



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0367

Introduced 1/30/2009, by Rep. Bill Mitchell

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 county sheriff 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 in each county, to be administered by the sheriff. Provides that 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.

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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 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 county sheriff the authority to regulate or
17 restrict the issuing of concealed firearms permits provided for
18 in this Act beyond those provisions contained in this Act.

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

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

1 view of the public.

2 "Fund" means the Citizen Safety and Self-Defense Trust Fund
3 in each county.

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

6 "Permit" means a permit to carry a concealed firearm issued
7 by the county sheriff.

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

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

20 Section 20. Application for permit and qualifications of
21 applicants.

22 (a) An applicant for a permit shall obtain the application
23 from the county sheriff. If the applicant resides in a county
24 of less than 3,000,000 inhabitants (or if the applicant resides

1 in a county of 3,000,000 or more inhabitants but not within any
2 municipality), the application for a permit or renewal of a
3 permit to carry a concealed firearm shall be submitted to the
4 office of the sheriff of the county in which the applicant
5 resides. The completed application and all accompanying
6 material plus an application fee of \$100 for a new permit or
7 \$75 for a renewal shall be presented to the office of the
8 sheriff of the county in which the applicant resides.

9 The sheriff shall evaluate the application, accompanying
10 material and any objections to the application within 10
11 working days. The application fee shall be retained by the
12 office of the sheriff for official expenses of the office.

13 The sheriff may state specific and articulable reasons to
14 deny an application for a concealed firearms permit. He or she
15 shall articulate the reasons for denial in a written report and
16 maintain that report in his or her office along with the
17 completed application which shall be available to the applicant
18 for a concealed firearms permit. Within 10 working days, the
19 sheriff shall either issue or deny the permit.

20 (b) The county sheriff, upon a person's application for a
21 concealed firearms permit, upon receipt of the appropriate
22 fees, and after compliance with the procedures set out in this
23 Section, shall issue the applicant a concealed firearms permit
24 if the person:

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

26 (ii) Resides within the State of Illinois and has been

1 a resident for the last 6 months and is a permanent
2 resident of the United States;

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

8 (iv) Has no record of mental disease or mental illness
9 on file that would evidence incapacity, or lack of proper
10 mental capacity;

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

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

1 other state within a 5 year period immediately preceding
2 the date on which the application is submitted.

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

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

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

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

18 (iv) a statement that the applicant is a resident of
19 the State of Illinois and has been a resident for the last
20 6 months and is a permanent resident of the United States;

21 (v) a waiver of privacy and confidentiality rights and
22 privileges enjoyed by the applicant under all federal and
23 state laws governing access to juvenile court, criminal
24 justice, psychological, or psychiatric records, or records
25 relating to the applicant's history of

1 institutionalization, and an affirmative request that any
2 person having custody of any such record provide it or
3 information concerning it to the sheriff;

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

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

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

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

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

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

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

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

16 Section 35. Approval of application.

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

1 wallet sized permit bearing the photograph of the applicant
2 within 90 days.

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

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

18 (d) The sheriff shall maintain an automated listing of
19 permit holders and pertinent information, and this information
20 shall be available on-line, upon request, at all times to all
21 Illinois law enforcement agencies. Except as provided in this
22 subsection, information on applications for permits, names and
23 addresses, or other identifying information relating to permit
24 holders shall be confidential and shall not be made available
25 except to law enforcement agencies. Requests for information
26 about any permit holder made by persons other than a bona fide

1 law enforcement agency shall be made to the sheriff together
2 with any fee required for the providing of information. The
3 sheriff shall, upon proper application and the payment of the
4 required fee, provide to the requester in written form only, a
5 list of names of any holders in the county permitted to carry a
6 concealed firearm. No identifying information other than the
7 name shall be provided, and information for geographic areas or
8 other subdivisions of any type from the list shall not be
9 provided, except to a bona fide law enforcement agency, and
10 shall be confidential. No requests for lists of local or
11 statewide permit holders shall be made to any State or local
12 law enforcement agency. No other agency of government other
13 than the sheriff shall provide any information to a requester
14 not entitled to it by law. The names of all persons, other than
15 law enforcement agencies and peace officers, requesting
16 information under this Section shall be public records.

