



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5221

Introduced 2/3/2010, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

New Act
50 ILCS 705/10.6 new
720 ILCS 5/24-2

Creates the Family and Personal Protection Act. Permits the Department of State Police to issue permits to carry concealed firearms to persons at least 21 years of age who meet certain requirements. Provides that the county sheriff shall evaluate the application and accompanying material, and within 30 calendar days transmit the application, accompanying material, and any objections to the application, and application fees to the Department of State Police. Requires an applicant for a permit to have completed specified training requirements developed by the Illinois Law Enforcement Training Standards Board consisting of classroom instruction and live firing exercises. Preempts home rule. Amends the Illinois Police Training Act and the Criminal Code of 1961 to make conforming changes. Effective immediately.

LRB096 16707 RLC 31995 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning weapons.

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 Family
5 and Personal Protection Act.

6 Section 5. Legislative declaration. On June 26, 2008 the
7 United States Supreme Court issued an opinion in the case of
8 District of Columbia et al. v. Heller. In that decision, the
9 Court's majority stated "Putting all of these textual elements
10 together, we find that they guarantee the individual right to
11 possess and carry weapons in case of confrontation."

12 The General Assembly finds, in keeping with the Heller
13 decision, that as a matter of public policy it is necessary to
14 provide statewide uniform standards for issuing permits to
15 carry concealed firearms and that no person who does not
16 qualify under the provisions of this Act receives a permit to
17 carry concealed firearms. The General Assembly recognizes that
18 it already regulates the use and possession of concealed
19 firearms under Sections 24-1 and 24-1.6 of the Criminal Code of
20 1961 and the Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004 and
22 that the regulation of concealed firearms is an exclusive
23 Statewide function. The General Assembly does not delegate to

1 the county sheriff the authority to regulate or restrict the
2 issuing or carrying of handguns by person issued of concealed
3 firearms permits provided for in this Act beyond those
4 provisions contained in this Act.

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

6 "Board" means the Illinois Law Enforcement Training
7 Standards Board.

8 "Concealed firearm" means a handgun carried on or about a
9 person completely or mostly concealed from view of the public,
10 or carried in a vehicle in such a way as it is concealed from
11 view of the public.

12 "Department" means the Department of State Police.

13 "Fund" means the Citizen Safety and Self-Defense Trust
14 Fund.

15 "Handgun" has the meaning ascribed to it in paragraph (h)
16 of subsection (A) of Section 24-3 of the Criminal Code of 1961.

17 "Permit" means a permit to carry a concealed firearm issued
18 by the Department of State Police.

19 "Permittee" means a person who is issued a permit to carry
20 a concealed handgun by the Department of State Police.

21 Section 15. Permit for concealed firearms. The Department
22 of State Police is authorized to issue permits to carry
23 concealed firearms to persons qualified as provided in this
24 Act. Permits to carry concealed firearms shall be valid

1 throughout the State for a period of 3 years from the date of
2 issuance. Any person in compliance with the terms of the permit
3 may carry concealed handgun on or about his or her person. The
4 permittee shall carry the permit at all times the permittee is
5 carrying a concealed handgun and shall display the permit upon
6 the request of a law enforcement officer.

7 Section 20. Application for permit.

8 (a) An applicant for a permit shall obtain the application
9 from the Department of State Police. The application may only
10 contain information required under Section 30 of this Act.

11 (b) The sheriff shall evaluate the application and
12 accompanying material, and within 30 calendar days transmit the
13 application, accompanying material and any objections to the
14 application, and application fees to the Department of State
15 Police. Twenty-five dollars of the application fee shall be
16 retained by the office of the sheriff for official expenses of
17 the office. The sheriff may submit specific and articulable
18 reasons to the Department in objection to an application for a
19 concealed firearms permit. He or she shall articulate the
20 recommendation for denial in a written report and transmit that
21 report to the Department of State Police along with the
22 completed application. The Department of State Police shall
23 maintain the report which shall be available to the applicant
24 for a concealed firearms permit.

