



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1320

Introduced 2/20/2007, by Rep. Mike Bost

SYNOPSIS AS INTRODUCED:

New Act

720 ILCS 5/24-2

720 ILCS 5/24-11 new

from Ch. 38, par. 24-2

Creates the Personal Protection for Judges, State's Attorneys, and Public Defenders Act. Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Authorizes the county sheriff to issue concealed firearms permits to Judges, State's Attorneys, Assistant State's Attorneys, Public Defenders, and Assistant Public Defenders. Requires an applicant to complete a training course in handgun use, safety, and marksmanship. Amends the Criminal Code of 1961. Exempts, from an unlawful use of weapons and aggravated unlawful use of weapons violation, Judges, State's Attorneys, Assistant State's Attorneys, Public Defenders, and Assistant Public Defenders who carry or possess firearms in accordance with the Personal Protection for Judges, State's Attorneys, and Public Defenders Act. Preempts home rule.

LRB095 07674 RLC 27826 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Personal Protection for Judges, State's Attorneys, and Public
6 Defenders Act.

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

1 or carried in a vehicle in such a way as it is concealed from
2 view of the public.

3 "Judge" means an Illinois Supreme Court Judge, an Appellate
4 Judge, a Circuit Judge, an Associate Judge, a United States
5 Circuit Court of Appeals Judge, a United States District Court
6 Judge, or a United States Magistrate Judge.

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

9 "Permit" means a permit to carry a concealed firearm issued
10 by the county sheriff.

11 "Permittee" means a person who is issued a permit to carry
12 a concealed firearm by the county sheriff.

13 "State's Attorney" means an official described in Section
14 19 of Article VI of the Illinois Constitution who has the
15 powers and duties prescribed in Section 3-9005 of the Counties
16 Code and includes an attorney appointed by the court under
17 Section 3-9008 of that Code to perform the duties of the
18 State's Attorney when the State's Attorney is sick or absent,
19 or unable to attend, or is interested in the cause or
20 proceeding, civil or criminal, which it is the duty of the
21 State's Attorney to prosecute or defend.

22 "Assistant State's Attorney" means a licensed
23 attorney-at-law of this State who is appointed or employed by
24 the State's Attorney to perform the duties of the State's
25 Attorney under the State's Attorney's direction and control.

26 "Public Defender" means an official described in Division

1 3-4 of the Counties Code who has the powers and duties
2 prescribed in Section 3-4006 of that Code.

3 "Assistant Public Defender" means a licensed
4 attorney-at-law of this State who is appointed or employed by
5 the Public Defender to perform the duties of the Public
6 Defender under the Public Defender's direction and control.

7 Section 15. Permit for concealed firearms. The county
8 sheriff is authorized to issue permits to carry concealed
9 firearms to persons qualified as provided in this Act. Permits
10 to carry concealed firearms shall be valid throughout the State
11 for a period of 3 years from the date of issuance. Any person
12 in compliance with the terms of the permit may carry concealed
13 firearms on or about his or her person. The permittee shall
14 carry the permit at all times the permittee is carrying a
15 concealed firearm and shall display the permit upon the request
16 of a law enforcement officer.

17 Section 20. Application for permit and qualifications of
18 applicants.

19 (a) An applicant for a permit shall obtain the application
20 from the county sheriff. The application for a permit or
21 renewal of a permit to carry a concealed firearm shall be
22 submitted to the office of the sheriff of the county in which
23 the applicant resides. The completed application and all
24 accompanying material plus an application fee of \$100 for a new

1 permit or \$75 for a renewal shall be presented to the office of
2 the sheriff of the county in which the applicant resides.

3 The sheriff shall evaluate the application, accompanying
4 material and any objections to the application within 10
5 working days. The application fee shall be retained by the
6 office of the sheriff for official expenses of the office.

