times the permittee is
23 carrying a concealed firearm and shall display the permit upon
24 the request of a law enforcement officer. The permit is valid
25 throughout the State.

26 Section 25. Application for permit and qualifications of
27 applicants.

28 (a) An applicant for a permit shall obtain the application
29 from the Department of State Police. The completed application
30 and all accompanying material plus an application fee of \$100
31 for a new permit or \$100 for a renewal shall be submitted to
32 the Department of State Police. The Department of State Police
33 may promulgate rules for the use of this fee that are not

1 inconsistent with this Act.

2 (b) The Department of State Police, upon a person's
3 application for a concealed firearms permit, upon receipt of
4 the appropriate fees, and after compliance with the procedures
5 set out in this Section, shall issue the applicant a concealed
6 firearms permit if the person:

7 (1) resides within the State of Illinois and has been a
8 resident for the last 6 months and is a permanent resident
9 of the United States;

10 (2) has not been convicted of a crime punishable by
11 imprisonment for a term exceeding one year, or of a
12 misdemeanor evidencing violence, is not free on any form of
13 bond or pretrial release for any offense that would
14 prohibit the person from obtaining a permit under this Act,
15 and has no outstanding warrants for those crimes;

16 (3) has no record of mental disease or mental illness
17 on file with the Department of State Police, the Department
18 of Human Services, or any other State or federal agencies
19 that would evidence incapacity, or lack of proper mental
20 capacity;

21 (4) has not been committed to a state or federal
22 facility for the abuse of a controlled substance or
23 cannabis or has not been convicted of a misdemeanor
24 violation of the Illinois Controlled Substances Act or the
25 Cannabis Control Act or similar laws of any other state
26 relating to controlled substances or cannabis within a
27 10-year period immediately preceding the date on which the
28 application is submitted; and

29 (5) shows proof that he or she either:

30 (A) is a graduate of a police training institute or
31 police academy, who after graduating served for at
32 least 10 years as a sworn, full-time peace officer
33 qualified to carry firearms for any federal or State
34 department or agency or for any unit of local
35 government of Illinois and has retired as a local,
36 State, or federal peace officer in a publicly created

1 peace officer retirement system; whose service in law
2 enforcement was honorably terminated through
3 retirement or disability and not as a result of
4 discipline, suspension, discharge, or decertification
5 by the Illinois Law Enforcement Training Standards
6 Board; or

7 (B) earned the Military Occupation Specialty (MOS)
8 of a military police officer, investigator, or its
9 equivalent in any of the Armed Forces and served for at
10 least 10 years as a member of the United States Armed
11 Forces, which service was honorably terminated and not
12 as a result of discipline, suspension, or dishonorable
13 discharge.

14 Section 30. Contents of application. The initial
15 application shall be in writing, submitted under oath and under
16 the penalties of perjury, on a standard form promulgated by the
17 Department of State Police, and shall be accompanied by the
18 appropriate fees and required documentation. The application
19 shall contain only the following information:

20 (1) the applicant's name, address, gender, and date and
21 place of birth;

22 (2) a head and shoulder color photograph taken within
23 30 days preceding the date on which the application is
24 submitted;

25 (3) questions to certify or demonstrate the applicant
26 has completed a firearms and deadly use of force training
27 and education prerequisites specified under this Act;

28 (4) a statement that the applicant is a resident of the
29 State of Illinois and has been a resident for the last 6
30 months and is a United States citizen or a naturalized
31 citizen;

32 (5) a waiver of privacy and confidentiality rights and
33 privileges enjoyed by the applicant under all federal and
34 State laws governing access to juvenile court, criminal
35 justice, psychological or psychiatric records, or records

1 relating to the applicant's history of
2 institutionalization, and an affirmative request that any
3 person having custody of any such record provide it or
4 information concerning it to the Department;

5 (6) a conspicuous warning that false statements made by
6 the applicant will result in prosecution for perjury in
7 accordance with Section 32-2 of the Criminal Code of 1961;

8 (7) that the applicant possesses a currently valid
9 Illinois Firearm Owner's Identification Card, together
10 with the card number, or is applying for the card in
11 conjunction with the concealed firearms permit
12 application;

13 (8) an affirmation that the applicant has never been
14 convicted of any felony;

15 (9) the applicant's signature, under oath, attesting
16 to the following statement: "I, the undersigned, state,
17 under oath and subject to the penalty of perjury, that I am
18 not a streetgang member as defined in Section 10 of the
19 Illinois Streetgang Terrorism Omnibus Prevention Act and
20 that I will not join or become associated with a criminal
21 streetgang."; and

22 (10) appropriate documentation to support that the
23 applicant meets the requirements of clause (b)(5) of
24 Section 25 of this Act.