25 (c) The sheriff may consider an objection or recommendation

1 made by the sheriff or municipal police department where an
2 applicant lives supported by specific and articulable reasons,
3 in a written report, why the applicant should be denied a
4 permit and the Department of State Police may deny the permit
5 based solely on those objections. If the objection contains
6 false, malicious or inaccurate information, the sheriff or
7 municipal police department filing the objection shall bear all
8 of the applicant's costs if the applicant prevails in an
9 appeal. Specific and articulable reasons shall not be a general
10 or philosophical opposition to the issuance of permits to
11 individuals otherwise eligible under this Act.

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

23 (e) Applications for duplicate of a lost or destroyed
24 Permit, corrected permit due to change of address or name shall
25 be submitted directly to the Department of State Police and
26 they shall retain all of said application fee and may be made

1 upon an abbreviated form verifying the applicants identity and
2 having been issued a current and valid concealed firearms
3 permit.

4 Section 25. Qualifications of applicants. The Department
5 of State Police, upon receiving a person's application for a
6 concealed firearms permit, upon receipt of the appropriate fees
7 from a sheriff, and after compliance with the procedures set
8 out in this Section, shall issue the applicant a concealed
9 firearms permit if the person:

10 (i) is at least 21 years of age;

11 (ii) resides within the State of Illinois and has been a
12 resident for the last 6 months (except the 6 months shall be
13 waived for members of the Armed Forces) and is a permanent
14 resident of the United States;

15 (iii) has a valid Firearm Owner's Identification Card,
16 except the 6 months shall be waived for members of the Armed
17 Forces who are not prohibited from owning or possessing a
18 firearm under federal law;

19 (iv) Has not been convicted of a crime punishable by
20 imprisonment for a term exceeding one year, or of a misdemeanor
21 evidencing violence, is not free on any form of bond or
22 pretrial release for a felony or a misdemeanor evidencing
23 violence, and has no outstanding warrants for those crimes;

24 (v) Has no record of mental disease or mental illness on
25 file that would evidence incapacity, or lack of proper mental

1 capacity;

2 (vi) Has not been committed to a State or federal facility
3 for the abuse of a controlled substance or cannabis and has not
4 been convicted of a misdemeanor violation of the Illinois
5 Controlled Substances Act or Cannabis Control Act or similar
6 laws of any other state relating to controlled substances or
7 cannabis within a 10 year period immediately preceding the date
8 on which the application is submitted;

9 (vii) Does not chronically and habitually use alcoholic
10 beverages as evidenced by the applicant having 2 or more
11 convictions for violating Section 11-501 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance within
13 5 years preceding his or her application or the applicant
14 having elected treatment under the supervision of a licensed
15 program in accordance with the Alcoholism and Other Drug Abuse
16 and Dependency Act or similar laws of any other state within a
17 5 year period immediately preceding the date on which the
18 application is submitted; and

19 (viii) Was a member of the Illinois General Assembly and at
20 least 10 years has passed since this Act took effect after
21 having voted against it.

22 Section 30. Contents of application. The initial
23 application shall be in writing, under oath and under the
24 penalties of perjury, on a standard form promulgated by the
25 county sheriff and shall be accompanied by the appropriate fees

1 and required documentation. The application shall only contain
2 or require the following information:

3 (i) the applicant's name, address, gender, race, date and
4 place of birth, and driver's license or State identification
5 card number;

6 (ii) an affirmation that the applicant is at least 21 years
7 of age and that the applicant possesses a currently valid
8 Illinois Firearm Owner's Identification Card, together with
9 the card number and a photocopy of the Firearm Owner's
10 Identification Card;

11 (iii) a full set of legible fingerprints of the applicant
12 taken by any federal, State, county, or municipal law
13 enforcement agency. Any cost of fingerprinting shall be paid by
14 the applicant. The State, county, or local law enforcement
15 agencies may not charge more than \$10 to fingerprint an
16 applicant;

17 (iv) a head and shoulder color photograph taken within 30
18 days preceding the date on which the application is submitted;

19 (v) questions to certify or demonstrate that the applicant
20 has completed the firearms and deadly use of force training and
21 education prerequisites specified under this Act and a
22 photocopy of a certificate or other evidence of completion of a
23 course to show compliance;

