



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0245

Introduced 1/20/2009, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

See Index

Creates the Family and Personal Protection Act. Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Vests in the Department of State Police the authority to issue concealed firearms permits to qualified applicants. Requires an applicant to complete a training course in handgun use, safety, and marksmanship. Also requires instruction in the law relating to firearm use. Creates the Citizen Safety and Self-Defense Trust Fund administered by the Department. The moneys in the Fund shall be used to administer the Act. Establishes restrictions on carrying concealed firearms. Establishes standards for the training course and for certifying instructors. Amends the Firearm Owners Identification Card Act. Provides that the Family and Personal Protection Act supersedes an ordinance of a unit of local government inconsistent with that Act. Prohibits a home rule unit from regulating the issuance of permits to carry concealed firearms. Amends the Criminal Code of 1961. Exempts, from an unlawful use of weapons and aggravated unlawful use of weapons violation, persons who carry or possess firearms in accordance with the Family and Personal Protection Act. Effective immediately.

LRB096 03296 RLC 13314 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

A BILL FOR

1 AN ACT in relation to 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 Family and Personal Protection 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 and that no person who does not
10 qualify under the provisions of this Act receives a permit to
11 carry concealed firearms. The General Assembly recognizes that
12 it already regulates the use and possession of concealed
13 firearms under Sections 24-1 and 24-1.6 of the Criminal Code of
14 1961 and that the regulation of concealed firearms is an
15 exclusive Statewide function. The General Assembly does not
16 delegate to the Department of State Police the authority to
17 regulate or restrict the issuing of concealed firearms permits
18 provided for in this Act beyond those provisions contained in
19 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 "Department" means the Department of State Police.

4 "Director" means the Director of State Police.

5 "Fund" means the Citizen Safety and Self-Defense Trust
6 Fund.

7 "Handgun" has the meaning ascribed to it in clause (A) (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 Department of State Police.

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

13 Section 15. Citizen Safety and Self-Defense Trust Fund.

14 (a) There is created the Citizen Safety and Self-Defense
15 Trust Fund. The Fund shall be maintained apart from the State
16 Treasury and shall be administered by the Department. Money
17 from federal and State sources may be deposited into the Fund.
18 Fees from applications for new, renewal, corrected and
19 duplicate concealed firearms permits shall be deposited into
20 the Fund. The Department may invest the monies in the Fund, and
21 any income on these investments shall be reinvested in the
22 Fund.

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

1 Section 20. Permit for concealed firearms. The Department
2 of State Police is authorized to issue permits to carry
3 concealed firearms to persons qualified as provided in this
4 Act. Permits to carry a concealed firearms shall be valid
5 throughout the State for a period of 3 years from the date of
6 issuance. Any person in compliance with the terms of the permit
7 may carry concealed firearms on or about his or her person. The
8 permittee shall carry the permit at all times the permittee is
9 carrying a concealed firearm and shall display the permit upon
10 the request of a law enforcement officer. The permit is valid
11 throughout the State.

12 Section 25. Application for permit and qualifications of
13 applicants.

14 (a) An applicant for a permit shall obtain the application
15 from the Department of State Police. If the applicant resides
16 in a county of less than 3,000,000 inhabitants (or if the
17 applicant resides in a county of 3,000,000 or more inhabitants
18 but not within any municipality), the application for a permit
19 or renewal of a permit to carry a concealed firearm shall be
20 submitted to the office of the sheriff of the county in which
21 the applicant resides. The completed application and all
22 accompanying material plus an application fee of \$100 for a new
23 permit or \$75 for a renewal shall be presented to the office of
24 the sheriff of the county in which the applicant resides.

25 The sheriff shall transmit the application, accompanying

1 material and any objections to the application, and application
2 fees to the Department of State Police along with the completed
3 application within 10 working days. Twenty dollars of the
4 application fee shall be retained by the office of the sheriff
5 for official expenses of the office.

6 The sheriff may submit specific and articulable reasons to
7 the Department in objection to an application for a concealed
8 firearms permit. He or she shall articulate the recommendation
9 for denial in a written report and transmit that report to the
10 Department of State Police along with the completed application
11 within 10 working days. The Department of State Police shall
12 maintain the report which shall be available to the applicant
13 for a concealed firearms permit.

14 (a-5) If the applicant resides in a county of 3,000,000 or
15 more inhabitants and within a municipality, the application for
16 a permit or renewal of a permit to carry a concealed firearm
17 shall be submitted to the municipal police department and the
18 duties imposed upon the county sheriff under subsection (a)
19 shall be imposed upon the municipal police chief of the
20 municipality in which the applicant resides. The municipal
21 police department shall retain \$20 of the application fee for
22 official expenses of the department.