17 Section 40. Revocation of a permit. A permit issued under
18 Section 35 shall be suspended or revoked if the permit holder
19 becomes ineligible to be issued a permit under the criteria set
20 forth in paragraphs (i), (ii), (iii), (iv), (v), and (vi) of
21 subsection (b) of Section 20 or subsection (b) of Section 35 of
22 this Act. When an order of protection is issued under Section
23 112A-14 of the Code of Criminal Procedure of 1963 or under
24 Section 214 of the Illinois Domestic Violence Act of 1986
25 against a person holding a permit issued under this Act, the

1 holder of the permit shall surrender the permit to the court or
2 to the officer serving the order. The officer to whom the
3 permit is surrendered shall forthwith transmit the permit to
4 the court issuing the order. The permit shall be suspended
5 until the order is terminated.

6 Section 45. Notification of renewal. Not later than 120
7 days before the expiration of any permit issued under this Act,
8 the sheriff shall notify the permit holder in writing of the
9 expiration and furnish an application for renewal of the
10 permit.

11 Section 50. Renewal of permit.

12 (a) The permit shall be renewed for a qualified applicant
13 upon receipt of the properly completed renewal application and
14 required renewal fee. The renewal application shall contain the
15 same required information as set forth in paragraphs (i)
16 through (ix) of Section 25, except that in lieu of the firearm
17 education and use of deadly force training, the applicant need
18 only demonstrate previous issuance of and continued
19 eligibility for a concealed firearms permit.

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

1 Section 55. Change of address, change of name, or lost or
2 destroyed permits.

3 (a) Within 30 days after the changing of a permanent
4 residence, or within 30 days after loss or destruction of a
5 concealed firearms permit, the permittee shall notify the
6 sheriff of the loss, destruction, change of name, or change of
7 residence. Failure to notify the sheriff shall constitute a
8 noncriminal violation with a penalty of \$25 payable to the
9 sheriff.

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

22 (c) If a permit to carry a concealed firearm is lost or
23 destroyed, the permit shall be automatically invalid, and the
24 person to whom the permit was issued may upon payment of \$25 to
25 the sheriff obtain a duplicate, and upon furnishing a notarized

1 statement to the sheriff that the permit was lost or destroyed,
2 and submission of an application as set forth in Section 20 and
3 a photograph as set forth in paragraph (ii) of Section 25 of
4 this Act.

5 Section 60. Reciprocity. A person who holds a valid permit
6 or license issued by another state of the United States whose
7 home state permits Illinois residents to obtain a permit or
8 license to carry a concealed firearm in that state may apply
9 directly to the sheriff for a permit to carry a concealed
10 firearm in Illinois. The sheriff shall take whatever steps are
11 necessary to verify that the person applying has a valid permit
12 or license to carry a concealed firearm issued by his or her
13 home state.

14 Section 65. Concealed firearms permit.

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

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

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

1 (iii) Any courthouse, solely occupied by the Circuit,
2 Appellate, or Supreme Court or a courtroom of any of those
3 courts, or court proceeding, except that nothing in this
4 Section shall preclude a judge, holding a concealed firearm
5 permit, from carrying a concealed firearm within a
6 courthouse.

7 (iv) Any meeting of the governing body of a unit of
8 local government; or any meeting of the General Assembly or
9 a committee of the General Assembly, except that nothing in
10 this Section shall preclude a member of the body holding a
11 concealed firearms permit from carrying a concealed
12 firearm at a meeting of the body of which he or she is a
13 member.

14 The General Assembly or a county or municipality may by
15 statute or ordinance prohibit or limit the carrying of
16 concealed firearms by permit holders in that portion of a
17 building owned, leased or controlled by that unit of
18 government. That portion of a building in which the
19 carrying of concealed firearms is prohibited or limited
20 shall be clearly identified by signs posted at the entrance
21 to the restricted area. The statute or ordinance shall
22 exempt any building used for public housing by private
23 persons, highways or rest areas, firing ranges, and private
24 dwellings owned, leased, or controlled by that unit of
25 government from any restriction on the carrying or
26 possession of a firearm. The statute or ordinance shall not

1 specify any criminal penalty for its violation but may
2 specify that persons violating the statute or ordinance may
3 be denied entrance to the building, be ordered to leave the
4 building, and, if employees of the unit of government, be
5 subjected to disciplinary measures for violation of the
6 provisions of the statute or ordinance. The provisions of
7 this Section shall not apply to any other unit of
8 government.

9 (v) Any portion of an establishment licensed to
10 dispense beer or alcoholic beverages for consumption on the
11 premises, which portion of the establishment is primarily
12 devoted to that purpose.

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

18 (vi) Any area of an airport to which access is
19 controlled by the inspection of persons and property.