24 (vi) a statement that the applicant is a resident of the
25 State of Illinois and has been a resident for the last 6 months
26 (except the 6 months shall be waived for members of the Armed

1 Forces) and is a permanent resident of the United States;

2 (vii) a waiver of privacy and confidentiality rights and
3 privileges enjoyed by the applicant under all federal and State
4 laws governing justice, psychological, or psychiatric records,
5 or access to records relating to the applicant's history of
6 juvenile court, or criminal institutionalization, and an
7 affirmative request that any person having custody of any such
8 record provide it or information concerning it to the sheriff;

9 (viii) an affirmation that the applicant has never been
10 convicted of any felony or of a misdemeanor involving the use
11 or threat of physical force or violence to any person; and has
12 never been adjudicated a delinquent minor for an offense which,
13 had he or she been tried as an adult, would have been such a
14 felony or misdemeanor. The application shall also contain the
15 following statement along with a signature line for use by the
16 applicant, which statement the applicant shall affirm under
17 oath: "I, the undersigned, state, under oath and subject to the
18 penalty of perjury, that I am not a streetgang member as
19 defined in Section 10 of the Illinois Streetgang Terrorism
20 Omnibus Prevention Act, and I will not join or become
21 associated with a criminal streetgang."; and

22 (ix) a conspicuous warning that false statements made by
23 the applicant will result in prosecution for perjury in
24 accordance with Section 32-2 of the Criminal Code of 1961.

25 Section 35. Fees. Fees collected under this Act by the

1 Department of State Police shall be deposited into a Citizen
2 Safety and Self-Defense Trust Fund and shall be used
3 exclusively by the Department of State Police for
4 administering the provisions of this Act. Any excess monies in
5 the Fund may be used to ensure the prompt and efficient
6 processing of applications received under this Act. The portion
7 of the application fee retained by the office of the sheriff
8 shall be used for official expenses of the office associated
9 with this Act.

10 Fees for a concealed firearms permit shall be:

11 New permit....\$100

12 Renewal....\$75

13 Duplicate of a lost or destroyed permit....\$25

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

15 Late renewal fee...\$25

16 Section 40. Approval of application. If the Department of
17 State Police finds that the applicant possesses a valid Firearm
18 Owner's Identification Card, meets the training requirements
19 of this Act, and has provided the documentation and paid the
20 fees required for issuance of a concealed firearms permit, and
21 that, as nearly as it is possible to determine, nothing in the
22 applicant's background or present circumstances disqualify him
23 or her from possessing a firearm in Illinois, the Department of
24 State Police shall approve the application and issue the
25 applicant a wallet sized permit bearing the photograph, name,

1 and address of the applicant and identifying the office issuing
2 the permit within 30 days from receipt of the application from
3 the sheriff.

4 Section 45. Revocation of a permit.

5 (a) A permit issued under Section 35 shall be suspended or
6 revoked if the permit holder becomes ineligible to be issued a
7 permit under the criteria set forth in paragraph (i), (ii),
8 (iii), (iv), (v), (vi), or (vii) of Section 25 or subsection
9 (b) of Section 20 of this Act. When an order of protection is
10 issued under Section 112A-14 of the Code of Criminal Procedure
11 of 1963 or under Section 214 of the Illinois Domestic Violence
12 Act of 1986 against a person holding a permit issued under this
13 Act, the holder of the permit shall surrender the permit to the
14 court or to the officer serving the order. The officer to whom
15 the permit is surrendered shall forthwith transmit the permit
16 to the court issuing the order. The permit shall be suspended
17 until the order is terminated.

18 (b) When a permittee becomes ineligible under this Act, he
19 or she shall surrender the permit to the court upon conviction
20 for a disqualifying offense. When a permittee becomes ineligible
21 because of a revocation of their FOID card, upon notice of the
22 revocation, they shall remit the permit within 72 hours to the
23 Department of State Police.

24 Section 50. Notification of renewal. Not later than 120

1 days before the expiration of any permit issued under this Act,
2 the Department of State Police shall notify the permit holder
3 in writing of the expiration and furnish an application for
4 renewal of the permit.