25 Section 35. Submission of identifying information; fee. In
26 addition to the completed application, the applicant must
27 submit the following information to the Department of State
28 Police:

29 (i) a recent head and shoulder color photograph of the
30 applicant as required by Section 30 in a size specified by
31 the Department of State Police taken preceding the date on
32 which the application is submitted;

33 (ii) a non-refundable permit fee of \$100 if he or she
34 has not previously been issued such a permit by the
35 Department of State Police, or a non-refundable permit fee

1 of \$100 for each renewal of a permit;

2 (iii) a full set of legible fingerprints administered
3 to the applicant by the Department of State Police, or any
4 other federal, State, county, or municipal law enforcement
5 agency; any cost of fingerprinting shall be paid by the
6 applicant; and

7 (iv) a photocopy of a certificate or other evidence of
8 completion of a course to show compliance with Section 90
9 of this Act.

10 Section 40. Approval of application.

11 (a) If the Department of State Police finds that the
12 applicant possesses a valid Firearm Owner's Identification
13 Card, meets the training requirements of this Act, and has
14 provided the documentation and paid the fees required for
15 issuance of a concealed firearms permit and that, as nearly as
16 it is possible to determine, nothing in the applicant's
17 background or present circumstances disqualify him or her from
18 possessing a firearm in Illinois, it shall approve the
19 application and issue the applicant a wallet-sized permit
20 bearing the photograph of the applicant within 90 days or the
21 Department may issue a new Firearm Owner's Identification Card
22 with an endorsement for the carrying of a concealed firearm.

23 (b) If the applicant is found to be ineligible, the
24 Department of State Police shall deny the application and
25 notify the applicant in writing, stating the grounds for denial
26 and informing the applicant of the right to submit, within 30
27 days, any additional documentation relating to the grounds of
28 the denial. Upon receiving any additional documentation, the
29 Department of State Police shall reconsider its decision and
30 inform the applicant within 30 days of the result of the
31 reconsideration. The applicant shall further be informed of the
32 right to appeal the denial in the circuit court of his or her
33 place of residence.

34 (c) The Department of State Police shall maintain an
35 automated record listing of permit holders, including their

1 names and addresses, and this information shall be available
2 on-line, upon request, at all times to all Illinois law
3 enforcement agencies. Except as provided in this subsection,
4 information on applications for permits, names and addresses,
5 or other identifying information relating to permit holders
6 shall be confidential and shall not be made available except to
7 law enforcement agencies. Requests for information about any
8 permit holder made by persons other than a bona fide law
9 enforcement agency shall be made to the Department of State
10 Police together with any fee required for the providing of
11 information. The Department of State Police may, upon proper
12 application and the payment of the required fee, provide to the
13 requester, in written form only, a list of names of any or all
14 holders in the State of Illinois licensed to carry a concealed
15 firearm. No identifying information other than the name shall
16 be provided, and information for geographic areas or other
17 subdivisions of any type from the list shall not be provided,
18 except to a bona fide law enforcement agency, and shall be
19 confidential. No requests for lists of local or statewide
20 permit holders shall be made to any State or local law
21 enforcement agency. No other agency of government other than
22 the Department of State Police shall provide any information to
23 a requester not entitled to it by law. The names of all
24 persons, other than law enforcement agencies and peace
25 officers, requesting information under this Section shall be
26 public records.

