



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0215

Introduced 01/21/11, by Rep. Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2

Amends the Criminal Code of 1961. Eliminates provision that permits the carrying and possession of certain weapons by persons employed by an armored car company to drive an armored car, while actually engaged in the performance of their duties. Eliminates provision that permits the carrying and possession of certain weapons by guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment. Effective immediately.

LRB097 00234 RLC 40249 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 24-2 as follows:

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
9 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
10 the following:

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

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

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

23 (4) Special agents employed by a railroad or a public

1 utility to perform police functions, ~~and guards of armored~~
2 ~~car companies,~~ while actually engaged in the performance of
3 the duties of their employment or commuting between their
4 homes and places of employment; and watchmen while actually
5 engaged in the performance of the duties of their
6 employment.

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

1 suitable documentation demonstrating the successful
2 completion of the prescribed firearms training. Such
3 documentation shall be carried at all times when such
4 persons are in possession of a concealable weapon.

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

1 the Private Detective, Private Alarm, Private Security,
2 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
3 control card shall be carried by the security guard at all
4 times when he or she is in possession of a concealable
5 weapon.

6 (7) Agents and investigators of the Illinois
7 Legislative Investigating Commission authorized by the
8 Commission to carry the weapons specified in subsections
9 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
10 any investigation for the Commission.

11 (8) Persons employed by a financial institution for the
12 protection of other employees and property related to such
13 financial institution, while actually engaged in the
14 performance of their duties, commuting between their homes
15 and places of employment, or traveling between sites or
16 properties owned or operated by such financial
17 institution, provided that any person so employed has
18 successfully completed a course of study, approved by and
19 supervised by the Department of Financial and Professional
20 Regulation, consisting of not less than 40 hours of
21 training which includes theory of law enforcement,
22 liability for acts, and the handling of weapons. A person
23 shall be considered to be eligible for this exemption if he
24 or she has completed the required 20 hours of training for
25 a security officer and 20 hours of required firearm
26 training, and has been issued a firearm control card by the

1 Department of Financial and Professional Regulation.
2 Conditions for renewal of firearm control cards issued
3 under the provisions of this Section shall be the same as
4 for those issued under the provisions of the Private
5 Detective, Private Alarm, Private Security, Fingerprint
6 Vendor, and Locksmith Act of 2004. Such firearm control
7 card shall be carried by the person so trained at all times
8 when such person is in possession of a concealable weapon.
9 For purposes of this subsection, "financial institution"
10 means a bank, savings and loan association, credit union or
11 company providing armored car services.

12 (9) (Blank). ~~Any person employed by an armored car~~
13 ~~company to drive an armored car, while actually engaged in~~
14 ~~the performance of his duties.~~

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

17 (11) Investigators of the Office of the State's
18 Attorneys Appellate Prosecutor authorized by the board of
19 governors of the Office of the State's Attorneys Appellate
20 Prosecutor to carry weapons pursuant to Section 7.06 of the
21 State's Attorneys Appellate Prosecutor's Act.

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

24 (12.5) Probation officers while in the performance of
25 their duties, or while commuting between their homes,
26 places of employment or specific locations that are part of

1 their assigned duties, with the consent of the chief judge
2 of the circuit for which they are employed.

3 (13) Court Security Officers while in the performance
4 of their official duties, or while commuting between their
5 homes and places of employment, with the consent of the
6 Sheriff.

7 (13.5) A person employed as an armed security guard at
8 a nuclear energy, storage, weapons or development site or
9 facility regulated by the Nuclear Regulatory Commission
10 who has completed the background screening and training
11 mandated by the rules and regulations of the Nuclear
12 Regulatory Commission.

13 (14) Manufacture, transportation, or sale of weapons
14 to persons authorized under subdivisions (1) through
15 (13.5) of this subsection to possess those weapons.

16 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
17 24-1.6 do not apply to or affect any of the following:

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

23 (2) Duly authorized military or civil organizations
24 while parading, with the special permission of the
25 Governor.

26 (3) Hunters, trappers or fishermen with a license or

1 permit while engaged in hunting, trapping or fishing.

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

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

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

10 (1) Peace officers while in performance of their
11 official duties.

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

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

23 (5) Persons licensed under federal law to manufacture
24 any weapon from which 8 or more shots or bullets can be
25 discharged by a single function of the firing device, or
26 ammunition for such weapons, and actually engaged in the

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

11 During transportation, such weapons shall be broken
12 down in a non-functioning state or not immediately
13 accessible.

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

25 The exemption granted under this subdivision (c)(6)
26 shall also apply to any authorized agent of any such

1 contractor or subcontractor who is operating within the
2 scope of his employment, where such activities involving
3 such weapon, weapons or ammunition are necessary and
4 incident to fulfilling the terms of such contract.

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

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

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

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

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

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

24 (2) Bonafide collectors of antique or surplus military
25 ordinance.

26 (3) Laboratories having a department of forensic

1 ballistics, or specializing in the development of
2 ammunition or explosive ordinance.

3 (4) Commerce, preparation, assembly or possession of
4 explosive bullets by manufacturers of ammunition licensed
5 by the federal government, in connection with the supply of
6 those organizations and persons exempted by subdivision
7 (g) (1) of this Section, or like organizations and persons
8 outside this State, or the transportation of explosive
9 bullets to any organization or person exempted in this
10 Section by a common carrier or by a vehicle owned or leased
11 by an exempted manufacturer.

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

1 transportation, those devices shall be detached from any weapon
2 or not immediately accessible.

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

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

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

23 (i) Nothing in this Article shall prohibit, apply to, or
24 affect the transportation, carrying, or possession, of any
25 pistol or revolver, stun gun, taser, or other firearm consigned
26 to a common carrier operating under license of the State of

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

11 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
12 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
13 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.