5 Section 55. Renewal of permit.

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

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

19 Section 60. Change of address, change of name, and lost or
20 destroyed permits.

21 (a) Within 30 days after changing his or her permanent
22 residence, and within 30 days after loss or destruction of a
23 concealed firearms permit, the permittee shall notify the
24 sheriff of the loss, destruction, change of name, or change of

1 residence. Failure to notify the Department of State Police
2 shall constitute a noncriminal violation with a penalty of \$25
3 payable to the Department of State Police.

4 (b) If a person issued a permit to carry a concealed
5 firearm changes residence within this State, or changes his or
6 her name, the person to whom the permit was issued may, upon
7 payment of \$25 and presentation of their current permit to the
8 Department of State Police, obtain a corrected concealed
9 firearms permit with a change of address or change of name upon
10 furnishing a notarized statement to the Department of State
11 Police that the permittee has changed residence or his or her
12 name, and upon submission of an application as set forth in
13 paragraph (i) of Section 30 and a photograph as set forth in
14 paragraph (iv) of Section 30. A concealed firearms permit shall
15 be automatically invalid after 90 days if the permittee has not
16 notified the Department of State Police of a change of
17 residence. A permit corrected under this subsection shall be
18 issued in 48 hours.

19 (c) If a permit to carry a concealed firearm is lost or
20 destroyed, the permit shall be automatically invalid, and the
21 person to whom the permit was issued may obtain a duplicate,
22 upon payment of \$25 to the Department of State Police and
23 furnishing a notarized statement to the Department of State
24 Police that the permit was lost or destroyed, and submission of
25 an application as set forth in paragraph (i) of Section 30 and
26 a photograph as set forth in paragraph (iv) of Section 30.

1 Section 65. Automated listing. The Department of State
2 Police shall maintain an automated listing of permit holders in
3 the L.E.A.D.S. system, and this information shall be available
4 on-line, upon request, at all times to all Illinois law
5 enforcement agencies. Except as provided in this Act,
6 information on applications for permits, names and addresses,
7 or other identifying information relating to permit holders
8 shall be confidential and shall not be made available except to
9 law enforcement agencies.

10 Section 70. Privacy of permit holders and applicants.
11 Except as provided in this Section, information on applications
12 for permits, names and addresses, or other identifying
13 information relating to permit holders shall be confidential,
14 not subject to the Illinois Freedom of Information Act, and
15 shall not be made available except to law enforcement agencies.

16 Requests for information about any permit holder or
17 applicant made by persons other than a bona fide law
18 enforcement agency shall be made in writing together with any
19 fee required for providing the information.

20 No State or local law enforcement agency shall provide a
21 list of names of any or all holders or applicants in the State
22 of Illinois or a county licensed to carry a concealed firearm,
23 except that the Department of State Police or sheriff may, upon
24 proper application and the payment of the required fee, provide

1 to the requester, in written form only, confirmation that an
2 individual has or has not been issued, applied for, or denied a
3 permit, or had a permit revoked under this Act. No identifying
4 information other than the name shall be provided.

5 Only the Department of State Police or sheriff may provide
6 statistical information on:

7 (i) the number of permits or applicants issued or received;

8 (ii) the race, age, or gender of those issued permits or
9 applicants;

10 (iii) the county of residence of those issued permits or
11 applicants;

12 (iv) the number of permits revoked and for what reason.

13 Nothing in this Section shall prevent any law enforcement
14 agency from releasing information about an individual as part
15 of a criminal investigation.

16 The names of all persons, other than law enforcement
17 agencies and peace officers, requesting information under this
18 Section shall be public records. No agency of government other
19 than the Department of State Police or sheriff shall provide
20 any information to a requester not entitled to it under this
21 Act.

