



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4167**

Introduced 10/27/2005, by Rep. William B. Black

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/24-2

from Ch. 38, par. 24-2

Amends the Criminal Code of 1961. Provides that the carrying, possession, or transportation of concealable firearms by a nonresident who has been issued a permit or license to carry concealable firearms in his or her home state while the nonresident is in this State or is traveling through this State and is carrying, possessing, or transporting the concealable firearms in compliance with the laws of his or her home state is not a violation of the unlawful use of weapons statute and the aggravated unlawful use of a weapon statute.

LRB094 12674 RLC 50095 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 24-2 as follows:

6 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

7 Sec. 24-2. Exemptions.

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

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

13 (2) Wardens, superintendents and keepers of prisons,  
14 penitentiaries, jails and other institutions for the  
15 detention of persons accused or convicted of an offense,  
16 while in the performance of their official duty, or while  
17 commuting between their homes and places of employment.

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

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

29 (5) Persons licensed as private security contractors,  
30 private detectives, or private alarm contractors, or  
31 employed by an agency certified by the Department of  
32 Professional Regulation, if their duties include the

1 carrying of a weapon under the provisions of the Private  
2 Detective, Private Alarm, Private Security, and Locksmith  
3 Act of 2004, while actually engaged in the performance of  
4 the duties of their employment or commuting between their  
5 homes and places of employment, provided that such  
6 commuting is accomplished within one hour from departure  
7 from home or place of employment, as the case may be.  
8 Persons exempted under this subdivision (a)(5) shall be  
9 required to have completed a course of study in firearms  
10 handling and training approved and supervised by the  
11 Department of Professional Regulation as prescribed by  
12 Section 28 of the Private Detective, Private Alarm, Private  
13 Security, and Locksmith Act of 2004, prior to becoming  
14 eligible for this exemption. The Department of  
15 Professional Regulation shall provide suitable  
16 documentation demonstrating the successful completion of  
17 the prescribed firearms training. Such documentation shall  
18 be carried at all times when such persons are in possession  
19 of a concealable weapon.

20 (6) Any person regularly employed in a commercial or  
21 industrial operation as a security guard for the protection  
22 of persons employed and private property related to such  
23 commercial or industrial operation, while actually engaged  
24 in the performance of his or her duty or traveling between  
25 sites or properties belonging to the employer, and who, as  
26 a security guard, is a member of a security force of at  
27 least 5 persons registered with the Department of  
28 Professional Regulation; provided that such security guard  
29 has successfully completed a course of study, approved by  
30 and supervised by the Department of Professional  
31 Regulation, consisting of not less than 40 hours of  
32 training that includes the theory of law enforcement,  
33 liability for acts, and the handling of weapons. A person  
34 shall be considered eligible for this exemption if he or  
35 she has completed the required 20 hours of training for a  
36 security officer and 20 hours of required firearm training,

1 and has been issued a firearm authorization card by the  
2 Department of Professional Regulation. Conditions for the  
3 renewal of firearm authorization 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 Detective,  
6 Private Alarm, Private Security, and Locksmith Act of 2004.  
7 Such firearm authorization card shall be carried by the  
8 security guard at all times when he or she is in possession  
9 of a concealable weapon.

10 (7) Agents and investigators of the Illinois  
11 Legislative Investigating Commission authorized by the  
12 Commission to carry the weapons specified in subsections  
13 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
14 any investigation for the Commission.

15 (8) Persons employed by a financial institution for the  
16 protection of other employees and property related to such  
17 financial institution, while actually engaged in the  
18 performance of their duties, commuting between their homes  
19 and places of employment, or traveling between sites or  
20 properties owned or operated by such financial  
21 institution, provided that any person so employed has  
22 successfully completed a course of study, approved by and  
23 supervised by the Department of Professional Regulation,  
24 consisting of not less than 40 hours of training which  
25 includes theory of law enforcement, liability for acts, and  
26 the handling of weapons. A person shall be considered to be  
27 eligible for this exemption if he or she has completed the  
28 required 20 hours of training for a security officer and 20  
29 hours of required firearm training, and has been issued a  
30 firearm authorization card by the Department of  
31 Professional Regulation. Conditions for renewal of firearm  
32 authorization cards issued under the provisions of this  
33 Section shall be the same as for those issued under the  
34 provisions of the Private Detective, Private Alarm,  
35 Private Security, and Locksmith Act of 2004. Such firearm  
36 authorization card shall be carried by the person so

1 trained at all times when such person is in possession of a  
2 concealable weapon. For purposes of this subsection,  
3 "financial institution" means a bank, savings and loan  
4 association, credit union or company providing armored car  
5 services.

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

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

11 (11) Investigators of the Office of the State's  
12 Attorneys Appellate Prosecutor authorized by the board of  
13 governors of the Office of the State's Attorneys Appellate  
14 Prosecutor to carry weapons pursuant to Section 7.06 of the  
15 State's Attorneys Appellate Prosecutor's Act.

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

18 (12.5) Probation officers while in the performance of  
19 their duties, or while commuting between their homes,  
20 places of employment or specific locations that are part of  
21 their assigned duties, with the consent of the chief judge  
22 of the circuit for which they are employed.

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

27 (13.5) A person employed as an armed security guard at  
28 a nuclear energy, storage, weapons or development site or  
29 facility regulated by the Nuclear Regulatory Commission  
30 who has completed the background screening and training  
31 mandated by the rules and regulations of the Nuclear  
32 Regulatory Commission.

33 (14) Manufacture, transportation, or sale of weapons  
34 to persons authorized under subdivisions (1) through  
35 (13.5) of this subsection to possess those weapons.

36 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any of the following:

2 (1) Members of any club or organization organized for  
3 the purpose of practicing shooting at targets upon  
4 established target ranges, whether public or private, and  
5 patrons of such ranges, while such members or patrons are  
6 using their firearms on those target ranges.

7 (2) Duly authorized military or civil organizations  
8 while parading, with the special permission of the  
9 Governor.

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

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

14 (5) Carrying, possession, or transportation of  
15 concealable firearms by a nonresident who has been issued a  
16 permit or license to carry concealable firearms in his or  
17 her home state while the nonresident is in this State or is  
18 traveling through this State and is carrying, possessing,  
19 or transporting the concealable firearms in compliance  
20 with the laws of his or her home state.

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

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

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

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

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

36 (5) Persons licensed under federal law to manufacture

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

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

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

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

34 During transportation, any such weapon shall be broken  
35 down in a non-functioning state, or not immediately  
36 accessible.

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

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

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

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

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

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

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

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

31 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
32 persons licensed under federal law to manufacture any device or  
33 attachment of any kind designed, used, or intended for use in  
34 silencing the report of any firearm, firearms, or ammunition  
35 for those firearms equipped with those devices, and actually  
36 engaged in the business of manufacturing those devices,



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

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

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

30 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,  
31 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)