



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2104

Introduced 2/25/2005, by Sen. Todd Sieben

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2

from Ch. 38, par. 24-2

Amends the Criminal Code of 1961. Provides that a unit of local government, including a home rule unit, may not regulate the transportation of firearms and may not regulate the transportation of ammunition, components, accessories, or accoutrements for firearms. Provides that the provisions of any ordinance or resolution adopted before, on, or after the effective date of this amendatory Act by any unit of local government that imposes restrictions or limitations on the transportation of firearms and ammunition, components, accessories, and accoutrements of firearms in a manner other than those that are imposed by this amendatory Act are invalid and all those existing ordinances and resolutions are void. Provides that this provision is a limitation of home rule powers under subsection (h) of Section 6 of Article VII of the Illinois Constitution. Effective immediately.

LRB094 09734 RLC 39990 b

HOME RULE NOTE
ACT MAY APPLY

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

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

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

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

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

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

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

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

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

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

27 During transportation, any such weapon shall be broken
28 down in a non-functioning state, or not immediately
29 accessible.

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

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

36 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and

1 Section 24-1.6 do not apply to members of any club or
2 organization organized for the purpose of practicing shooting
3 at targets upon established target ranges, whether public or
4 private, while using their firearms on those target ranges.

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

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

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

12 (3) Laboratories having a department of forensic
13 ballistics, or specializing in the development of
14 ammunition or explosive ordinance.

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

24 (g-5) Subsection 24-1(a)(6) does not apply to or affect
25 persons licensed under federal law to manufacture any device or
26 attachment of any kind designed, used, or intended for use in
27 silencing the report of any firearm, firearms, or ammunition
28 for those firearms equipped with those devices, and actually
29 engaged in the business of manufacturing those devices,
30 firearms, or ammunition, but only with respect to activities
31 that are within the lawful scope of that business, such as the
32 manufacture, transportation, or testing of those devices,
33 firearms, or ammunition. This exemption does not authorize the
34 general private possession of any device or attachment of any
35 kind designed, used, or intended for use in silencing the
36 report of any firearm, but only such possession and activities

1 as are within the lawful scope of a licensed manufacturing
2 business described in this subsection (g-5). During
3 transportation, those devices shall be detached from any weapon
4 or not immediately accessible.

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

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

23 (2) The regulation of the transportation of firearms and
24 the transportation of ammunition, components, accessories, or
25 accoutrements for firearms are exclusive powers and functions
26 of the State. A unit of local government, including a home rule
27 unit, may not regulate the transportation of firearms and may
28 not regulate the transportation of ammunition, components,
29 accessories, or accoutrements for firearms.

30 (3) The provisions of any ordinance or resolution adopted
31 before, on, or after the effective date of this amendatory Act
32 of the 94th General Assembly by any unit of local government
33 that imposes restrictions or limitations on the transportation
34 of firearms and ammunition, components, accessories, and
35 accoutrements of firearms in a manner other than those that are
36 imposed by this amendatory Act are invalid and all those

1 existing ordinances and resolutions are void.

2 (4) This subsection (i) is a limitation of home rule powers
3 under subsection (h) of Section 6 of Article VII of the
4 Illinois Constitution.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.