27 Section 45. Revocation of a permit. A permit issued under
28 Section 40 shall be revoked if the permit holder becomes
29 ineligible to be issued a permit under the criteria set forth
30 in clauses (b)(1), (2), (3), (4), and (5) of Section 25 or
31 subsection (b) of Section 40 of this Act. When the holder of
32 the permit has his or her Firearm Owner's Identification Card
33 revoked, when an order of protection is issued under Section
34 112A-14 of the Code of Criminal Procedure of 1963 or under
35 Section 214 of the Illinois Domestic Violence Act of 1986

1 against a person holding a permit issued under this Act, the
2 holder of the permit shall surrender the permit to the court or
3 to the officer serving the order. The officer to whom the
4 permit is surrendered shall forthwith transmit the permit to
5 the court issuing the order. The permit shall be revoked until
6 the order is terminated.

7 Section 50. Notification of renewal. Not later than 60 days
8 before the expiration of any permit issued under this Act, the
9 Department of State Police shall notify the permit holder in
10 writing of the expiration and furnish an application for
11 renewal of the permit.

12 Section 55. Renewal of permit. The permit shall be renewed
13 for a qualified applicant upon receipt of the properly
14 completed renewal application and required renewal fee. The
15 renewal application shall contain the same required
16 information as set forth in paragraphs (1) through (9) of
17 Section 30, except that in lieu of the firearm education and
18 use of deadly force training, the applicant need only
19 demonstrate previous issuance of and continued eligibility for
20 a concealed firearms permit.

21 Section 60. Change of address, change of name, or lost or
22 destroyed permits.

23 (a) Within 30 days after the changing of a permanent
24 residence, or within 30 days after loss or destruction of a
25 concealed firearms permit, the permittee shall notify the
26 Department of State Police of the loss, destruction, change of
27 name, or change of residence. Failure to notify the Department
28 of State Police shall constitute a noncriminal violation with a
29 penalty of \$25 payable to the Department of State Police.

30 (b) If a person issued a permit to carry a concealed
31 firearm changes residence within this State, or changes his or
32 her name, the person to whom the permit was issued may upon
33 payment of \$25 to the Department of State Police obtain a

1 corrected concealed firearms permit with a change of address or
2 change of name upon furnishing a notarized statement to the
3 Department of State Police that the permittee has changed
4 residence, or his or her name, and upon submission of an
5 application as set forth in Section 25 and photograph as set
6 forth in paragraph (2) of Section 30 of this Act. A concealed
7 firearms permit shall be invalid after 30 days if the permittee
8 has not notified the Department of State Police of a change of
9 residence.

10 (c) If a permit to carry a concealed firearm is lost or
11 destroyed, the permit shall be cancelled, and the person to
12 whom the permit was issued may upon payment of \$25 to the
13 Department of State Police obtain a new permit, upon furnishing
14 a notarized statement to the Department of State Police that
15 the permit was lost or destroyed and submission of an
16 application as set forth in Section 25 and photograph as set
17 forth in paragraph (2) of Section 30 of this Act.

18 Section 65. Concealed firearms permit.

19 (a) A concealed firearm permit shall authorize the person
20 in whose name the permit is issued to carry concealed firearms
21 on or about his or her person or vehicle throughout the State.
22 No permit issued under this Section shall authorize any person
23 to carry a concealed firearm into or upon:

24 (i) Any police, sheriff, or Department of State Police
25 office or station without the consent of the chief law
26 enforcement officer in charge of that office or station.

27 (ii) The facility of any adult or juvenile detention or
28 correctional institution, prison, or jail.

29 (iii) Any courthouse, solely occupied by the Circuit,
30 Appellate, or Supreme Court, or a courtroom of any of those
31 courts, or court proceeding, except that nothing in this
32 Section shall preclude a judge, holding a concealed firearm
33 permit, from carrying a concealed firearm within a
34 courthouse.

35 (iv) Any meeting of the governing body of a unit of

1 local government; or any meeting of the General Assembly or
2 a committee of the General Assembly, except that nothing in
3 this Section shall preclude a member of the body, holding a
4 concealed firearms permit, from carrying a concealed
5 firearm at a meeting of the body which he or she is a
6 member.