23 (b) The Department of State Police, upon a person's
24 application for a concealed firearms permit, upon receipt of
25 the appropriate fees, and after compliance with the procedures
26 set out in this Section, shall issue the applicant a concealed

1 firearms permit if the person:

2 (i) Is at least 21 years of age;

3 (ii) Resides within the State of Illinois and has been
4 a resident for the last 6 months and is a permanent
5 resident of the United States;

6 (iii) Has not been convicted of a crime punishable by
7 imprisonment for a term exceeding one year, or of a
8 misdemeanor evidencing violence, is not free on any form of
9 bond or pretrial release, and has no outstanding warrants
10 for those crimes;

11 (iv) Has no record of mental disease or mental illness
12 on file with the Department of State Police that would
13 evidence incapacity, or lack of proper mental capacity;

14 (v) Has not been committed to a state or federal
15 facility for the abuse of a controlled substance or
16 cannabis or has not been convicted of a misdemeanor
17 violation of the Illinois Controlled Substances Act or
18 Cannabis Control Act or similar laws of any other state
19 relating to controlled substances or cannabis within a 10
20 year period immediately preceding the date on which the
21 application is submitted; and

22 (vi) Does not chronically and habitually use alcoholic
23 beverages as evidenced by the applicant having 2 or more
24 convictions for violating Section 11-501 of the Illinois
25 Vehicle Code or similar provision of a local ordinance
26 within 5 years preceding his or her application or if the

1 applicant has elected treatment under the supervision of a
2 licensed program in accordance with the Alcoholism and
3 Other Drug Abuse and Dependency Act or similar laws of any
4 other state within a 5 year period immediately preceding
5 the date on which the application is submitted.

6 Section 30. Contents of application. The initial
7 application shall be in writing, under oath and under the
8 penalties of perjury, on a standard form promulgated by the
9 Department of State Police and shall be accompanied by the
10 appropriate fees and required documentation. The application
11 shall contain only the following information:

12 (i) the applicant's name, address, gender, and date and
13 place of birth;

14 (ii) a head and shoulder color photograph taken within
15 30 days preceding the date on which the application is
16 submitted;

17 (iii) questions to certify or demonstrate the
18 applicant has completed a firearms and deadly use of force
19 training and education prerequisites specified under this
20 Act;

21 (iv) a statement that the applicant is a resident of
22 the State of Illinois and has been a resident for the last
23 6 months and is a permanent resident of the United States;

24 (v) a waiver of privacy and confidentiality rights and
25 privileges enjoyed by the applicant under all federal and

1 state laws governing access to juvenile court, criminal
2 justice, psychological or psychiatric records, or records
3 relating to the applicant's history of
4 institutionalization, and an affirmative request that any
5 person having custody of any such record provide it or
6 information concerning it to the Department;

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

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

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

22 (ix) the following statement along with a signature
23 line for use by the applicant, which statement the
24 applicant shall affirm under oath" "I the undersigned
25 state, under oath and subject to the penalty of perjury,
26 that I am not a streetgang member as defined in Section 10

1 of the Illinois Streetgang Terrorism Omnibus Prevention
2 Act, and I will not join or become associated with a
3 criminal streetgang."

4 Section 35. Submission of identifying information; fee. In
5 addition to the completed application, the applicant must also
6 submit the following to the sheriff of the county in which the
7 applicant resides. The sheriff shall submit the information to
8 the Department of State Police:

9 (i) A head and shoulder color photograph as required by
10 Section 30 in a size specified by the Department of State
11 Police taken within 30 days preceding the date on which the
12 application is submitted.

13 (ii) A non-refundable permit fee of \$100 if he or she
14 has not previously been issued such a permit by the
15 Department of State Police, or a non-refundable permit fee
16 of \$75 for each renewal of a permit of which \$20 shall be
17 retained by the sheriff or, if the applicant resides within
18 a municipality in a county of 3,000,000 or more
19 inhabitants, by the municipal police department.

20 (iii) A full set of legible fingerprints administered
21 to the applicant by the Department of State Police, or any
22 other federal, State, county or municipal law enforcement
23 agency. Any cost of fingerprinting shall be paid by the
24 applicant.

25 (iv) A photocopy of a certificate or other evidence of

1 completion of a course to show compliance with Section 90
2 of this Act.

