

SB3292



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3292

Introduced 2/9/2010, by Sen. Dale E. Risinger

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 5/24-2

Creates the Concealed Carry Permit Pilot Program Act. Establishes a 2 year pilot program based in the City of Peoria that allows the City to issue a permit to a resident of Peoria, who meets the qualifications provided in this Act, authorizing the resident to carry a concealed handgun within the boundaries of the City of Peoria. Amends the Criminal Code of 1961 to make conforming changes. Effective immediately.

LRB096 19869 RLC 35327 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Concealed Carry Permit Pilot Program Act.

6 Section 5. Concealed Carry Permit Pilot Program; general
7 provisions.

8 (a) Purpose. The purposes of this Act are:

9 (1) To establish a 2 year pilot program based in the
10 City of Peoria that allows the City to issue a permit to a
11 resident of Peoria, who meets the qualifications provided
12 in this Act, authorizing the resident to carry a concealed
13 handgun within the boundaries of the City of Peoria;

14 (2) To gather data on operation of the pilot program;
15 and

16 (3) To gather data on the crime rate within the City of
17 Peoria before and during the period the concealed carry
18 pilot program is in operation.

19 (b) Structure.

20 (1) There is established a pilot program based in the
21 City of Peoria, known as the Concealed Carry Pilot Program
22 or Pilot Program, to authorize the City of Peoria to issue
23 a permit to a resident of Peoria, who meets the

1 qualifications provided in this Act, authorizing the
2 resident to carry a concealed handgun within the boundaries
3 of the City of Peoria.

4 (2) The Pilot Program shall be administered by the City
5 of Peoria in accordance with the provisions of this Act.

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

7 "CCPD" means the Concealed Carry Program Director.

8 "City" means the City of Peoria unit of local government in
9 Peoria, Illinois.

10 "Concealed Carry Permit Director" means the city official
11 or city department designated through a city ordinance to
12 administer the Pilot Program and to issue the concealed carry
13 permits under the provisions of this Act.

14 "Concealed firearm" means a handgun carried on or about a
15 person completely or mostly concealed from view of the public,
16 or carried in a vehicle in such a way as it is concealed from
17 view of the public.

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

20 "Permit" means a permit to carry a concealed firearm issued
21 by the Concealed Carry Permit Director.

22 "Permittee" means a person who is issued a permit to carry
23 a concealed firearm by the Concealed Carry Permit Director.

24 "Resident" means a person who maintains his or her domicile
25 within the boundaries of the City of Peoria and has resided

1 there for at least one year.

2 Section 15. Pilot Program authority. The City of Peoria may
3 conduct a concealed firearm permit pilot program, pursuant to
4 the provisions of this Act, within the City of Peoria
5 commencing 120 days after the effective date of this Act and
6 ending January 1, 2013. The City must authorize, by ordinance,
7 a city official or city department to administer the pilot
8 program and to issue the concealed carry permits pursuant to
9 the provisions of this Act, to be known as the Concealed Carry
10 Permit Director, hereinafter referred to as the "CCPD".

11 Section 20. Permit for concealed firearms. The Concealed
12 Carry Permit Director is authorized to issue permits to carry
13 concealed firearms to residents qualified as provided in this
14 Act. Permits to carry concealed firearms shall be valid
15 throughout the City of Peoria until January 1, 2013. Any
16 resident in compliance with the terms of the permit may carry
17 concealed firearms on or about his or her person. The permittee
18 shall carry the permit at all times the permittee is carrying a
19 concealed firearm and shall display the permit upon the request
20 of a law enforcement officer.

21 Section 25. Application for permit and qualifications of
22 applicants.

23 (a) A resident applying for a permit shall obtain the

1 application from the CCPD. The completed application and all
2 accompanying material plus the application fee shall be
3 presented to the CCPD.

4 The CCPD shall evaluate the application and accompanying
5 material, and within 30 days, the CCPD shall either issue or
6 deny the permit.

7 (b) The CCPD, upon a resident's application for a concealed
8 firearms permit, upon receipt of the appropriate fees, and
9 after compliance with the procedures set out in this Section,
10 shall issue the applicant a concealed firearms permit if the
11 person:

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

13 (ii) resides within the City of Peoria and has been a
14 resident for the last 12 months and is a permanent resident
15 of the United States;

16 (iii) has a valid Firearm Owner's Identification Card;

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

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

26 (vi) Has not been committed to a state or federal

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

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

19 Section 30. Contents of application. The application shall
20 be in writing, under oath and under the penalties of perjury,
21 on a form promulgated by the CCPD and shall be accompanied by
22 the appropriate fees and required documentation. The
23 application shall contain or require the following
24 information:

25 (i) the applicant's name, address, gender, race, date

1 and place of birth, and driver license or State
2 identification card number;

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

8 (iii) a full set of legible fingerprints of the
9 applicant taken by any federal, State, county or municipal
10 law enforcement agency. Any cost of fingerprinting shall be
11 paid by the applicant;

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

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

20 (vi) a statement that the applicant is a resident of
21 the City of Peoria and has been a resident for the last 12
22 months and is a permanent resident of the United States;

23 (vii) a waiver of privacy and confidentiality rights
24 and privileges enjoyed by the applicant under all federal
25 and state laws governing justice, psychological, or
26 psychiatric records, or access to records relating to the

1 applicant's history of juvenile court, or criminal
2 institutionalization, and an affirmative request that any
3 person having custody of any such record provide it or
4 information concerning it to the CCPD;

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

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

22 Section 35. Fees. Fees collected under this Act shall be
23 used exclusively by the CCPD and the City for administrating
24 the provisions of this Act.

25 The City shall establish the fees provided for in this Act

1 in an amount sufficient to cover the cost of administering the
2 pilot program but not to exceed:

3 \$100 for a permit.

4 \$25 for a duplicate of a lost or destroyed permit.

5 \$25 for a corrected permit due to change of address or
6 name.

7 Section 40. Approval of application.

8 (a) If the CCPD finds that the applicant possesses a valid
9 Firearm Owner's Identification Card, meets the training
10 requirements of this Act, and has provided the documentation
11 and paid the fees required for issuance of a concealed firearms
12 permit, and that, as nearly as it is possible to determine,
13 nothing in the applicant's background or present circumstances
14 disqualify him or her from possessing a firearm in Illinois,
15 the CCPD shall approve the application and issue the applicant
16 a wallet sized permit bearing the photograph, name, and address
17 of the applicant within 30 days.

18 (b) The CCPD may consider an objection or recommendation
19 made by the sheriff, State Police, or municipal police
20 department supported by specific and articulable reasons, in a
21 written report, why the applicant should be denied a permit and
22 may deny the permit based solely on those objections. If the
23 objection contains false, malicious or inaccurate information,
24 the sheriff, State Police, or municipal police department
25 filing the objection shall bear all of the applicant's costs if

1 the applicant prevails in an appeal.

2 (c) If the applicant is found to be ineligible, the CCPD
3 shall deny the application, and notify the applicant in
4 writing, stating the grounds for denial and informing the
5 applicant of the right to submit, within 30 days, any
6 additional documentation relating to the grounds of the denial.
7 Upon receiving any additional documentation, the CCPD shall
8 reconsider his or her decision and inform the applicant within
9 30 days of the result of the reconsideration. Since this is a
10 pilot program, the applicant shall not have the right to appeal
11 the denial in the circuit court of his or her place of
12 residence.

13 Section 45. Revocation or suspension of a permit. A permit
14 issued under Section 40 shall be revoked if the permit holder
15 becomes ineligible to be issued a permit under the criteria set
16 forth in paragraph (i), (ii), (iii), (iv), (v), (vi), or (vii)
17 of Section 30 or subsection (b) of Section 40 of this Act.

18 When an order of protection is issued under Section 112A-14
19 of the Code of Criminal Procedure of 1963 or under Section 214
20 of the Illinois Domestic Violence Act of 1986 against a person
21 holding a permit issued under this Act, the holder of the
22 permit shall surrender the permit to the court or to the
23 officer serving the order. The officer to whom the permit is
24 surrendered shall forthwith transmit the permit to the court
25 issuing the order. The permit shall be suspended until the

1 order is terminated.

2 Section 50. Change of address, change of name, and lost or
3 destroyed permits.

4 (a) Within 30 days after changing his or her permanent
5 residence within the City of Peoria, and within 30 days after
6 loss or destruction of a concealed firearms permit, the
7 permittee shall notify the CCPD of the loss, destruction,
8 change of name, or change of residence. Failure to notify the
9 CCPD shall constitute a noncriminal violation with a penalty of
10 \$25 payable to the CCPD.

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

25 (c) If a permit to carry a concealed firearm is lost or

1 destroyed, the permit shall be automatically invalid, and the
2 person to whom the permit was issued may obtain a duplicate,
3 upon payment of \$25 to the CCPD and furnishing a notarized
4 statement to the CCPD that the permit was lost or destroyed,
5 and submission of an application as set forth in paragraph (i)
6 of Section 30 and a photograph as set forth in paragraph (iv)
7 of Section 30.