22 Section 75. Concealed firearms permit.

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

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

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

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

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

14 (iv) Any meeting of the governing body of a unit of local
15 government; or any meeting of the General Assembly or a
16 committee of the General Assembly, except that nothing in this
17 paragraph shall preclude a member of the body or lobbyist
18 registered with the Secretary of State, or credentialed member
19 of the media holding a concealed firearms permit from carrying
20 a concealed firearm at a meeting of the body. The General
21 Assembly or a county or municipality may by statute or
22 ordinance prohibit or limit the carrying of concealed firearms
23 by permit holders, other than permittees described in this
24 paragraph (iv), in that portion of a building owned, leased or
25 controlled by that unit of government. That portion of a
26 building in which the carrying of concealed firearms is

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

15 (v) Any portion of an establishment licensed to dispense
16 beer or alcoholic beverages for consumption on the premises,
17 which portion of the establishment is primarily devoted to that
18 purpose. This paragraph (v) does not apply to any bona fide
19 restaurant open to the general public having dining facilities
20 or banquet facility for at least 25 persons and that receives
21 at least 50% of its gross annual income from the dining
22 facilities by the sale of food.

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

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

1 (viii) Inside any elementary or secondary school facility
2 without the consent of school authorities.

3 (ix) Any portion of a building used as a child care
4 facility without the consent of the manager. Nothing in this
5 Section or any other law shall prevent the operator of a child
6 care facility in a family home from owning or possessing a
7 firearm or permit.

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

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

11 (xii) Any stadium, arena, or collegiate or professional
12 sporting event.

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

14 A violation of this subsection (a) is a Class A
15 misdemeanor. A concealed firearm permit does not authorize the
16 concealed carrying or transportation of a stun gun or taser.

17 (b) The owner, business or commercial lessee, manager of a
18 private business enterprise, or any other organization,
19 entity, or person may prohibit persons holding a permit for
20 concealed firearms from carrying concealed firearms on the
21 premises and may prohibit employees, not under a collective
22 bargaining agreement, not authorized by the employer, holding a
23 permit for concealed firearms from carrying concealed firearms
24 on the property of the employer. If the building or the
25 premises are open to the public, the employer of the business
26 enterprise shall post signs on or about the premises if

1 carrying a concealed firearm is prohibited. Possession of a
2 firearm in a vehicle on the premises shall not be a criminal
3 offense so long as the firearm is not removed from the vehicle
4 or brandished while the vehicle is on the premises. An employer
5 may prohibit employees, not under a collective bargaining
6 agreement, or other persons holding a permit for a concealed
7 firearm from carrying a concealed firearm in vehicles owned by
8 the employer. Carrying of a concealed firearm in a location
9 specified in this subsection by a permit holder shall not be a
10 criminal act but may subject the person to denial to the
11 premises or removal from the premises.

12 (c) Any owner, business or commercial lessee, manager of a
13 private business enterprise, or any other organization,
14 entity, or person that prohibits persons holding a permit for
15 concealed firearms from carrying concealed firearms on the
16 premises shall be civilly liable for any injury from a criminal
17 act upon a person holding a permit for carrying a concealed
18 firearm who was prohibited from carrying a concealed firearm on
19 the premises.

20 Section 80. Immunity, employees, and agents. The office of
21 the county sheriff, or any employee or agent of the county
22 sheriff, or Department of State Police shall not be liable for
23 damages in any civil action arising from alleged wrongful or
24 improper granting, renewing, or failure to revoke permits
25 issued under this Act except for willful and wanton misconduct.

1 The office of the county sheriff or any employee or agent of
2 the office of the county sheriff shall not be liable for
3 submitting specific and articulable reasons why an applicant
4 should be denied a permit, unless the objection contains false,
5 malicious or inaccurate information. The sheriff or municipal
6 police department filing the objection shall bear all of the
7 applicant's costs if the applicant prevails in an appeal.

8 Section 85. Applicant training.

9 (a) The applicant training course shall be the standardized
10 training course furnished by the Board and taught by a
11 qualified firearms instructor, consisting of:

12 (1) Eight hours of classroom instruction, covering at
13 least the following topics:

14 (i) handgun safety in the classroom, at home, on
15 the firing range and while carrying the firearm;

16 (ii) the basic principles of marksmanship;

17 (iii) care and cleaning of handguns;

18 (iv) by means of a videotape produced or approved
19 by the Board:

20 (A) the requirements for obtaining a concealed
21 firearms permit in this State;

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

1 (C) laws relating to the justifiable use of
2 force as prescribed in Article 7 of the Criminal
3 Code of 1961;

4 (v) a written exam not to exceed 50 questions
5 testing the knowledge of the applicant on the subject
6 matter covered in the course.