3 Section 40. Approval of application.

4 (a) If the Department of State Police finds that the
5 applicant possesses a valid Firearm Owner's Identification
6 Card, meets the training requirements of this Act and has
7 provided the documentation and paid the fees required for
8 issuance of a concealed firearms permit, and that, as nearly as
9 it is possible to determine, nothing in the applicant's
10 background or present circumstances disqualify him or her from
11 possessing a firearm in Illinois, it shall approve the
12 application and issue the applicant a wallet sized permit
13 bearing the photograph of the applicant within 90 days.

14 (b) The Department may consider any objection or
15 recommendation made by the sheriff or municipal police
16 department supported by specific and articulable reasons, in a
17 written report, why the applicant should be denied a permit and
18 may deny the permit based solely on those objections.

19 (c) If the applicant is found to be ineligible, the
20 Department of State Police shall deny the application, and
21 notify the applicant in writing, stating the grounds for denial
22 and informing the applicant of the right to submit, within 30
23 days, any additional documentation relating to the grounds of
24 the denial. Upon receiving any additional documentation, the
25 Department of State Police shall reconsider its decision and

1 inform the applicant within 30 days of the result of the
2 reconsideration. The applicant shall further be informed of the
3 right to appeal the denial in the circuit court of his or her
4 place of residence.

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

1 than the Department of State Police shall provide any
2 information to a requester not entitled to it by law. The names
3 of all persons, other than law enforcement agencies and peace
4 officers, requesting information under this Section shall be
5 public records.

6 Section 45. Revocation of a permit. A permit issued under
7 Section 40 shall be suspended or revoked if the permit holder
8 becomes ineligible to be issued a permit under the criteria set
9 forth in subsection (b) (i), (ii), (iii), (iv), (v), and (vi) of
10 Section 25 or subsection (b) of Section 40 of this Act. When an
11 order of protection is issued under Section 112A-14 of the Code
12 of Criminal Procedure of 1963 or under Section 214 of the
13 Illinois Domestic Violence Act of 1986 against a person holding
14 a permit issued under this Act, the holder of the permit shall
15 surrender the permit to the court or to the officer serving the
16 order. The officer to whom the permit is surrendered shall
17 forthwith transmit the permit to the court issuing the order.
18 The permit shall be suspended until the order is terminated.

19 Section 50. Notification of renewal. Not later than 120
20 days before the expiration of any permit issued under this Act,
21 the Department of State Police shall notify the permit holder
22 in writing of the expiration and furnish an application for
23 renewal of the permit.

1 Section 55. Renewal of permit.

2 (a) The permit shall be renewed for a qualified applicant
3 upon receipt of the properly completed renewal application and
4 required renewal fee. The renewal application shall contain the
5 same required information as set forth in paragraphs (i)
6 through (ix) of Section 30, except that in lieu of the firearm
7 education and use of deadly force training, the applicant need
8 only demonstrate previous issuance of and continued
9 eligibility for a concealed firearms permit.

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

15 Section 60. Change of address, change of name or lost or
16 destroyed permits.

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

24 (b) If a person issued a permit to carry a concealed
25 firearm changes residence within this State, or changes his or

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

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

20 Section 65. Reciprocity. A person who holds a valid permit
21 or license issued by another state of the United States whose
22 home state permits Illinois residents to obtain a permit or
23 license to carry a concealed firearm in that state may apply
24 directly to the Department of State Police for a permit to
25 carry a concealed firearm in Illinois. The Department of State

1 Police shall take whatever steps are necessary to verify that
2 the person applying has a valid permit or license to carry a
3 concealed firearm issued by his or her home state.

4 Section 70. Concealed firearms permit.

5 (a) A concealed firearm permit shall authorize the person
6 in whose name the permit is issued to carry concealed firearms
7 on or about his or her person or vehicle throughout the State.
8 No permit issued under this Section shall authorize any person
9 to carry a concealed firearm into or upon:

10 (i) Any police, sheriff, or highway patrol office or
11 station without the consent of the chief law enforcement
12 officer in charge of that office or station.

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

15 (iii) Any courthouse, solely occupied by the Circuit,
16 Appellate, or Supreme Court or a courtroom of any of those
17 courts, or court proceeding, except that nothing in this
18 Section shall preclude a judge, holding a concealed firearm
19 permit, from carrying a concealed firearm within a
20 courthouse.