8 (d) A concealed firearms permit shall be automatically
9 invalid if the permittee has moved his or her residence outside
10 of the city.

11 Section 55. Listing.

12 (a) At least monthly, the CCPD shall transmit a listing of
13 all individuals to whom the CCPD has issued or revoked a permit
14 under this Act to the City Police Department. That listing
15 shall contain the name, address, gender, race, date and place
16 of birth, and driver license or State identification card
17 number.

18 (b) The City Police Department shall maintain the listing
19 of permit holders, and shall make available, upon request, at
20 all times to any law enforcement agency.

21 Section 60. Privacy of permit holders and applicants.
22 Except as provided in this Section, information on applications
23 for permits, names and addresses, or other identifying
24 information relating to permit holders shall be confidential,

1 not subject to the Illinois Freedom of Information Act, and
2 shall not be made available except to law enforcement agencies.

3 No State or local law enforcement agency shall provide a
4 list of names of any or all holders or applicants licensed to
5 carry a concealed firearm, except that the CCPD may, upon
6 proper application and the payment of the required fee, provide
7 to the requester, in written form only, confirmation that an
8 individual has or has not been issued, applied for, or denied a
9 permit, or had a permit revoked under this Act. No identifying
10 information other than the name shall be provided.

11 Only the CCPD may provide statistical information on:

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

14 (ii) the race, age, or gender of those issued permits
15 or applicants;

16 (iii) the number of permits revoked and for what
17 reason.

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

22 Nothing in this Section shall prevent any law enforcement
23 agency from releasing information about an individual as part
24 of a criminal investigation.

25 The names of all persons, other than law enforcement
26 agencies and peace officers, requesting information under this

1 Section shall be public records. No other agency of government
2 other than the CCPD or City Police Department shall provide any
3 information to a requester not entitled to it by law.

4 Section 65. Concealed firearms permit.

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

10 (i) Any state or local police or sheriff's office or
11 station without the consent of the chief law enforcement
12 officer in charge of that office or station.

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

15 (iii) Any courthouse occupied by the Circuit,
16 Appellate, or Supreme Court or a courtroom of any of those
17 courts, or court proceeding.

18 (iv) Any meeting of the governing body of a unit of
19 local government.

20 The State, county or City may by rule or ordinance
21 prohibit or limit the carrying of concealed firearms by
22 permit holders in that portion of a building owned, leased
23 or controlled by that unit of government. That portion of a
24 building in which the carrying of concealed firearms is
25 prohibited or limited shall be clearly identified by signs

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

13 (v) Any portion of an establishment licensed to
14 dispense beer or alcoholic beverages for consumption on the
15 premises, which portion of the establishment is primarily
16 devoted to that purpose.

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

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

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

26 (viii) Inside any elementary or secondary school

1 facility.

2 (ix) Any portion of a building used as a child care
3 facility. Nothing in this Section shall prevent the
4 operator of a child care facility in a family home from
5 owning or possessing a firearm or permit.

6 (x) Any gated area of an amusement park.

7 (xi) Any stadium, arena, or collegiate or professional
8 sporting event.

9 (xii) A church or other place of religious worship.

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

12 A concealed firearm permit does not authorize the concealed
13 carrying or transportation of a stun gun, taser, or firearm
14 other than a handgun.

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

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

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

17 Section 70. Immunity of CCPD, employees, and agents. The
18 office of the CCPD, or any employee or agent of the CCPD, shall
19 not be liable for damages in any civil action arising from
20 alleged wrongful or improper granting, denial, or failure to
21 revoke permits issued under this Act. The office of the county
22 sheriff, State Police, municipal police department, or any
23 employee or agent thereof shall not be liable for submitting
24 specific and articulable reasons why an applicant should be
25 denied a permit, unless the objection contains false, malicious

1 or inaccurate information. The Office filing the objection
2 shall bear all of the applicant's costs if the applicant
3 prevails in an appeal.

4 Section 75. Firearms training.

5 (a) Instructor certification. The CCPD shall certify
6 instructors who have met the requirements of this Section.

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

9 (2) Persons who are not certified firearms instructors
10 shall not advertise or otherwise represent courses they
11 teach as qualifying their students to meet the requirements
12 to receive a permit to carry concealed firearms under this
13 Act.

14 (3) Persons who are not certified instructor trainers
15 shall not teach instructor qualification courses.