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

9 (i) from a standing position;

10 (ii) a minimum of 20 rounds;

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

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

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

19 (2) Applicant training course students shall complete a
20 course application form prescribed by the Department of State
21 Police, which shall include a statement acknowledging receipt
22 of copies of pertinent statutory provisions listed in clauses
23 (A), (B), and (C) of subparagraph (iv) of paragraph (1) of
24 subsection (a) and a liability waiver.

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

1 (d) At the conclusion of the classroom portion of the
2 applicant training course, the qualified firearms instructor
3 shall:

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

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

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

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

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

15 (e) A person shall not:

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

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

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

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

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

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

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

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

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

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

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

15 (h) Certified firearms instructors shall:

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

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

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

22 (i) (1) Fees for applicant training courses shall be set by
23 the instructor.

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

26 (3) Fees shall not be refunded to students who fail or

1 otherwise do not complete the course.

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

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

7 (1) grade the examinations, and

8 (2) mail to the Board:

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

13 (ii) the graded examinations.

14 (l) Within 15 days after receipt of the material described
15 in subsection (1), the Board shall mail to the applicant:

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

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

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

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

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

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

1 (ii) Students who do not achieve a grade of "passing" on
2 the range work may repeat the range work twice without having
3 to retake the course.

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

7 Section 90. Firearms instructor certification. The Board
8 shall certify instructors who have met the requirements of this
9 Section.

10 (a) Persons who are not certified firearms instructors
11 shall not teach applicant training courses.

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

16 (c) Persons who are not certified instructor trainers shall
17 not teach instructor qualification courses.

18 (d) Persons wishing to become certified firearms
19 instructors shall:

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

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

22 (3) meet the requirements of subsection (b) of Section
23 20. Persons wishing to become instructor trainers, in
24 addition to the other requirements of this subsection (d),
25 shall:

1 (A) possess at least a high school diploma or GED
2 certificate,

3 (B) have at least one of the following valid
4 firearms instructor certifications:

5 (I) National Rifle Association Personal
6 Protection Instructor;

7 (II) National Rifle Association Pistol
8 Marksmanship Instructor;

9 (III) Certification from a firearms
10 instructor's course offered by a State or federal
11 governmental agency; or

12 (IV) A similar firearms instructor qualifying
13 course, approved by the Illinois Law Enforcement
14 Training Standards Board.

15 (e) (1) Applicants shall agree to background checks.

16 (2) An applicant may be disqualified from becoming a
17 certified instructor, or have his or her instructor
18 qualification revoked if the applicant:

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

21 (B) provides false or misleading information to the
22 Board; or

23 (C) has had a prior instructor qualification revoked by
24 the Board.

25 (f) The training course to certify firearms instructors and
26 instructor trainers shall include:

1 (1) 16 hours of classroom instruction covering at least the
2 following topics:

3 (i) By means of a videotape produced or approved by the
4 Board:

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

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

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

12 (D) the conduct of applicant training courses;

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

14 (F) the basic nomenclature of handguns;

15 (G) the basic principles of marksmanship; and

16 (H) the safe handling of handguns.

17 (2) A classroom demonstration, during which the
18 instructor candidate shall receive instruction on and
19 demonstrate competency in the ability to prepare and
20 deliver a classroom presentation using materials from the
21 applicant curriculum.

22 (3) Range instruction and firing of live ammunition,
23 during which the instructor candidate shall receive
24 instruction on and demonstrate competency in the ability
25 to:

26 (i) handle and fire a handgun safely and

1 accurately;

2 (ii) conduct a function test and safety inspection
3 of common types of handguns;

4 (iii) clean common types of handguns; and

5 (iv) supervise and conduct live firing exercises
6 in a safe and efficient manner.