7 The sheriff may state specific and articulable reasons to
8 deny an application for a concealed firearms permit. He or she
9 shall articulate the reasons for denial in a written report and
10 maintain that report in his or her office along with the
11 completed application which shall be available to the applicant
12 for a concealed firearms permit. Within 90 days, the sheriff
13 shall either issue or deny the permit.

14 (b) The county sheriff, upon a person's application for a
15 concealed firearms permit, upon receipt of the appropriate
16 fees, and after compliance with the procedures set out in this
17 Section, shall issue the applicant a concealed firearms permit
18 if the person:

19 (i) Is a Judge, State's Attorney, Assistant State's
20 Attorney, Public Defender, or Assistant Public Defender as
21 defined in this Act;

22 (ii) Is at least 21 years of age;

23 (iii) Resides within the State of Illinois and is a
24 permanent resident of the United States;

25 (iv) Has not been convicted of a crime punishable by
26 imprisonment for a term exceeding one year, or of a

1 misdemeanor evidencing violence, is not free on any form of
2 bond or pretrial release, and has no outstanding warrants
3 for those crimes;

4 (v) Has no record of mental disease or mental illness
5 on file that would evidence incapacity, or lack of proper
6 mental capacity;

7 (vi) Has not been committed to a state or federal
8 facility for the abuse of a controlled substance or
9 cannabis and has not been convicted of a misdemeanor
10 violation of the Illinois Controlled Substances Act,
11 Methamphetamine Control and Community Protection Act, or
12 Cannabis Control Act or similar laws of any other state
13 relating to controlled substances, methamphetamine, or
14 cannabis within a 10 year period immediately preceding the
15 date on which the application is submitted; and

16 (vii) Does not chronically and habitually use
17 alcoholic beverages as evidenced by the applicant having 2
18 or more convictions for violating Section 11-501 of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance within 5 years preceding his or her application
21 or the applicant having elected treatment under the
22 supervision of a licensed program in accordance with the
23 Alcoholism and Other Drug Abuse and Dependency Act or
24 similar laws of any other state within a 5 year period
25 immediately preceding the date on which the application is
26 submitted.

1 Section 25. Contents of application. The initial
2 application shall be in writing, under oath and under the
3 penalties of perjury, on a standard form promulgated by the
4 county sheriff and shall be accompanied by the appropriate fees
5 and required documentation. The application shall contain only
6 the following information:

7 (1) proof that the applicant is a Judge, State's
8 Attorney, Assistant State's Attorney, Public Defender, or
9 Assistant Public Defender;

10 (2) the applicant's name, address, gender, and date and
11 place of birth;

12 (3) a head and shoulder color photograph taken within
13 30 days preceding the date on which the application is
14 submitted;

15 (4) questions to certify or demonstrate that the
16 applicant has completed the firearms and deadly use of
17 force training and education prerequisites specified under
18 this Act;

19 (5) a statement that the applicant is a resident of the
20 State of Illinois and is a permanent resident of the United
21 States;

22 (6) a waiver of privacy and confidentiality rights and
23 privileges enjoyed by the applicant under all federal and
24 state laws governing access to juvenile court, criminal
25 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 sheriff;

5 (7) 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 (8) an affirmation that the applicant is at least 21
9 years of age, that the applicant possesses a currently
10 valid Illinois Firearm Owner's Identification Card,
11 together with the card number, or is applying for the card
12 in conjunction with the concealed firearms permit
13 application;

14 (9) an affirmation that the applicant has never been
15 convicted of any felony or of a misdemeanor involving the
16 use or threat of physical force or violence to any person;
17 and has never been adjudicated a delinquent minor for an
18 offense which, had he or she been tried as an adult, would
19 have been such a felony or misdemeanor.

20 The application shall also contain the following statement
21 along with a signature line for use by the applicant, which
22 statement the applicant shall affirm under oath: "I, the
23 undersigned, state, under oath and subject to the penalty of
24 perjury, that I am not a streetgang member as defined in
25 Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act, and I will not join or become associated with a

1 criminal streetgang.".