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

22 (viii) Any elementary or secondary school facility
23 without the consent of school authorities.

24 (ix) Any portion of a building used as a child care
25 facility without the consent of the manager. Nothing in
26 this Section shall prevent the operator of a child care

1 facility in a family home from owning or possessing a
2 firearm or permit.

3 (x) A riverboat gambling operation or horse racing
4 facility accessible by the public.

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

6 (xii) Any stadium, arena, or collegiate or
7 professional sporting event.

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

9 A violation of this subsection (a) is a Class A
10 misdemeanor.

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

13 (b) The owner, business or commercial lessee, manager of a
14 private business enterprise, or any other organization,
15 entity, or person may prohibit persons holding a permit for
16 concealed firearms from carrying concealed firearms on the
17 premises and may prohibit employees, not authorized by the
18 employer, holding a permit for concealed firearms from carrying
19 concealed firearms on the property of the employer. If the
20 building or the premises are open to the public, the employer
21 of the business enterprise shall post signs on or about the
22 premises if carrying a concealed firearm is prohibited.
23 Possession of a firearm in a vehicle on the premises shall not
24 be a criminal offense so long as the firearm is not removed
25 from the vehicle or brandished while the vehicle is on the
26 premises. An employer may prohibit employees or other persons

1 holding a permit for a concealed firearm from carrying a
2 concealed firearm in vehicles owned by the employer. Carrying
3 of a concealed firearm in a location specified in this
4 subsection by a permit holder shall not be a criminal act but
5 may subject the person to denial to the premises or removal
6 from the premises.

7 Section 70. Immunity of sheriff and his or her employees
8 and agents. The sheriff or office of the county sheriff or any
9 employee or agent of the sheriff shall not be liable for
10 damages in any civil action arising from alleged wrongful or
11 improper granting, renewing, or failure to revoke permits
12 issued under this Act. The office of the county sheriff or any
13 employee or agent of the office of the county sheriff shall not
14 be liable for stating specific and articulable reasons why an
15 applicant should be denied a permit.

16 Section 75. Fees. Fees collected under this Act and
17 deposited into the Citizen Safety and Self-Defense Trust Fund
18 of each county shall be used exclusively for administering the
19 provisions of this Act; except that, commencing January 1,
20 2010, any excess monies in the Fund may be used to ensure the
21 prompt and efficient processing of applications received under
22 Section 20 of this Act.

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

24 New permit..\$100

1 Renewal..\$75

2 Duplicate if permit is lost or destroyed..\$25

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

4 Late renewal fee..\$25

5 (ii) The Secretary of State shall conduct a study to
6 determine the cost and feasibility of creating a method of
7 adding an identifiable code, background, or other means to show
8 that an individual has been issued a permit to carry a
9 concealed firearm by the sheriff on the person's driver's
10 license. By March 1 of each year, the sheriff shall submit a
11 statistical report to the Governor, the President of the
12 Senate, and the Speaker of the House of Representatives,
13 indicating the number of permits issued, revoked, suspended,
14 denied, and issued after appeal since the last report and in
15 total and also the number of permits currently valid. The
16 report shall also include the number of arrests, convictions,
17 and types of crimes since the last report by individuals issued
18 permits to carry a concealed firearm.

19 Section 80. Applicant training.

20 (a) The applicant training course shall be the standardized
21 training course furnished by the sheriff and taught by a
22 qualified firearms instructor, consisting of:

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

25 (i) handgun safety in the classroom, at home, on

1 the firing range or while carrying the firearm;
2 (ii) the basic principles of marksmanship;
3 (iii) care and cleaning of handguns; and
4 (iv) by means of a videotape produced or approved
5 by the sheriff:

6 (A) the requirements for obtaining a concealed
7 firearms permit in this State;

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

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

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

17 (i) from a standing position;
18 (ii) a minimum of 20 rounds;
19 (iii) at a distance from a B-21 silhouette target,
20 or an equivalent as approved by the sheriff, of 7
21 yards.

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

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

1 (2) An applicant training course student shall
2 complete a course application form, which shall include a
3 statement acknowledging receipt of copies of pertinent
4 statutory provisions listed in clauses (A), (B), and (C) of
5 subparagraph (iv) of paragraph (1) of subsection (a) and a
6 liability waiver.

7 (3) The course application form may be obtained from
8 the qualified firearms instructor at the time of the
9 course.