7 (v) The General Assembly may by statute, and the county
8 or municipality may by ordinance, prohibit or limit the
9 carrying of concealed firearms by permit holders in that
10 portion of a building owned, leased, or controlled by that
11 unit of government. That portion of a building in which the
12 carrying of concealed firearms is prohibited or limited
13 shall be clearly identified by signs posted at the entrance
14 to the restricted area. The statute or ordinance shall
15 exempt any building used for public housing by private
16 persons, highways or rest areas, firing ranges, and private
17 dwellings owned, leased, or controlled by that unit of
18 government from any restriction on the carrying or
19 possession of a firearm. The statute or ordinance shall not
20 specify any criminal penalty for its violation but may
21 specify that persons violating the statute or ordinance may
22 be denied entrance to the building, ordered to leave the
23 building, and, if the employees of the unit of government,
24 be subjected to disciplinary measures for violation of the
25 provisions of the statute or ordinance. The provisions of
26 this Section shall not apply to any other unit of
27 government.

28 (vi) Any portion of an establishment licensed to
29 dispense beer or alcoholic beverages for consumption on the
30 premises, which portion of the establishment is primarily
31 devoted to that purpose. This paragraph (vi) does not apply
32 to any bona fide restaurant open to the general public
33 having dining facilities for not less than 50 persons and
34 that receives at least 50% of its gross annual income from
35 the dining facilities by the sale of food.

36 (vii) Any area of an airport to which access is

1 controlled by the inspection of persons and property.

2 (viii) Any place where the carrying of a firearm is
3 prohibited by federal law.

4 (ix) Any elementary or secondary school facility
5 without the consent of school authorities.

6 (x) Any portion of a building used as a child care
7 facility without the consent of the manager. Nothing in
8 this Section shall prevent the operator of a child care
9 facility in a family home from owning or possessing a
10 firearm or permit.

11 (xi) A riverboat gambling operation or horse racing
12 facility accessible by the public.

13 (xii) Any gated area of an amusement park.

14 (xiii) Any stadium, arena, or collegiate or
15 professional sporting event.

16 (xiv) A church or other place of religious worship.

17 A violation of this subsection (a) is a Class C
18 misdemeanor.

19 (b) A concealed firearm permit does not authorize the
20 concealed carrying or transportation of a stun gun or taser.

21 Section 70. Immunity of Department, sheriff, municipal
22 police department, and their employees and agents. The
23 Department of State Police, office of the county sheriff, or
24 municipal police department, and any employee or agent of the
25 Department of State Police, county sheriff, or municipal police
26 department is not liable for damages in any civil action
27 arising from alleged wrongful or improper granting, renewing,
28 or failure to revoke permits issued under this Act.

29 Section 80. Fees.

30 (a) Fees collected under this Act and deposited into the
31 Retired Officers Security Trust Fund shall be used exclusively
32 for administering the provisions of this Act; except that,
33 commencing January 1, 2005, any excess moneys in the Fund may
34 be used to ensure the prompt and efficient processing of

1 applications received under Section 30 of this Act.

2 (b) Fees for a concealed firearms permit shall be:

3	New permit	\$100
4	Renewal	\$100
5	Duplicate due to lost or destroyed	\$25
6	Corrected permit due to change of address	
7	or name	\$25

8 Section 85. Applicant training.

9 (a) The applicant training course shall be the standardized
10 training course furnished by the Department and taught by a
11 qualified firearms instructor, consisting of:

12 (1) Eight hours of classroom instruction, covering at
13 least the following topics:

14 (i) handgun safety in the classroom, at home, on
15 the firing range, or while carrying the firearm;

16 (ii) the basic principles of marksmanship;

17 (iii) care and cleaning of handguns; and

18 (iv) by means of a videotape produced or approved
19 by the Department:

20 (A) the requirements for obtaining a concealed
21 firearms permit in this State;

22 (B) laws relating to firearms as prescribed in
23 the Firearm Owners Identification Card Act,
24 Article 24 of the Criminal Code of 1961, and 18
25 U.S.C. 921 through 930; and

26 (C) laws relating to the justifiable use of
27 force as prescribed in Article 7 of the Criminal
28 Code of 1961.

29 (2) Live firing exercises of sufficient duration for
30 each applicant to fire:

31 (i) a handgun from a standing position;

32 (ii) a minimum of 20 rounds; and

33 (iii) at a distance from a B-21 silhouette target,
34 or an equivalent as approved by the Department, of 7
35 yards.

1 (b) The classroom portion of the course may be, at the
2 qualified firearms instructor's discretion, divided into
3 segments of not less than 2 hours each.