2 Section 30. Submission of identifying information; fee. In
3 addition to the completed application, the applicant must also
4 submit the following to the sheriff of the county in which the
5 applicant resides:

6 (i) A head and shoulder color photograph as required by
7 Section 25 in a size specified by the sheriff taken within
8 30 days preceding the date on which the application is
9 submitted.

10 (ii) A non-refundable permit fee of \$100 if he or she
11 has not previously been issued such a permit by the county
12 sheriff, or a non-refundable permit fee of \$75 for each
13 renewal of a permit.

14 (iii) A photocopy of a certificate or other evidence of
15 completion of a course to show compliance with Section 80
16 of this Act.

17 Section 35. Approval of application.

18 (a) If the sheriff finds that the applicant possesses a
19 valid Firearm Owner's Identification Card, meets the training
20 requirements of this Act and has provided the documentation and
21 paid the fees required for issuance of a concealed firearms
22 permit, and that, as nearly as it is possible to determine,
23 nothing in the applicant's background or present circumstances
24 disqualify him or her from possessing a firearm in Illinois, he

1 or she shall approve the application and issue the applicant a
2 wallet sized permit bearing the photograph of the applicant
3 within 90 days.

4 (b) The sheriff may consider any objection or
5 recommendation supported by specific and articulable reasons,
6 in a written report, why the applicant should be denied a
7 permit and may deny the permit based solely on those
8 objections.

9 (c) If the applicant is found to be ineligible, the sheriff
10 shall deny the application and notify the applicant in writing,
11 stating the grounds for denial and informing the applicant of
12 the right to submit, within 30 days, any additional
13 documentation relating to the grounds of the denial. Upon
14 receiving any additional documentation, the sheriff shall
15 reconsider his or her decision and inform the applicant within
16 30 days of the result of the reconsideration. The applicant
17 shall further be informed of the right to appeal the denial in
18 the circuit court of his or her place of residence.

19 (d) The sheriff shall maintain an automated listing of
20 permit holders and pertinent information, and this information
21 shall be available on-line, upon request, at all times to all
22 Illinois law enforcement agencies. Except as provided in this
23 subsection, information on applications for permits, names and
24 addresses, or other identifying information relating to permit
25 holders shall be confidential and shall not be made available
26 except to law enforcement agencies. No requests for lists of

1 local or statewide permit holders shall be made to any State or
2 local law enforcement agency. No other agency of government
3 other than the sheriff shall provide any information to a
4 requester not entitled to it by law. The names of all persons,
5 other than law enforcement agencies and peace officers,
6 requesting information under this Section shall be public
7 records.

8 Section 40. Revocation of a permit. A permit issued under
9 Section 35 shall be suspended or revoked if the permit holder
10 becomes ineligible to be issued a permit under the criteria set
11 forth in paragraphs (i), (ii), (iii), (iv), (v), (vi), and
12 (vii) of subsection (b) of Section 20 or subsection (b) of
13 Section 35 of this Act. When an order of protection is issued
14 under Section 112A-14 of the Code of Criminal Procedure of 1963
15 or under Section 214 of the Illinois Domestic Violence Act of
16 1986 against a person holding a permit issued under this Act,
17 the holder of the permit shall surrender the permit to the
18 court or to the officer serving the order. The officer to whom
19 the permit is surrendered shall forthwith transmit the permit
20 to the court issuing the order. The permit shall be suspended
21 until the order is terminated.

22 Section 45. Notification of renewal. Not later than 120
23 days before the expiration of any permit issued under this Act,
24 the sheriff shall notify the permit holder in writing of the

1 expiration and furnish an application for renewal of the
2 permit.

3 Section 50. Renewal of permit.

4 (a) The permit shall be renewed for a qualified applicant
5 upon receipt of the properly completed renewal application and
6 required renewal fee. The renewal application shall contain the
7 same required information as set forth in paragraphs (1)
8 through (9) of Section 25, except that in lieu of the firearm
9 education and use of deadly force training, the applicant need
10 only demonstrate previous issuance of and continued
11 eligibility for a concealed firearms permit.