21 (iv) Any meeting of the governing body of a unit of
22 local government; or any meeting of the General Assembly or
23 a committee of the General Assembly, except that nothing in
24 this Section shall preclude a member of the body holding a
25 concealed firearms permit from carrying a concealed

1 firearm at a meeting of the body which he or she is a
2 member.

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

24 (vi) Any portion of an establishment licensed to
25 dispense beer or alcoholic beverages for consumption on the
26 premises, which portion of the establishment is primarily

1 devoted to that purpose.

2 This paragraph (vi) does not apply to any bona fide
3 restaurant open to the general public having dining
4 facilities for not less than 50 persons and that receives
5 at least 50% of its gross annual income from the dining
6 facilities by the sale of food.

7 (vii) Any area of an airport to which access is
8 controlled by the inspection of persons and property.

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

11 (ix) Any elementary or secondary school facility
12 without the consent of school authorities.

13 (x) Any portion of a building used as a child care
14 facility without the consent of the manager. Nothing in
15 this Section shall prevent the operator of a child care
16 facility in a family home from owning or possessing a
17 firearm or permit.

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

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

21 (xiii) Any stadium, arena or collegiate or
22 professional sporting event.

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

24 A violation of this subsection (a) is a Class A
25 misdemeanor.

26 A concealed firearm permit does not authorize the concealed

1 carrying or transportation of a stun gun or taser.

2 (b) The owner, business or commercial lessee, manager of a
3 private business enterprise, or any other organization,
4 entity, or person may prohibit persons holding a permit for
5 concealed firearms from carrying concealed firearms on the
6 premises and may prohibit employees, not authorized by the
7 employer, holding a permit for concealed firearms from carrying
8 concealed firearms on the property of the employer. If the
9 building or the premises are open to the public, the employer
10 of the business enterprise shall post signs on or about the
11 premises if carrying a concealed firearm is prohibited.
12 Possession of a firearm in a vehicle on the premises shall not
13 be a criminal offense so long as the firearm is not removed
14 from the vehicle or brandished while the vehicle is on the
15 premises. An employer may prohibit employees or other persons
16 holding a permit for a concealed firearm from carrying a
17 concealed firearm in vehicles owned by the employer. Carrying
18 of a concealed firearm in a location specified in this
19 subsection by a permit holder shall not be a criminal act but
20 may subject the person to denial to the premises or removal
21 from the premises.

22 Section 75. Immunity of Department, sheriff, municipal
23 police department, and their employees and agents. The
24 Department of State Police, office of the county sheriff, or
25 municipal police department or any employee or agent of the

1 Department of State Police, county sheriff, or municipal police
2 department, shall not be liable for damages in any civil action
3 arising from alleged wrongful or improper granting, renewing,
4 or failure to revoke permits issued under this Act. The office
5 of the county sheriff or municipal police department or any
6 employee or agent of the office of the county sheriff or
7 municipal police department shall not be liable for submitting
8 specific and articulable reasons why an applicant should be
9 denied a permit.

10 Section 85. Fees. Fees collected under this Act and
11 deposited into the Citizen Safety and Self-Defense Trust Fund
12 shall be used exclusively for administrating the provisions of
13 this Act; except that, commencing January 1, 2010, any excess
14 monies in the Fund may be used to ensure the prompt and
15 efficient processing of applications received under Section 30
16 of this Act.

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

18 New permit..\$100

19 Renewal..\$75

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

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

22 Late renewal fee..\$25

23 (ii) The Secretary of State shall conduct a study, to
24 determine the cost and feasibility of creating a method of
25 adding an identifiable code, background, or other means to show

1 that an individual has been issued a permit to carry a
2 concealed firearm by the Department of State Police on the
3 person's driver's license. By March 1 of each year, the
4 Department of State Police shall submit a statistical report to
5 the Governor, the President of the Senate and the Speaker of
6 the House of Representatives, indicating the number of permits
7 issued, revoked, suspended, denied and issued after appeal
8 since the last report and in total and also the number of
9 permits currently valid. The report shall also include the
10 number of arrests, convictions and types of crimes since the
11 last report by individuals issued permits to carry a concealed
12 firearm.

13 Section 90. Applicant training.

14 (a) The applicant training course shall be the standardized
15 training course furnished by the Department and taught by a
16 qualified firearms instructor, consisting of:

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

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

21 (ii) the basic principles of marksmanship;

22 (iii) care and cleaning of handguns; and

23 (iv) by means of a videotape produced or approved
24 by the Department:

25 (A) the requirements for obtaining a concealed

1 firearms permit in this State;

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

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

9 (2) live firing exercises of sufficient duration for
10 each applicant to fire a handgun:

11 (i) from a standing position;

12 (ii) a minimum of 20 rounds;

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

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

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

21 (2) An applicant training course students shall
22 complete a course application form, which shall include a
23 statement acknowledging receipt of copies of pertinent
24 statutory provisions listed in clauses (A), (B), and (C) of
25 subparagraph (iv) of paragraph (1) of subsection (a) and a
26 liability waiver.