16 (4) Persons wishing to become certified firearms
17 instructors shall:

18 (i) be at least 21 years of age;

19 (ii) be a citizen of the United States; and

20 (iii) meet the requirements of subsection (b) of
21 Section 5. Persons wishing to become instructor
22 trainers, in addition to the other requirements of this
23 subsection (4), shall:

24 (A) possess at least a high school diploma or GED
25 certificate,

1 (B) have at least one of the following valid
2 firearms instructor certifications:

3 (I) National Rifle Association Personal
4 Protection Instructor;

5 (II) National Rifle Association Pistol
6 Marksmanship Instructor;

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

10 (IV) A similar firearms instructor qualifying
11 course, approved by the CCPD.

12 (5) (i) Instructor applicants shall agree to
13 background checks.

14 (ii) An instructor applicant may be disqualified from
15 becoming a certified instructor, or have his or her
16 instructor qualification revoked if the applicant:

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

19 (B) provides false or misleading information to
20 the CCPD; or

21 (C) has had a prior instructor qualification
22 revoked by the CCPD.

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

25 (i) 16 hours of classroom instruction covering at
26 least the following topics:

1 (A) By means of a videotape approved by the
2 CCPD:

3 (1) the requirements for obtaining a
4 concealed firearms permit in this State;

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

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

12 (4) the conduct of applicant training
13 courses;

14 (5) record-keeping requirements of this
15 Act;

16 (6) the basic nomenclature of handguns;

17 (7) the basic principles of marksmanship;

18 and

19 (8) the safe handling of handguns.

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

25 (C) Range instruction and firing of live
26 ammunition, during which the instructor candidate

1 shall receive instruction on and demonstrate
2 competency in the ability to:

3 (i) handle and fire a handgun safely
4 and accurately;

5 (ii) conduct a function test and
6 safety inspection of common types of
7 handguns;

8 (iii) clean common types of handguns;
9 and

10 (iv) supervise and conduct live firing
11 exercises in a safe and efficient manner.

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

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

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

21 (i) ten rounds from 7 yards; and

22 (ii) ten rounds from 15 yards; and

23 (iii) a score of "passing" from the course
24 instructor for demonstrating competency in each of
25 the following:

26 (1) Supervising and conducting live fire;

1 (2) Cleaning and inspecting handguns; and
2 (3) Preparing and delivering the classroom
3 lecture.

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

8 (9) Qualified firearms instructor and instructor
9 trainer certificates shall be valid until January 1, 2013.

10 (b) Firearms training program. A permit applicant must
11 successfully complete a firearms and deadly use of force
12 training and education program taught by a certified
13 instructor. The firearms training program must be certified by
14 the CCPD as meeting the following minimum requirements:

15 (1) Classroom instruction of at least 8 hours
16 instruction on:

17 (i) Illinois laws that relate to weapons and the
18 justifiable use of deadly force;

19 (ii) handgun use, proficiency, care, and safety;

20 (iii) nonviolent dispute resolution;

21 (iv) proper storage practices for handguns; and

22 (v) basic principles of marksmanship.

23 (2) Live target range firing exercises of sufficient
24 duration for the student to fire their handgun:

25 (i) from a standing position;

26 (ii) for a minimum of 20 rounds;

1 (iii) at a B-21 silhouette target located at a
2 distance of 7 yards from the student's standing
3 position. Students shall provide their own safe,
4 functional handgun and factory-loaded ammunition for
5 all required range instruction. The certified
6 instructor shall, prior to range instruction, inspect
7 each student's handgun to ensure each is in sound
8 mechanical condition and does not pose a safety hazard.

9 (3) At the conclusion of the classroom portion of the
10 training course the certified instructor shall give each
11 student a written examination not to exceed 100 questions
12 that tests the knowledge of the student on the course
13 subject matter. In administering the examination the
14 instructor shall:

15 (i) not leave the room in which the examination is
16 being given while the examination is in progress;

17 (ii) not allow students to communicate with or view
18 other student's exam while the exam is in progress;

19 (iii) not grade the examinations in the presence of
20 students; and

21 (iv) not divulge a student's numeric score on the
22 day of the examination, but may indicate whether a
23 student has passed or failed.

24 (4) Successful completion of the firearms training
25 course requires at least 70% correct answers on the written
26 examination and a grade of "passing" on the range

1 exercises. A "passing" grade on range firing exercises
2 requires the student to: comply with orders given by the
3 instructor, safely handle their firearm, and achieve at
4 least 50% hits on the silhouette portion of the target.
5 Students who do not achieve at least 70% on the written
6 exam may retake the exam one time without having to retake
7 the course. Students who do not achieve a grade of
8 "passing" on the range exercises may repeat the range work
9 twice without having to retake the course.

10 (5) A student who successfully completes the firearms
11 training course shall receive a certificate of completion
12 signed by the instructor.