4 (c) (1) An applicant training course shall not be open to
5 persons who are less than 21 years of age.

6 (2) An applicant training course students shall
7 complete a course application form, which shall include a
8 statement acknowledging receipt of copies of pertinent
9 statutory provisions listed in clauses (A), (B), and (C) of
10 subparagraph (iv) of paragraph (1) of subsection (a) and a
11 liability waiver.

12 (3) The course application form may be obtained from
13 the qualified firearms instructor at the time of the
14 course.

15 (d) At the conclusion of the classroom portion of the
16 applicant training course, the qualified firearms instructor
17 shall:

18 (1) distribute a standard course examination to the
19 students;

20 (2) not leave the room in which the examination is
21 being held while the examination is in progress;

22 (3) collect examination booklets and answer sheets
23 from each student at the end of the examination period;

24 (4) not grade the examinations in the presence of
25 students; and

26 (5) not divulge an applicant's numeric score on the day
27 of the examination, but may indicate whether an applicant
28 passed or failed the examination.

29 (e) A person shall not:

30 (1) make an unauthorized copy of the applicant training
31 course examination, in whole or in part;

32 (2) possess the applicant training course examination,
33 or questions from the examination, unless authorized by the
34 Department; or

35 (3) divulge the contents of an applicant training
36 course examination questions to another person.

1 (f) (1) Students shall provide their own safe, functional
2 handgun and factory-loaded ammunition.

3 (2) Prior to conducting range firing, the certified
4 firearms instructor shall:

5 (i) inspect each applicant's firearm; and

6 (ii) not allow the firing of a handgun that is not
7 in sound mechanical condition or otherwise may pose a
8 safety hazard.

9 (g) Grades of "passing" shall not be given on range work to
10 an applicant who:

11 (1) does not follow the orders of the certified
12 firearms instructor;

13 (2) in the judgment of the certified firearms
14 instructor, handles a firearm in a manner that poses a
15 danger to the applicant or to others; or

16 (3) during the testing portion of the range work fails
17 to hit the silhouette portion of the target with a majority
18 of 20 rounds.

19 (h) Certified firearms instructors shall:

20 (1) allow monitoring of their classes by officials of
21 any certifying agency;

22 (2) make all course records available upon demand to
23 authorized personnel of the Department; and

24 (3) not divulge course records except as authorized by
25 the certifying agency.

26 (i) (1) Fees for applicant training courses shall not
27 exceed \$75 per student.

28 (2) Qualified firearms instructors shall collect the
29 fee and remit \$25 of the fee to the Department.

30 (3) Fees shall not be refunded to students who fail or
31 otherwise do not complete the course.

32 (j) An applicant training course shall not have more than
33 40 students in the classroom portion or more than 10 students
34 per range officer engaged in range firing.

35 (k) Within 3 working days after the completion of the
36 course, the certified firearms instructor shall:

1 (1) grade the examinations; and
2 (2) provide to the student a certificate of successful
3 course completion if he or she:

4 (i) answers at least 70% of the written examination
5 questions correctly; and

6 (ii) achieves a grade of "passing" on the range
7 work.

8 (1) (1) Students who score below 70% on the written
9 examination may retake the examination one time without having
10 to retake the course.

11 (2) Students who do not achieve a grade of "passing" on the
12 range work may repeat the range work one time without having to
13 retake the course.

14 (3) Notices of failure shall include information on whether
15 the student failed the written exam, the range firing, or both.

16 Section 90. Firearms instructors training.

17 (a) Persons who are not qualified firearms instructors
18 shall not teach applicant training courses.

19 (b) Persons who are not qualified firearms instructors
20 shall not advertise or otherwise represent courses they teach
21 as qualifying their students to meet the requirements to
22 receive a permit to carry concealed firearms in this State.

23 (c) Persons who are not certified instructor trainers shall
24 not teach instructor qualification courses.

25 (d) Persons wishing to become qualified firearms
26 instructors shall:

27 (1) be at least 21 years of age;

28 (2) be citizens of the United States; and

29 (3) have been issued Firearm Owner's Identification
30 Cards.