1 (3) The course application form may be obtained from
2 the qualified firearms instructor at the time of the
3 course.

4 (d) Qualified firearms instructors shall not discuss the
5 content of the video tape or the content of the statutory
6 provisions listed in clauses (A), (B), and (C) of subparagraph
7 (iv) of paragraph (1) of subsection (a) with students, either
8 individually or as a class.

9 (e) At the conclusion of the classroom portion of the
10 applicant training course, the qualified firearms instructor
11 shall:

12 (1) distribute a standard course examination to the
13 students;

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

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

18 (4) not grade the examinations in the presence of
19 students; and

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

23 (f) A person shall not:

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

26 (2) Possess the applicant training course examination,

1 or questions from the examination, unless authorized by the
2 Department; or

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

5 (g) (1) Students shall provide their own safe, functional
6 handgun and factory-loaded ammunition.

7 (2) Prior to conducting range firing, the certified
8 firearms instructor shall:

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

10 (ii) not allow the firing of a handgun that is not
11 in sound mechanical condition or otherwise may pose a
12 safety hazard.

13 (h) Grades of "passing" shall not be given on range work to
14 an applicant who:

15 (1) does not follow the orders of the certified
16 firearms instructor;

17 (2) in the judgment of the certified firearms
18 instructor, handles a firearm in a manner that poses a
19 danger to the applicant or to others; or

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

23 (i) Certified firearms instructors shall:

24 (1) allow monitoring of their classes by officials of
25 any certifying agency;

26 (2) make all course records available upon demand to

1 authorized personnel of the Department; and

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

4 (j) (1) Fees for applicant training courses shall not
5 exceed \$75 per student.

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

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

10 (k) An applicant training course shall not have more than
11 40 students in the classroom portion or more than 5 students
12 per range officer engaged in range firing.

13 (l) Within 3 working days after the completion of the
14 course, the certified firearms instructor shall:

15 (1) grade the examinations and

16 (2) mail to the Department:

17 (i) the completed course application form,
18 showing the student's score on the written
19 examination and indicating whether the student
20 passed or failed the range work, and

21 (ii) the graded examinations.

22 (m) Within 15 days after receipt of the material described
23 in section (l), the Department shall mail to the applicant:

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

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

1 (n) A student shall be issued a certificate of completion
2 if he or she:

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

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

6 (o) (i) Students who score below 70% on the written
7 examination may retake the examination one time without having
8 to retake the course.

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

12 (iii) Notices of failure will include information on
13 whether the student failed the written exam, the range
14 firing, or both.

15 Section 95. Firearms instructors training.

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

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

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

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

1 (B) provides false or misleading information on
2 the application; or

3 (C) has had a prior instructor qualification
4 revoked by the Department.

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

7 (1) Sixteen hours of classroom instruction covering at
8 least the following topics:

9 (i) By means of a videotape produced or approved by
10 the Department:

11 (A) the requirements for obtaining a concealed
12 firearms permit in this State;

13 (B) laws relating to firearms as contained in the
14 Firearm Owners Identification Card Act, Article 24 of
15 the Criminal Code of 1961, and 18 U.S.C. 921 through
16 930.

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

19 (D) the conduct of applicant training courses;

20 (E) record-keeping requirements of this Act;

21 (F) the basic nomenclature of handguns;

22 (G) the basic principles of marksmanship; and

23 (H) the safe handling of handguns.

24 (2) A classroom demonstration, during which the
25 instructor candidate shall receive instruction on and
26 demonstrate competency in the ability to prepare and

1 deliver a classroom presentation using materials from the
2 applicant curriculum.

3 (3) Range instruction and firing of live ammunition,
4 during which the instructor candidate shall receive
5 instruction on and demonstrate competency in the ability
6 to:

7 (i) handle and fire a handgun safely and
8 accurately;

9 (ii) conduct a function test and safety inspection
10 of common types of handguns;

11 (iii) clean common types of handguns; and

12 (iv) supervise and conduct live firing exercises
13 in a safe and efficient manner.