12 (b) A permittee who fails to file a renewal application on
13 or before the permit's expiration date must pay an additional
14 late fee of \$25. A person who fails to renew his or her permit
15 within 6 months after its expiration must reapply for a new
16 permit and pay the fee for a new application.

17 Section 55. Change of address, change of name, or lost or
18 destroyed permits.

19 (a) Within 30 days after the changing of a permanent
20 residence, or within 30 days after loss or destruction of a
21 concealed firearms permit, the permittee shall notify the
22 sheriff of the loss, destruction, change of name, or change of
23 residence. Failure to notify the sheriff shall constitute a
24 noncriminal violation with a penalty of \$25 payable to the

1 sheriff.

2 (b) If a person issued a permit to carry a concealed
3 firearm changes residence within this State, or changes his or
4 her name, the person to whom the permit was issued may upon
5 payment of \$25 to the sheriff obtain a corrected concealed
6 firearms permit with a change of address or change of name upon
7 furnishing a notarized statement to the sheriff that the
8 permittee has changed residence or his or her name and upon
9 submission of an application as set forth in Section 20 and a
10 photograph as set forth in paragraph (3) of Section 25 of this
11 Act. A concealed firearms permit shall be automatically invalid
12 after 30 days if the permittee has not notified the sheriff of
13 a change of residence.

14 (c) If a permit to carry a concealed firearm is lost or
15 destroyed, the permit shall be automatically invalid, and the
16 person to whom the permit was issued may upon payment of \$25 to
17 the sheriff obtain a duplicate, and upon furnishing a notarized
18 statement to the sheriff that the permit was lost or destroyed,
19 and submission of an application as set forth in Section 20 and
20 a photograph as set forth in paragraph (3) of Section 25 of
21 this Act.

22 Section 60. Concealed firearms permit.

23 (a) A concealed firearm permit shall authorize the person
24 in whose name the permit is issued to carry concealed firearms
25 on or about his or her person or vehicle throughout the State.

1 No permit issued under this Section shall authorize any person
2 to carry a concealed firearm into or upon:

3 (i) Any municipal police, sheriff, or State Police
4 office or station without the consent of the chief law
5 enforcement officer in charge of that office or station.

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

8 (iii) Any courthouse, solely occupied by the Circuit,
9 Appellate, or Supreme Court or a courtroom of any of those
10 courts, or court proceeding, except that nothing in this
11 Section shall preclude a judge, State's Attorney,
12 Assistant State's Attorney, Public Defender, or Assistant
13 Public Defender holding a concealed firearm permit, from
14 carrying a concealed firearm within a courthouse.

15 (iv) Any meeting of the governing body of a unit of
16 local government; or any meeting of the General Assembly or
17 a committee of the General Assembly, except that nothing in
18 this Section shall preclude a member of the body holding a
19 concealed firearms permit from carrying a concealed
20 firearm at a meeting of the body of which he or she is a
21 member.

22 The General Assembly or a county or municipality may by
23 statute or ordinance prohibit or limit the carrying of
24 concealed firearms by permit holders in that portion of a
25 building owned, leased or controlled by that unit of
26 government. That portion of a building in which the

1 carrying of concealed firearms is prohibited or limited
2 shall be clearly identified by signs posted at the entrance
3 to the restricted area. The statute or ordinance shall
4 exempt any building used for public housing by private
5 persons, highways or rest areas, firing ranges, and private
6 dwellings owned, leased, or controlled by that unit of
7 government from any restriction on the carrying or
8 possession of a firearm. The statute or ordinance shall not
9 specify any criminal penalty for its violation but may
10 specify that persons violating the statute or ordinance may
11 be denied entrance to the building, be ordered to leave the
12 building, and, if employees of the unit of government, be
13 subjected to disciplinary measures for violation of the
14 provisions of the statute or ordinance. The provisions of
15 this Section shall not apply to any other unit of
16 government.