10 (d) Qualified firearms instructors shall not discuss the
11 content of the video tape or the content of the statutory
12 provisions listed in clauses (A), (B), and (C) of subparagraph
13 (iv) of paragraph (1) of subsection (a) with students, either
14 individually or as a class.

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

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

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

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

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

26 (5) not divulge an applicant's numeric score on the day

1 of the examination, but may indicate whether an applicant
2 passed or failed the examination.

3 (f) A person shall not:

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

6 (2) Possess the applicant training course examination,
7 or questions from the examination, unless authorized by the
8 sheriff; or

9 (3) Divulge the contents of an applicant training
10 course examination question to another person.

11 (g) (1) Students shall provide their own safe, functional
12 handguns and factory-loaded ammunition.

13 (2) Prior to conducting range firing, the certified
14 firearms instructor shall:

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

16 (ii) not allow the firing of a handgun that is not
17 in sound mechanical condition or otherwise may pose a
18 safety hazard.

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

21 (1) does not follow the orders of the certified
22 firearms instructor;

23 (2) in the judgment of the certified firearms
24 instructor, handles a firearm in a manner that poses a
25 danger to the applicant or to others; or

26 (3) during the testing portion of the range work fails

1 to hit the silhouette portion of the target with a majority
2 of 20 rounds.

3 (i) Certified firearms instructors shall:

4 (1) allow monitoring of their classes by officials of
5 any certifying agency;

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

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

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

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

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

16 (k) An applicant training course shall not have more than
17 40 students in the classroom portion or more than 5 students
18 per range officer engaged in range firing.

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

21 (1) grade the examinations; and

22 (2) mail to the sheriff:

23 (i) the completed course application form,
24 showing each student's score on the written
25 examination and indicating whether the student
26 passed or failed the range work; and

1 (ii) the graded examinations.

2 (m) Within 15 days after receipt of the material described
3 in subsection (l), the sheriff shall mail to the applicant:

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

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

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

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

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

12 (o) (i) Students who score below 70% on the written
13 examination may retake the examination one time without having
14 to retake the course.

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

18 (iii) Notices of failure must include information on
19 whether the student failed the written exam, the range
20 firing, or both.

21 Section 85. Firearms instructors training.

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

24 (b) Persons who are not qualified firearms instructors
25 shall not advertise or otherwise represent courses they teach

1 as qualifying their students to meet the requirements to
2 receive a permit to carry concealed firearms in this State.

3 (c) Persons who are not certified instructor trainers shall
4 not teach instructor qualification courses.

5 (d) Persons wishing to become qualified firearms
6 instructors shall:

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

8 (2) be a citizen of the United States; and

9 (3) meet the requirements of subsection (b) of Section
10 25.

11 (e) Persons wishing to become instructor trainers, in
12 addition to the requirements of subsection (d) of this Section,
13 shall:

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

15 and

16 (2) have at least one of the following valid firearms
17 instructor certifications:

18 (I) National Rifle Association Personal Protection
19 Instructor;

20 (II) National Rifle Association Pistol
21 Marksmanship Instructor;

22 (III) Certification from a firearms instructor's
23 course offered by a State or federal governmental
24 agency; or

25 (IV) A similar firearms instructor qualifying
26 course, approved by the Director of State Police or his

1 or her designee.

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

3 (2) An applicant may be disqualified from taking
4 firearms instructor training, or have his or her instructor
5 qualification revoked, if the applicant:

6 (A) does not meet the requirements of this Act to
7 possess a concealed firearms permit;

8 (B) provides false or misleading information on
9 the application; or

10 (C) has had a prior instructor qualification
11 revoked by the sheriff.

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

14 (1) Sixteen hours of classroom instruction covering at
15 least the following topics:

16 (i) By means of a videotape produced or approved by
17 the sheriff:

18 (A) the requirements for obtaining a concealed
19 firearms permit in this State;

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

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

26 (D) the conduct of applicant training courses;

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

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

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

14 (i) handle and fire a handgun safely and
15 accurately;

16 (ii) conduct a function test and safety inspection
17 of common types of handguns;

18 (iii) clean common types of handguns; and

19 (iv) supervise and conduct live firing exercises
20 in a safe and efficient manner.

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

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

26 (2) A minimum score of 80% on range firing of a handgun

1 from the standing position while aiming at a B-21 PC
2 silhouette target or an equivalent as approved by the
3 sheriff, with a minimum of:

4 (i) ten rounds from 7 yards; and

5 (ii) ten rounds from 15 yards; and

6 (iii) a score of "passing" from the course
7 instructor for demonstrating competency in each of
8 the following:

9 (A) Supervising and conducting live fire;

10 (B) Cleaning and inspecting handguns; and

11 (C) Preparing and delivering the classroom
12 lecture.

