



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3510

Introduced 2/10/2010, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-9014 new  
720 ILCS 5/24-2

Amends the Counties Code and the Criminal Code of 1961. Provides that the unlawful use of weapons and aggravated unlawful use of a weapon statutes as related to the carrying of firearms do not apply to a State's Attorney who receives training in the use of firearms while off-duty conducted by the Illinois Law Enforcement Training Standards Board or a substantially equivalent entity and who is certified as having successfully completing such training. Provides that the Department of State Police shall determine the amount of such training and the course content for such training. Provides that the State's Attorney shall requalify for the firearms training annually at a State certified range. Provides that the State's Attorney shall register the firearm with the Illinois Department of State Police and with any other local law enforcement agencies that require such registration. Effective immediately.

LRB096 18305 RLC 33680 b

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 5. The Counties Code is amended by adding Section  
5 3-9014 as follows:

6 (55 ILCS 5/3-9014 new)

7 Sec. 3-9014. State's Attorneys; off-duty firearms.  
8 Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 of  
9 the Criminal Code of 1961 do not apply to State's Attorneys who  
10 meet the following conditions:

11 (1) The State's Attorney must receive training in the  
12 use of firearms while off-duty conducted by the Illinois  
13 Law Enforcement Training Standards Board or a  
14 substantially equivalent entity and be certified as having  
15 successfully completing such training. The Department of  
16 State Police shall determine the amount of such training  
17 and the course content for such training. The State's  
18 Attorney shall requalify for the firearms training  
19 annually at a State certified range.

20 (2) The State's Attorney shall register the firearm  
21 with the Illinois Department of State Police and with any  
22 other local law enforcement agencies that require such  
23 registration.

1           Section 10. 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

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

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

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

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

26 (7) Agents and investigators of the Illinois

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

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

1 all times when such person is in possession of a  
2 concealable weapon. For purposes of this subsection,  
3 "financial institution" means a bank, savings and loan  
4 association, credit union or company providing armored car  
5 services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 permission.

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

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

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

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

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

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

1           bullets can be discharged by a single function of the  
2           firing device, but only such possession and activities as  
3           are within the lawful scope of a licensed manufacturing  
4           business described in this paragraph.

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

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

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

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

1 accessible.

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

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

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

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

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

18 (2) Bonafide collectors of antique or surplus military  
19 ordinance.

20 (3) Laboratories having a department of forensic  
21 ballistics, or specializing in the development of  
22 ammunition or explosive ordinance.

23 (4) Commerce, preparation, assembly or possession of  
24 explosive bullets by manufacturers of ammunition licensed  
25 by the federal government, in connection with the supply of  
26 those organizations and persons exempted by subdivision

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

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

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

1 Corrections.

2 (g-7) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
3 24-1.6 do not apply to or affect any State's Attorney who meets  
4 the qualifications and conditions prescribed in Section 3-9014  
5 of the Counties Code.

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

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

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

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

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.