17 (v) Any portion of an establishment licensed to
18 dispense beer or alcoholic beverages for consumption on the
19 premises, which portion of the establishment is primarily
20 devoted to that purpose.

21 This paragraph (v) does not apply to any bona fide
22 restaurant open to the general public having dining
23 facilities for not less than 50 persons and that receives
24 at least 50% of its gross annual income from the dining
25 facilities by the sale of food.

26 (vi) Any area of an airport to which access is

1 controlled by the inspection of persons and property.

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

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

6 (ix) 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 (x) A riverboat gambling operation or horse racing
12 facility accessible by the public.

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

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

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

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

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

21 (b) The owner, business or commercial lessee, manager of a
22 private business enterprise, or any other organization,
23 entity, or person may prohibit persons holding a permit for
24 concealed firearms from carrying concealed firearms on the
25 premises and may prohibit employees, not authorized by the
26 employer, holding a permit for concealed firearms from carrying

1 concealed firearms on the property of the employer. If the
2 building or the premises are open to the public, the employer
3 of the business enterprise shall post signs on or about the
4 premises if carrying a concealed firearm is prohibited.
5 Possession of a firearm in a vehicle on the premises shall not
6 be a criminal offense so long as the firearm is not removed
7 from the vehicle or brandished while the vehicle is on the
8 premises. An employer may prohibit employees or other persons
9 holding a permit for a concealed firearm from carrying a
10 concealed firearm in vehicles owned by the employer. Carrying
11 of a concealed firearm in a location specified in this
12 subsection by a permit holder shall not be a criminal act but
13 may subject the person to denial to the premises or removal
14 from the premises.

15 Section 65. Immunity of sheriff and his or her employees
16 and agents. The sheriff or office of the county sheriff or any
17 employee or agent of the sheriff shall not be liable for
18 damages in any civil action arising from alleged wrongful or
19 improper granting, renewing, or failure to revoke permits
20 issued under this Act. The office of the county sheriff or any
21 employee or agent of the office of the county sheriff shall not
22 be liable for stating specific and articulable reasons why an
23 applicant should be denied a permit.

24 Section 70. Fees. Fees collected under this Act shall be

1 used for administrating the provisions of this Act.

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

3 New permit..\$100

4 Renewal..\$75

5 Duplicate due to lost or destroyed..\$25

6 Corrected permit due to change of address or name..\$25

7 Late renewal fee..\$25

8 (ii) The Secretary of State shall conduct a study to
9 determine the cost and feasibility of creating a method of
10 adding an identifiable code, background, or other means to show
11 that an individual has been issued a permit to carry a
12 concealed firearm by the sheriff on the person's driver's
13 license.

14 Section 75. Applicant training.

15 (a) The applicant training course is a standardized
16 training course taught by a qualified firearms instructor that
17 consists of:

18 (1) Twelve hours of classroom instruction, covering at
19 least the following topics:

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

22 (ii) the basic principles of marksmanship;

23 (iii) care and cleaning of handguns;

24 (iv) laws relating to firearms as prescribed in the
25 Firearm Owners Identification Card Act, Article 24 of

1 the Criminal Code of 1961, and 18 U.S.C. 921 through
2 930; and

3 (v) laws relating to the justifiable use of force
4 as prescribed in Article 7 of the Criminal Code of
5 1961.

6 (2) Live firing exercises of sufficient duration for
7 each applicant to fire a handgun:

8 (i) from a standing position;

9 (ii) a minimum of 20 rounds;

10 (iii) at a distance from a B-21 silhouette target,
11 or an equivalent as approved by the sheriff, of 7
12 yards.

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

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

18 (2) An applicant training course student shall
19 complete a course application form, which shall include a
20 statement acknowledging receipt of copies of pertinent
21 statutory provisions listed in clauses (iv) and (v) of
22 paragraph (1) of subsection (a) and a liability waiver.

