



Rep. Robert F. Flider

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LRB096 20996 RLJ 39476 a

1 AMENDMENT TO HOUSE BILL 6384

2 AMENDMENT NO. _____. Amend House Bill 6384 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 3.1-30-20 as follows:

6 (65 ILCS 5/3.1-30-20) (from Ch. 24, par. 3.1-30-20)

7 Sec. 3.1-30-20. Auxiliary police officers.

8 (a) Auxiliary police officers shall not be members of the
9 regular police department of the municipality. Auxiliary
10 police officers shall not supplement members of the regular
11 police department of any municipality in the performance of
12 their assigned and normal duties, except as otherwise provided
13 in this Code. Auxiliary police officers shall only be assigned
14 to perform the following duties in a municipality: (i) to aid
15 or direct traffic within the municipality, (ii) to aid in
16 control of natural or man made disasters, and (iii) to aid in

1 case of civil disorder as directed by the chief of police. When
2 it is impractical for members of the regular police department
3 to perform those normal and regular police duties, however, the
4 chief of police of the regular police department may assign
5 auxiliary police officers to perform those normal and regular
6 police duties. Identification symbols worn by auxiliary police
7 officers shall be different and distinct from those used by
8 members of the regular police department. Auxiliary police
9 officers shall at all times during the performance of their
10 duties be subject to the direction and control of the chief of
11 police of the municipality. Auxiliary police officers shall not
12 carry firearms, except with the permission of the chief of
13 police and while in uniform and in the performance of their
14 duties. Auxiliary police officers, when on duty, shall also be
15 conservators of the peace and shall have the powers specified
16 in Section 3.1-15-25.

17 (b) Auxiliary police officers, before entering upon any of
18 their duties, shall receive a course of training in the use of
19 weapons and other police procedures appropriate for the
20 exercise of the powers conferred upon them under this Code. The
21 training and course of study shall be determined and provided
22 by the corporate authorities of each municipality employing
23 auxiliary police officers. Before being permitted to carry a
24 firearm, however, an auxiliary police officer must have the
25 same course of training as required of peace officers under
26 Section 2 of the Peace Officer Firearm Training Act. The

1 municipal authorities may require that all auxiliary police
2 officers be residents of the municipality served by them.
3 Before the appointment of an auxiliary police officer, the
4 person's fingerprints shall be taken, and no person shall be
5 appointed as an auxiliary police officer if that person has
6 been convicted of a felony or other crime involving moral
7 turpitude.

8 (b-5) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
9 24-1.6 of the Criminal Code of 1961 do not apply to auxiliary
10 police officers who meet the following conditions:

11 (1) The auxiliary police officer must receive training
12 in the use of firearms while off-duty conducted by the
13 Illinois Law Enforcement Training Standards Board or a
14 substantially equivalent entity and be certified as having
15 successfully completing such training. The Illinois Law
16 Enforcement Training Standards Board shall determine the
17 amount of such training and the course content for such
18 training. The Illinois Law Enforcement Training Standards
19 Board may impose reasonable fees for conducting the
20 training. Before a person may undergo firearms training
21 under this subsection (b-5), the local law enforcement
22 agency that the person serves must provide documentation to
23 the Illinois Law Enforcement Training Standards Board
24 verifying that the person is an auxiliary police officer.
25 The auxiliary police officer shall requalify for the
26 firearms training annually at a State-certified range.

1 (2) The auxiliary police officer must possess a valid
2 Firearm Owner's Identification Card.

3 (3) The auxiliary police officer must register the
4 firearm with the local law enforcement agency that the
5 auxiliary police officer serves and any other local law
6 enforcement agency that requires such registration.

7 (b-10) Except for gross negligence and willful and wanton
8 misconduct, neither the Illinois Law Enforcement Training
9 Standards Board nor the agents, employees, or representatives
10 of the Board shall be liable for damages, injuries, or deaths
11 arising from or in connection with the use of a firearm by an
12 auxiliary police officer trained by the Board.

13 (c) The Line of Duty Compensation Act shall be applicable
14 to auxiliary police officers upon their death in the line of
15 duty described in this Code.

16 (Source: P.A. 94-984, eff. 6-30-06.)

17 Section 10. The Criminal Code of 1961 is amended by
18 changing Section 24-2 as follows:

19 (720 ILCS 5/24-2)

20 Sec. 24-2. Exemptions.

21 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
22 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
23 the following:

24 (1) Peace officers, and any person summoned by a peace

1 officer to assist in making arrests or preserving the
2 peace, while actually engaged in assisting such officer.

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

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

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

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

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

16 (6) Any person regularly employed in a commercial or
17 industrial operation as a security guard for the protection
18 of persons employed and private property related to such
19 commercial or industrial operation, while actually engaged
20 in the performance of his or her duty or traveling between
21 sites or properties belonging to the employer, and who, as
22 a security guard, is a member of a security force of at
23 least 5 persons registered with the Department of
24 Professional Regulation; provided that such security guard
25 has successfully completed a course of study, approved by
26 and supervised by the Department of Professional

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

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

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

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

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

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

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

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

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

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

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

23 (14) Manufacture, transportation, or sale of weapons
24 to persons authorized under subdivisions (1) through
25 (13.5) of this subsection to possess those weapons.

26 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any of the following:

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

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

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

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

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

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

20 (1) Peace officers while in performance of their
21 official duties.

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

25 (3) Members of the Armed Services or Reserve Forces of
26 the United States or the Illinois National Guard, while in

1 the performance of their official duty.

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

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

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

24 (6) The manufacture, transport, testing, delivery,
25 transfer or sale, and all lawful commercial or experimental
26 activities necessary thereto, of rifles, shotguns, and

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

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

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

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

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

24 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
25 Section 24-1.6 do not apply to members of any club or
26 organization organized for the purpose of practicing shooting

1 at targets upon established target ranges, whether public or
2 private, while using their firearms on those target ranges.

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

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

8 (2) Bonafide collectors of antique or surplus military
9 ordinance.

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

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

22 (g-5) Subsection 24-1(a)(6) does not apply to or affect
23 persons licensed under federal law to manufacture any device or
24 attachment of any kind designed, used, or intended for use in
25 silencing the report of any firearm, firearms, or ammunition
26 for those firearms equipped with those devices, and actually

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

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

18 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
19 24-1.6 do not apply to or affect any auxiliary police officer
20 who meets the qualifications and conditions prescribed in
21 subsection (b-5) of Section 3.1-30-20 of the Illinois Municipal
22 Code.

23 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
24 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
25 athlete's possession, transport on official Olympic and
26 Paralympic transit systems established for athletes, or use of

1 competition firearms sanctioned by the International Olympic
2 Committee, the International Paralympic Committee, the
3 International Shooting Sport Federation, or USA Shooting in
4 connection with such athlete's training for and participation
5 in shooting competitions at the 2016 Olympic and Paralympic
6 Games and sanctioned test events leading up to the 2016 Olympic
7 and Paralympic Games.

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

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

26 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;

1 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
2 96-742, eff. 8-25-09; revised 10-9-09.)".