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

17 (j) Qualified firearms instructor and instructor trainer
18 certificates shall be valid for 3 years from the date of
19 issuance. Qualified firearms instructors or instructor
20 trainers may renew their certification by successfully
21 completing a refresher course offered or approved by the
22 sheriff.

23 (k) The fees for instructor trainer or refresher courses
24 shall be \$100 per student. The fees for qualified instructor
25 courses shall be no more than \$100 per student.

26 (1) The instructor trainer shall remit \$50 per student

1 to the sheriff.

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

4 (1) Course participants shall provide their own safe,
5 functional handguns and factory-loaded ammunition.

6 (m) Prior to conducting range firing, the course instructor
7 shall:

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

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

12 Section 90. Home rule preemption. An ordinance of a unit of
13 local government, including a home rule unit, is invalid if it
14 is inconsistent with this Act. It is declared to be the policy
15 of this State that the regulation of the right to carry
16 concealed firearms is an exclusive power and function of the
17 State. A home rule unit may not regulate the issuance of
18 permits to carry concealed firearms. This Section is a denial
19 and limitation of home rule powers and functions under
20 subsection (h) of Section 6 of Article VII of the Illinois
21 Constitution.

22 Section 95. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes.

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

3 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

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

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

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

21 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

22 Sec. 24-2. Exemptions.

23 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and

1 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
2 the following:

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

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

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

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

22 (5) Persons licensed as private security contractors,
23 private detectives, or private alarm contractors, or
24 employed by an agency certified by the Department of
25 Professional Regulation, if their duties include the
26 carrying of a weapon under the provisions of the Private

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

19 (6) Any person regularly employed in a commercial or
20 industrial operation as a security guard for the protection
21 of persons employed and private property related to such
22 commercial or industrial operation, while actually engaged
23 in the performance of his or her duty or traveling between
24 sites or properties belonging to the employer, and who, as
25 a security guard, is a member of a security force of at
26 least 5 persons registered with the Department of

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

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

24 (8) Persons employed by a financial institution for the
25 protection of other employees and property related to such
26 financial institution, while actually engaged in the

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

25 (9) Any person employed by an armored car company to
26 drive an armored car, while actually engaged in the

1 performance of his duties.

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

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

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

11 (12.5) Probation officers while in the performance of
12 their duties, or while commuting between their homes,
13 places of employment or specific locations that are part of
14 their assigned duties, with the consent of the chief judge
15 of the circuit for which they are employed.

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

20 (13.5) A person employed as an armed security guard at
21 a nuclear energy, storage, weapons or development site or
22 facility regulated by the Nuclear Regulatory Commission
23 who has completed the background screening and training
24 mandated by the rules and regulations of the Nuclear
25 Regulatory Commission.

26 (14) Manufacture, transportation, or sale of weapons

1 to persons authorized under subdivisions (1) through
2 (13.5) of this subsection to possess those weapons.

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

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

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

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

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

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

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

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

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

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

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

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

23 During transportation, such weapons shall be broken
24 down in a non-functioning state or not immediately
25 accessible.

26 (6) The manufacture, transport, testing, delivery,

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

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

17 During transportation, any such weapon shall be broken
18 down in a non-functioning state, or not immediately
19 accessible.

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

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

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

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

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

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

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

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

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

24 (g-5) Subsection 24-1(a)(6) does not apply to or affect
25 persons licensed under federal law to manufacture any device or
26 attachment of any kind designed, used, or intended for use in

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

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

19 (i) Nothing in this Article shall prohibit, apply to, or
20 affect the transportation, carrying, or possession, of any
21 pistol or revolver, stun gun, taser, or other firearm consigned
22 to a common carrier operating under license of the State of
23 Illinois or the federal government, where such transportation,
24 carrying, or possession is incident to the lawful
25 transportation in which such common carrier is engaged; and
26 nothing in this Article shall prohibit, apply to, or affect the

1 transportation, carrying, or possession of any pistol,
2 revolver, stun gun, taser, or other firearm, not the subject of
3 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
4 this Article, which is unloaded and enclosed in a case, firearm
5 carrying box, shipping box, or other container, by the
6 possessor of a valid Firearm Owners Identification Card.

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

9 Section 999. Effective date. This Act takes effect upon
10 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