31 (e) Persons wishing to become instructor trainers, in
32 addition to the requirements of subsection (d) of this Section,
33 shall:

34 (1) possess a high school diploma or GED certificate;

35 (2) have at least one of the following valid firearms

1 instructor certifications:

2 (I) National Rifle Association Personal Protection
3 Instructor;

4 (II) National Rifle Association Pistol
5 Marksmanship Instructor;

6 (III) certification from a firearms instructor's
7 course offered by a State or federal governmental
8 agency; or

9 (IV) a similar firearms instructor qualifying
10 course, approved the Director of State Police or his or
11 her designee.

12 (f) (1) Applicants shall agree to background checks.

13 (2) An applicant may be disqualified from taking
14 firearms instructor training, or have his or her instructor
15 qualification revoked, if the applicant:

16 (A) does not meet the requirements of the Firearm
17 Owners Identification Card Act;

18 (B) provides false or misleading information on
19 the application; or

20 (C) has had a prior instructor qualification
21 revoked by the Department.

22 (g) The training course to certify firearms instructors and
23 instructor trainers shall include:

24 (1) Sixteen hours of classroom instruction covering at
25 least the following topics:

26 (i) by means of a videotape produced or approved by
27 the Department:

28 (A) the requirements for obtaining a concealed
29 firearms permit in this State;

30 (B) laws relating to firearms as contained in the
31 Firearm Owners Identification Card Act, Article 24 of
32 the Criminal Code of 1961, and 18 U.S.C. 921 through
33 930;

34 (C) laws relating to the justifiable use of force
35 as contained in Article 7 of the Criminal Code of 1961;

36 (D) the conduct of applicant training courses;

- 1 (E) record-keeping requirements of this Act;
- 2 (F) the basic nomenclature of handguns;
- 3 (G) the basic principles of marksmanship; and
- 4 (H) the safe handling of handguns.

5 (2) A classroom demonstration, during which the
6 instructor candidate shall receive instruction on and
7 demonstrate competency in the ability to prepare and
8 deliver a classroom presentation using materials from the
9 applicant curriculum.

10 (3) Range instruction and firing of live ammunition,
11 during which the instructor candidate shall receive
12 instruction on and demonstrate competency in the ability
13 to:

- 14 (i) handle and fire a handgun safely and
15 accurately;
- 16 (ii) conduct a function test and safety inspection
17 of common types of handguns;
- 18 (iii) clean common types of handguns; and
- 19 (iv) supervise and conduct live firing exercises
20 in a safe and efficient manner.

21 (h) To qualify as a certified firearms instructor or
22 instructor trainer, instructor candidates shall achieve:

23 (1) a minimum score of 70% on a written examination
24 covering the material taught during the classroom portion
25 of the course;

26 (2) a minimum score of 80% on range firing of a handgun
27 from the standing position while aiming at a B-21 PC
28 silhouette target or an equivalent as approved by the
29 Department, with a minimum of:

- 30 (i) ten rounds from 7 yards;
- 31 (ii) ten rounds from 15 yards; and
- 32 (iii) a score of "passing" from the course
33 instructor for demonstrating competency in each of the
34 following:

- 35 (A) supervising and conducting live fire;
- 36 (B) cleaning and inspecting handguns; and

1 (C) preparing and delivering the classroom
2 lecture.

3 (i) Instructor candidates who fail to meet the minimum
4 requirements of subsection (g) of this Section may retake the
5 examination, range work, or classroom demonstration one time
6 without having to repeat the course.

7 (j) Qualified firearms instructor and instructor trainer
8 certificates shall be valid for 3 years from date of issue.
9 Qualified firearms instructors or instructor trainers may
10 renew their certification by successfully completing a
11 refresher course offered or approved by the Department.

12 (k) The fees for instructor trainer or refresher courses
13 shall be \$100 per student.

14 (1) The fees for qualified instructor courses shall be
15 no more than \$100 per student. The instructor trainer shall
16 remit \$50 per student to the Department.

17 (2) Fees shall not be refunded to those who do not pass
18 or otherwise fail to complete a course.

19 (l) Course participants shall provide their own safe,
20 functional handgun and factory-loaded ammunition.

21 (m) Prior to conducting range firing, the course instructor
22 shall:

23 (1) inspect each applicant's firearm; and

24 (2) not allow the firing of a handgun that is not
25 in sound mechanical condition or otherwise may pose a
26 safety hazard.