7 (g) To qualify as a certified firearms instructor or
8 instructor trainer, instructor candidates shall achieve:

9 (1) A minimum score of 70% on a written examination
10 covering the material taught during the classroom portion
11 of the course;

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

16 (i) ten rounds from 7 yards; and

17 (ii) ten rounds from 15 yards; and

18 (iii) a score of "passing" from the course
19 instructor for demonstrating competency in each of the
20 following:

21 (A) Supervising and conducting live fire;

22 (B) Cleaning and inspecting handguns; and

23 (C) Preparing and delivering the classroom
24 lecture.

25 (h) Instructor candidates who fail to meet the minimum
26 requirements of subsection (g) of this Section may retake the

1 examination, range work, or classroom demonstration one time
2 without having to repeat the course.

3 (i) Qualified firearms instructor and instructor trainer
4 certificates shall be valid for 5 years from the date of
5 issuance. Qualified firearms instructors or instructor
6 trainers may renew their certification by successfully
7 completing a refresher course offered or approved by the Board.

8 (j) The fees for instructor trainer or refresher courses
9 shall be \$100 per student.

10 (1) The fees for qualified instructor courses shall be
11 no more than \$100 per student. The instructor trainer shall
12 remit \$25 per student to the Board.

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

15 (k) Course participants shall provide their own safe,
16 functional handgun and factory-loaded ammunition.

17 (l) Prior to conducting range firing, the course instructor
18 shall:

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

20 (ii) not allow the firing of a handgun which is not in
21 sound mechanical condition or otherwise may pose a safety
22 hazard.

23 Section 95. Study. The Secretary of State shall conduct a
24 study to determine the cost and feasibility of creating a
25 method of adding an identifiable code, background, or other

1 means to show that an individual has been issued a permit to
2 carry a concealed firearm by the sheriff on the person's
3 driver's license or State identification card.

4 Section 100. Report. By March 1 of each year, the
5 Department of State Police shall submit a statistical report to
6 the Governor, the President of the Senate and the Speaker of
7 the House of Representatives, indicating the number of permits
8 issued, revoked, suspended, denied and issued after appeal in
9 the previous calendar year and in total and also the number of
10 permits currently valid. The report shall also include the
11 number of arrests, convictions and types of crimes in the
12 previous calendar year by individuals issued permits to carry a
13 concealed firearm.

14 Section 105. Preemption. The regulating of carrying
15 firearms being an exclusive function of the State under Section
16 24-1 and 24-1.6 of the Criminal Code of 1961, an ordinance of a
17 unit of local government, including a home rule unit, is
18 invalid if it is inconsistent with the Family and Personal
19 Protection Act or Section 24-1 and 24-1.6 of the Criminal Code
20 of 1961. It is declared to be the policy of this State that the
21 regulation of the right to carry concealed firearms and the
22 issuance of permits to carry concealed firearms is an exclusive
23 power and function of the State. A home rule unit may not
24 regulate the carrying of concealed firearms. This Section is a

1 denial and limitation of home rule powers and functions under
2 subsection (h) of Section 6 of Article VII of the Illinois
3 Constitution.

4 Section 110. The Illinois Police Training Act is amended by
5 adding Section 10.6 as follows:

6 (50 ILCS 705/10.6 new)

7 Sec. 10.6. Family and Personal Protection Act training
8 course. The Board shall initiate, develop, and oversee a
9 training course for the Family and Personal Protection Act
10 pursuant to that Act. The training course shall include all of
11 the subjects enumerated in the Family and Personal Protection
12 Act. The Board shall issue a certificate to those persons
13 successfully completing the course according to that Act.

14 Section 120. The Criminal Code of 1961 is amended by
15 changing Section 24-2 as follows:

16 (720 ILCS 5/24-2)

17 Sec. 24-2. Exemptions.

18 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
19 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
20 the following:

21 (1) Peace officers, and any person summoned by a peace
22 officer to assist in making arrests or preserving the

1 peace, while actually engaged in assisting such officer.