23 (3) The course application form may be obtained from
24 the qualified firearms instructor at the time of the
25 course.

26 (d) At the conclusion of the classroom portion of the

1 applicant training course, the qualified firearms instructor
2 shall:

3 (1) distribute a standard course examination to the
4 students;

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

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

9 (4) not grade the examinations in the presence of
10 students; and

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

14 (e) A person shall not:

15 (1) Make an unauthorized copy of the applicant training
16 course examination, in whole or in part;

17 (2) Possess the applicant training course examination,
18 or questions from the examination, unless authorized by the
19 sheriff; or

20 (3) Divulge the contents of an applicant training
21 course examination questions to another person.

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

24 (2) Prior to conducting range firing, the certified
25 firearms instructor shall:

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

1 (ii) not allow the firing of a handgun that is not
2 in sound mechanical condition or otherwise may pose a
3 safety hazard.

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

6 (1) does not follow the orders of the certified
7 firearms instructor;

8 (2) in the judgment of the certified firearms
9 instructor, handles a firearm in a manner that poses a
10 danger to the applicant or to others; or

11 (3) during the testing portion of the range work fails
12 to hit the silhouette portion of the target with a majority
13 of 20 rounds.

14 (h) Certified firearms instructors shall:

15 (1) allow monitoring of their classes by officials of
16 any certifying agency;

17 (2) make all course records available upon demand to
18 authorized personnel of the sheriff; and

19 (3) not divulge course records except as authorized by
20 the certifying agency.

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

23 (2) Qualified firearms instructors shall collect the
24 fee and remit \$25 of the fee to the sheriff.

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

1 (j) An applicant training course shall not have more than
2 40 students in the classroom portion or more than 5 students
3 per range officer engaged in range firing.

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

6 (1) grade the examinations; and

7 (2) mail to the sheriff:

8 (i) the completed course application form,
9 showing each student's score on the written
10 examination and indicating whether the student
11 passed or failed the range work; and

12 (ii) the graded examinations.

13 (l) Within 15 days after receipt of the material described
14 in subsection (k), the sheriff shall mail to the applicant:

15 (i) A certificate of successful course completion; or

16 (ii) Notification that the applicant has failed the
17 course and will not be certified.

18 (m) A student shall be issued a certificate of completion
19 if he or she:

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

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

23 (n) (i) Students who score below 70% on the written
24 examination may retake the examination one time without having
25 to retake the course.

26 (ii) Students who do not achieve a grade of "passing"

1 on the range work may repeat the range work one time
2 without having to retake the course.

3 (iii) Notices of failure must include information on
4 whether the student failed the written exam, the range
5 firing, or both.

6 Section 80. Firearms instructors training.

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

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

13 (c) Persons who are not certified instructor trainers shall
14 not teach instructor qualification courses.

15 (d) Persons wishing to become qualified firearms
16 instructors shall:

17 (1) be at least 21 years of age; and

18 (2) be a citizen of the United States.

19 (e) Persons wishing to become instructor trainers, in
20 addition to the requirements of subsection (d) of this Section,
21 shall:

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

23 and

24 (2) have at least one of the following valid firearms
25 instructor certifications:

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

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

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

8 (IV) A similar firearms instructor qualifying
9 course, approved by the Executive Director of the
10 Illinois Law Enforcement Training Standards Board or
11 his or 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) provides false or misleading information on
17 the application; or

18 (B) has had a prior instructor qualification
19 revoked by the sheriff.

20 Section 85. Severability. The provisions of this Act are
21 severable under Section 1.31 of the Statute on Statutes.

22 Section 900. The Criminal Code of 1961 is amended by
23 changing Section 24-2 and by adding Section 24-11 as follows:

1 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

2 Sec. 24-2. Exemptions.

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

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

8 (2) Wardens, superintendents and keepers of prisons,
9 penitentiaries, jails and other institutions for the
10 detention of persons accused or convicted of an offense,
11 while in the performance of their official duty, or while
12 commuting between their homes and places of employment.