27 Section 95. Repeal. This Act is repealed on July 1, 2010.

28 Section 97. Severability. The provisions of this Act are
29 severable under Section 1.31 of the Statute on Statutes.

30 Section 105. The Firearm Owners Identification Card Act is
31 amended by changing Section 13.1 as follows:

32 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

1 Sec. 13.1. The provisions of any ordinance enacted by any
2 municipality which requires registration or imposes greater
3 restrictions or limitations on the acquisition, possession and
4 transfer of firearms than are imposed by this Act, are not
5 invalidated or affected by this Act, except that an ordinance
6 of a unit of local government, including a home rule unit, is
7 invalid if it is inconsistent with the Retired Officers
8 Security Act. It is declared to be the policy of this State
9 that the regulation of the right to carry concealed firearms is
10 an exclusive power and function of the State. A home rule unit
11 may not regulate the issuance of permits to carry concealed
12 firearms or the carrying and transportation of firearms. This
13 Section is a denial and limitation of home rule powers and
14 functions under subsection (h) of Section 6 of Article VII of
15 the Illinois Constitution.

16 (Source: P.A. 76-1939.)

17 Section 110. 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) and
22 Section 24-1.6 do not apply to or affect any of the following:

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

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

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

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

8 (5) Persons licensed as private security contractors,
9 private detectives, or private alarm contractors, or
10 employed by an agency certified by the Department of
11 Professional Regulation, if their duties include the
12 carrying of a weapon under the provisions of the Private
13 Detective, Private Alarm, Private Security, and Locksmith
14 Act of 2004, while actually engaged in the performance of
15 the duties of their employment or commuting between their
16 homes and places of employment, provided that such
17 commuting is accomplished within one hour from departure
18 from home or place of employment, as the case may be.
19 Persons exempted under this subdivision (a)(5) shall be
20 required to have completed a course of study in firearms
21 handling and training approved and supervised by the
22 Department of Professional Regulation as prescribed by
23 Section 28 of the Private Detective, Private Alarm, Private
24 Security, and Locksmith Act of 2004, prior to becoming
25 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 shall
29 be carried at all times when such persons are in possession
30 of a concealable weapon.

31 (6) Any person regularly employed in a commercial or
32 industrial operation as a security guard for the protection
33 of persons employed and private property related to such
34 commercial or industrial operation, while actually engaged
35 in the performance of his or her duty or traveling between
36 sites or properties belonging to the employer, and who, as

1 a security guard, is a member of a security force of at
2 least 5 persons registered with the Department of
3 Professional Regulation; provided that such security guard
4 has successfully completed a course of study, approved by
5 and supervised by the Department of Professional
6 Regulation, consisting of not less than 40 hours of
7 training that includes the theory of law enforcement,
8 liability for acts, and the handling of weapons. A person
9 shall be considered eligible for this exemption if he or
10 she has completed the required 20 hours of training for a
11 security officer and 20 hours of required firearm training,
12 and has been issued a firearm authorization card by the
13 Department of Professional Regulation. Conditions for the
14 renewal of firearm authorization cards issued under the
15 provisions of this Section shall be the same as for those
16 cards issued under the provisions of the Private Detective,
17 Private Alarm, Private Security, and Locksmith Act of 2004.
18 Such firearm authorization card shall be carried by the
19 security guard at all times when he or she is in possession
20 of a concealable weapon.

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

26 (8) Persons employed by a financial institution for the
27 protection of other employees and property related to such
28 financial institution, while actually engaged in the
29 performance of their duties, commuting between their homes
30 and places of employment, or traveling between sites or
31 properties owned or operated by such financial
32 institution, provided that any person so employed has
33 successfully completed a course of study, approved by and
34 supervised by the Department of Professional Regulation,
35 consisting of not less than 40 hours of training which
36 includes theory of law enforcement, liability for acts, and

1 the handling of weapons. A person shall be considered to be
2 eligible for this exemption if he or she has completed the
3 required 20 hours of training for a security officer and 20
4 hours of required firearm training, and has been issued a
5 firearm authorization card by the Department of
6 Professional Regulation. Conditions for renewal of firearm
7 authorization cards issued under the provisions of this
8 Section shall be the same as for those issued under the
9 provisions of the Private Detective, Private Alarm,
10 Private Security, and Locksmith Act of 2004. Such firearm
11 authorization card shall be carried by the person so
12 trained at all times when such person is in possession of a
13 concealable weapon. For purposes of this subsection,
14 "financial institution" means a bank, savings and loan
15 association, credit union or company providing armored car
16 services.