13 Section 80. Report. By October 1, 2012, the City shall
14 submit a statistical report to the Governor, the President of
15 the Senate and the Speaker of the House of Representatives,
16 indicating the number of permits issued, revoked, suspended,
17 denied and issued after appeal in the Pilot Program and also
18 the number of permits currently valid. The report shall also
19 include the number of arrests, convictions and types of crimes
20 in the previous calendar year committed by individuals issued
21 permits to carry a concealed firearm. The report shall also
22 include the annual crime rate statistics by category of offense
23 for the City during the period of the pilot program and the 2
24 years preceding the start of the pilot program.

1 Section 85. The Criminal Code of 1961 is amended by
2 changing Section 24-2 as follows:

3 (720 ILCS 5/24-2)

4 Sec. 24-2. Exemptions.

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

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

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

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

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

1 employment.

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

25 (6) Any person regularly employed in a commercial or
26 industrial operation as a security guard for the protection

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

25 (7) Agents and investigators of the Illinois
26 Legislative Investigating Commission authorized by the

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

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

1 concealable weapon. For purposes of this subsection,
2 "financial institution" means a bank, savings and loan
3 association, credit union or company providing armored car
4 services.

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

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

10 (11) Investigators of the Office of the State's
11 Attorneys Appellate Prosecutor authorized by the board of
12 governors of the Office of the State's Attorneys Appellate
13 Prosecutor to carry weapons pursuant to Section 7.06 of the
14 State's Attorneys Appellate Prosecutor's Act.

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

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

22 (13) Court Security Officers while in the performance
23 of their official duties, or while commuting between their
24 homes and places of employment, with the consent of the
25 Sheriff.

26 (13.5) A person employed as an armed security guard at

1 a nuclear energy, storage, weapons or development site or
2 facility regulated by the Nuclear Regulatory Commission
3 who has completed the background screening and training
4 mandated by the rules and regulations of the Nuclear
5 Regulatory Commission.

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

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

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

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

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

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

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

1 (6) Carrying a concealed firearm by a permittee who has
2 been issued a permit to carry a concealed firearm under the
3 Concealed Carry Permit Pilot Program Act.

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

6 (1) Peace officers while in performance of their
7 official duties.

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

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

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

19 (5) Persons licensed under federal law to manufacture
20 any weapon from which 8 or more shots or bullets can be
21 discharged by a single function of the firing device, or
22 ammunition for such weapons, and actually engaged in the
23 business of manufacturing such weapons or ammunition, but
24 only with respect to activities which are within the lawful
25 scope of such business, such as the manufacture,
26 transportation, or testing of such weapons or ammunition.

1 This exemption does not authorize the general private
2 possession of any weapon from which 8 or more shots or
3 bullets can be discharged by a single function of the
4 firing device, but only such possession and activities as
5 are within the lawful scope of a licensed manufacturing
6 business described in this paragraph.

7 During transportation, such weapons shall be broken
8 down in a non-functioning state or not immediately
9 accessible.

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

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

1 During transportation, any such weapon shall be broken
2 down in a non-functioning state, or not immediately
3 accessible.

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

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

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

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

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

20 (2) Bonafide collectors of antique or surplus military
21 ordnance.

22 (3) Laboratories having a department of forensic
23 ballistics, or specializing in the development of
24 ammunition or explosive ordnance.

25 (4) Commerce, preparation, assembly or possession of
26 explosive bullets by manufacturers of ammunition licensed

1 by the federal government, in connection with the supply of
2 those organizations and persons exempted by subdivision
3 (g)(1) of this Section, or like organizations and persons
4 outside this State, or the transportation of explosive
5 bullets to any organization or person exempted in this
6 Section by a common carrier or by a vehicle owned or leased
7 by an exempted manufacturer.

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

25 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
26 24-1.6 do not apply to or affect any parole agent or parole

1 supervisor who meets the qualifications and conditions
2 prescribed in Section 3-14-1.5 of the Unified Code of
3 Corrections.

4 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
5 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
6 athlete's possession, transport on official Olympic and
7 Paralympic transit systems established for athletes, or use of
8 competition firearms sanctioned by the International Olympic
9 Committee, the International Paralympic Committee, the
10 International Shooting Sport Federation, or USA Shooting in
11 connection with such athlete's training for and participation
12 in shooting competitions at the 2016 Olympic and Paralympic
13 Games and sanctioned test events leading up to the 2016 Olympic
14 and Paralympic Games.

15 (h) An information or indictment based upon a violation of
16 any subsection of this Article need not negate 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; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
9 96-742, eff. 8-25-09; revised 10-9-09.)

10 Section 999. Effective date. This Act takes effect upon
11 becoming law.