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

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

24 (5) Persons licensed as private security contractors,
25 private detectives, or private alarm contractors, or
26 employed by an agency certified by the Department of

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

21 (6) Any person regularly employed in a commercial or
22 industrial operation as a security guard for the protection
23 of persons employed and private property related to such
24 commercial or industrial operation, while actually engaged
25 in the performance of his or her duty or traveling between
26 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

1 protection of other employees and property related to such
2 financial institution, while actually engaged in the
3 performance of their duties, commuting between their homes
4 and places of employment, or traveling between sites or
5 properties owned or operated by such financial
6 institution, provided that any person so employed has
7 successfully completed a course of study, approved by and
8 supervised by the Department of Professional Regulation,
9 consisting of not less than 40 hours of training which
10 includes theory of law enforcement, liability for acts, and
11 the handling of weapons. A person shall be considered to be
12 eligible for this exemption if he or she has completed the
13 required 20 hours of training for a security officer and 20
14 hours of required firearm training, and has been issued a
15 firearm authorization card by the Department of
16 Professional Regulation. Conditions for renewal of firearm
17 authorization cards issued under the provisions of this
18 Section shall be the same as for those issued under the
19 provisions of the Private Detective, Private Alarm,
20 Private Security, and Locksmith Act of 2004. Such firearm
21 authorization card shall be carried by the person so
22 trained at all times when such person is in possession of a
23 concealable weapon. For purposes of this subsection,
24 "financial institution" means a bank, savings and loan
25 association, credit union or company providing armored car
26 services.

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

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

6 (11) Investigators of the Office of the State's
7 Attorneys Appellate Prosecutor authorized by the board of
8 governors of the Office of the State's Attorneys Appellate
9 Prosecutor to carry weapons pursuant to Section 7.06 of the
10 State's Attorneys Appellate Prosecutor's Act.

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

13 (12.5) Probation officers while in the performance of
14 their duties, or while commuting between their homes,
15 places of employment or specific locations that are part of
16 their assigned duties, with the consent of the chief judge
17 of the circuit for which they are employed.

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

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

1 Regulatory Commission.

2 (14) Manufacture, transportation, or sale of weapons
3 to persons authorized under subdivisions (1) through
4 (13.5) of this subsection to possess those weapons.

5 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
6 24-1.6 do not apply to or affect any of the following:

7 (1) Members of any club or organization organized for
8 the purpose of practicing shooting at targets upon
9 established target ranges, whether public or private, and
10 patrons of such ranges, while such members or patrons are
11 using their firearms on those target ranges.

12 (2) Duly authorized military or civil organizations
13 while parading, with the special permission of the
14 Governor.

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

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

19 (5) Carrying a concealed firearm by a permittee who has
20 been issued a permit to carry a concealed firearm under the
21 Personal Protection for Judges, State's Attorneys, and
22 Public Defenders Act.

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

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

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

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

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

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

26 During transportation, such weapons shall be broken

1 down in a non-functioning state or not immediately
2 accessible.

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

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

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

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

26 (e) Subsection 24-1(a)(8) does not apply to any owner,

1 manager or authorized employee of any place specified in that
2 subsection nor to any law enforcement officer.

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

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

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

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

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

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

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

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

12 (720 ILCS 5/24-11 new)

13 Sec. 24-11. Preemption. It is declared to be the policy of
14 this State that the regulation of the right to carry concealed
15 firearms is a power and function of the State. A unit of local
16 government, including a home rule unit, may not regulate the
17 carrying of concealed firearms by individuals issued permits by
18 a state agency, sheriff, or local law enforcement department in
19 a manner inconsistent with Section 60 of the Personal
20 Protection for Judges, State's Attorneys, and Public Defenders
21 Act. This Section is a denial and limitation of home rule
22 powers and functions under subsection (i) of Section 6 of
23 Article VII of the Illinois Constitution.