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

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

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

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

29 (12.5) Probation officers while in the performance of
30 their duties, or while commuting between their homes,
31 places of employment or specific locations that are part of
32 their assigned duties, with the consent of the chief judge
33 of the circuit for which they are employed.

34 (13) Court Security Officers while in the performance
35 of their official duties, or while commuting between their
36 homes and places of employment, with the consent of the

1 Sheriff.

2 (13.5) A person employed as an armed security guard at
3 a nuclear energy, storage, weapons or development site or
4 facility regulated by the Nuclear Regulatory Commission
5 who has completed the background screening and training
6 mandated by the rules and regulations of the Nuclear
7 Regulatory Commission.

8 (14) Manufacture, transportation, or sale of weapons
9 to persons authorized under subdivisions (1) through
10 (13.5) of this subsection to possess those weapons.

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

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

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

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

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

25 (5) A person issued a permit to carry a concealed
26 firearm under the Retired Officers Security Act.

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

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

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

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

1 (4) Manufacture, transportation, or sale of machine
2 guns to persons authorized under subdivisions (1) through
3 (3) of this subsection to possess machine guns, if the
4 machine guns are broken down in a non-functioning state or
5 are not immediately accessible.

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

20 During transportation, such weapons shall be broken
21 down in a non-functioning state or not immediately
22 accessible.

23 (6) The manufacture, transport, testing, delivery,
24 transfer or sale, and all lawful commercial or experimental
25 activities necessary thereto, of rifles, shotguns, and
26 weapons made from rifles or shotguns, or ammunition for
27 such rifles, shotguns or weapons, where engaged in by a
28 person operating as a contractor or subcontractor pursuant
29 to a contract or subcontract for the development and supply
30 of such rifles, shotguns, weapons or ammunition to the
31 United States government or any branch of the Armed Forces
32 of the United States, when such activities are necessary
33 and incident to fulfilling the terms of such contract.

34 The exemption granted under this subdivision (c)(6)
35 shall also apply to any authorized agent of any such
36 contractor or subcontractor who is operating within the

1 scope of his employment, where such activities involving
2 such weapon, weapons or ammunition are necessary and
3 incident to fulfilling the terms of such contract.

4 During transportation, any such weapon shall be broken
5 down in a non-functioning state, or not immediately
6 accessible.

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

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

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

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

20 (1) 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 (2) Bonafide collectors of antique or surplus military
24 ordinance.

25 (3) Laboratories having a department of forensic
26 ballistics, or specializing in the development of
27 ammunition or explosive ordinance.

28 (4) Commerce, preparation, assembly or possession of
29 explosive bullets by manufacturers of ammunition licensed
30 by the federal government, in connection with the supply of
31 those organizations and persons exempted by subdivision
32 (g)(1) of this Section, or like organizations and persons
33 outside this State, or the transportation of explosive
34 bullets to any organization or person exempted in this
35 Section by a common carrier or by a vehicle owned or leased
36 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 or
3 attachment of any kind designed, used, or intended for use in
4 silencing the report of any firearm, firearms, or ammunition
5 for those firearms equipped with those devices, and actually
6 engaged in the business of manufacturing those devices,
7 firearms, or ammunition, but only with respect to activities
8 that are within the lawful scope of that business, such as the
9 manufacture, transportation, or testing of those devices,
10 firearms, or ammunition. This exemption does not authorize the
11 general private possession of any device or attachment of any
12 kind designed, used, or intended for use in silencing the
13 report of any firearm, but only such possession and activities
14 as are within the lawful scope of a licensed manufacturing
15 business described in this subsection (g-5). During
16 transportation, those devices shall be detached from any weapon
17 or not immediately accessible.

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

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

36 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,

1 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

2 Section 999. Effective date. This Act takes effect January
3 1, 2005.