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

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

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

18 (5) Persons licensed as private security contractors,
19 private detectives, or private alarm contractors, or
20 employed by an agency certified by the Department of
21 Professional Regulation, if their duties include the
22 carrying of a weapon under the provisions of the Private
23 Detective, Private Alarm, Private Security, Fingerprint
24 Vendor, and Locksmith Act of 2004, while actually engaged
25 in the performance of the duties of their employment or
26 commuting between their homes and places of employment,

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

15 (6) Any person regularly employed in a commercial or
16 industrial operation as a security guard for the protection
17 of persons employed and private property related to such
18 commercial or industrial operation, while actually engaged
19 in the performance of his or her duty or traveling between
20 sites or properties belonging to the employer, and who, as
21 a security guard, is a member of a security force of at
22 least 5 persons registered with the Department of
23 Professional Regulation; provided that such security guard
24 has successfully completed a course of study, approved by
25 and supervised by the Department of Professional
26 Regulation, consisting of not less than 40 hours of

1 training that includes the theory of law enforcement,
2 liability for acts, and the handling of weapons. A person
3 shall be considered eligible for this exemption if he or
4 she has completed the required 20 hours of training for a
5 security officer and 20 hours of required firearm training,
6 and has been issued a firearm control card by the
7 Department of Professional Regulation. Conditions for the
8 renewal of firearm control cards issued under the
9 provisions of this Section shall be the same as for those
10 cards issued under the provisions of the Private Detective,
11 Private Alarm, Private Security, Fingerprint Vendor, and
12 Locksmith Act of 2004. Such firearm control card shall be
13 carried by the security guard at all times when he or she
14 is in possession of a concealable weapon.

15 (7) Agents and investigators of the Illinois
16 Legislative Investigating Commission authorized by the
17 Commission to carry the weapons specified in subsections
18 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
19 any investigation for the Commission.

20 (8) Persons employed by a financial institution for the
21 protection of other employees and property related to such
22 financial institution, while actually engaged in the
23 performance of their duties, commuting between their homes
24 and places of employment, or traveling between sites or
25 properties owned or operated by such financial
26 institution, provided that any person so employed has

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

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

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

26 (11) Investigators of the Office of the State's

1 Attorneys Appellate Prosecutor authorized by the board of
2 governors of the Office of the State's Attorneys Appellate
3 Prosecutor to carry weapons pursuant to Section 7.06 of the
4 State's Attorneys Appellate Prosecutor's Act.

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

7 (12.5) Probation officers while in the performance of
8 their duties, or while commuting between their homes,
9 places of employment or specific locations that are part of
10 their assigned duties, with the consent of the chief judge
11 of the circuit for which they are employed.

12 (13) Court Security Officers while in the performance
13 of their official duties, or while commuting between their
14 homes and places of employment, with the consent of the
15 Sheriff.

16 (13.5) A person employed as an armed security guard at
17 a nuclear energy, storage, weapons or development site or
18 facility regulated by the Nuclear Regulatory Commission
19 who has completed the background screening and training
20 mandated by the rules and regulations of the Nuclear
21 Regulatory Commission.

22 (14) Manufacture, transportation, or sale of weapons
23 to persons authorized under subdivisions (1) through
24 (13.5) of this subsection to possess those weapons.

25 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
26 24-1.6 do not apply to or affect any of the following:

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

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

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

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

13 (5) Carrying or possessing any pistol, revolver, stun
14 gun or taser or other firearm on the land or in the legal
15 dwelling of another person as an invitee with that person's
16 permission.

17 (6) 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 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
16 24-1.6 do not apply to or affect any parole agent or parole
17 supervisor who meets the qualifications and conditions
18 prescribed in Section 3-14-1.5 of the Unified Code of
19 Corrections.

20 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
21 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
22 athlete's possession, transport on official Olympic and
23 Paralympic transit systems established for athletes, or use of
24 competition firearms sanctioned by the International Olympic
25 Committee, the International Paralympic Committee, the
26 International Shooting Sport Federation, or USA Shooting in

1 connection with such athlete's training for and participation
2 in shooting competitions at the 2016 Olympic and Paralympic
3 Games and sanctioned test events leading up to the 2016 Olympic
4 and Paralympic Games.

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

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

23 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
24 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
25 96-742, eff. 8-25-09; revised 10-9-09.)

26 Section 999. Effective date. This Act takes effect upon

1 becoming law.