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

16 (1) A minimum score of 70% on a written examination
17 covering the material taught during the classroom portion
18 of the course;

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

23 (i) ten rounds from 7 yards; and

24 (ii) ten rounds from 15 yards; and

25 (iii) a score of "passing" from the course
26 instructor for demonstrating competency in each of

1 the following:

2 (A) Supervising and conducting live fire;

3 (B) Cleaning and inspecting handguns; and

4 (C) Preparing and delivering the classroom
5 lecture.

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

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

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

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

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

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

24 (m) Prior to conducting range firing, the course instructor
25 shall:

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

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

4 Section 100. Severability. The provisions of this Act are
5 severable under Section 1.31 of the Statute on Statutes.

6 Section 905. The Firearm Owners Identification Card Act is
7 amended by changing Section 13.1 as follows:

8 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

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

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

1 Section 910. The Criminal Code of 1961 is amended by
2 changing Section 24-2 as follows:

3 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

4 Sec. 24-2. Exemptions.

5 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
6 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
7 the following:

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

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

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

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

1 engaged in the performance of the duties of their
2 employment.

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

26 (6) Any person regularly employed in a commercial or

1 industrial operation as a security guard for the protection
2 of persons employed and private property related to such
3 commercial or industrial operation, while actually engaged
4 in the performance of his or her duty or traveling between
5 sites or properties belonging to the employer, and who, as
6 a security guard, is a member of a security force of at
7 least 5 persons registered with the Department of
8 Professional Regulation; provided that such security guard
9 has successfully completed a course of study, approved by
10 and supervised by the Department of Professional
11 Regulation, consisting of not less than 40 hours of
12 training that includes the theory of law enforcement,
13 liability for acts, and the handling of weapons. A person
14 shall be considered eligible for this exemption if he or
15 she has completed the required 20 hours of training for a
16 security officer and 20 hours of required firearm training,
17 and has been issued a firearm control card by the
18 Department of Professional Regulation. Conditions for the
19 renewal of firearm control cards issued under the
20 provisions of this Section shall be the same as for those
21 cards issued under the provisions of the Private Detective,
22 Private Alarm, Private Security, Fingerprint Vendor, and
23 Locksmith Act of 2004. Such firearm control card shall be
24 carried by the security guard at all times when he or she
25 is in possession of a concealable weapon.

26 (7) Agents and investigators of the Illinois

1 Legislative Investigating Commission authorized by the
2 Commission to carry the weapons specified in subsections
3 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
4 any investigation for the Commission.

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

1 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.

1 (13.5) A person employed as an armed security guard at
2 a nuclear energy, storage, weapons or development site or
3 facility regulated by the Nuclear Regulatory Commission
4 who has completed the background screening and training
5 mandated by the rules and regulations of the Nuclear
6 Regulatory Commission.

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

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

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

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

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

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

24 (5) Carrying a concealed firearm by a permittee who has
25 been issued a permit to carry a concealed firearm under the
26 Family and Personal Protection Act.

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

3 (1) Peace officers while in performance of their
4 official duties.

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

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

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

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

1 firing device, but only such possession and activities as
2 are within the lawful scope of a licensed manufacturing
3 business described in this paragraph.

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

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

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

24 During transportation, any such weapon shall be broken
25 down in a non-functioning state, or not immediately
26 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

1 outside this State, or the transportation of explosive
2 bullets to any organization or person exempted in this
3 Section by a common carrier or by a vehicle owned or leased
4 by an exempted manufacturer.

5 (g-5) Subsection 24-1(a)(6) does not apply to or affect
6 persons licensed under federal law to manufacture any device or
7 attachment of any kind designed, used, or intended for use in
8 silencing the report of any firearm, firearms, or ammunition
9 for those firearms equipped with those devices, and actually
10 engaged in the business of manufacturing those devices,
11 firearms, or ammunition, but only with respect to activities
12 that are within the lawful scope of that business, such as the
13 manufacture, transportation, or testing of those devices,
14 firearms, or ammunition. This exemption does not authorize the
15 general private possession of any device or attachment of any
16 kind designed, used, or intended for use in silencing the
17 report of any firearm, but only such possession and activities
18 as are within the lawful scope of a licensed manufacturing
19 business described in this subsection (g-5). During
20 transportation, those devices shall be detached from any weapon
21 or not immediately accessible.

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

26 (i) Nothing in this Article shall prohibit, apply to, or

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

14 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
15 95-885, eff. 1-1-09.)

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 430 ILCS 65/13.1 from Ch. 38, par. 83-13.1

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