



Rep. Michael Unes

Filed: 3/1/2012

09700HB4901ham001

LRB097 19207 RLC 66258 a

1 AMENDMENT TO HOUSE BILL 4901

2 AMENDMENT NO. _____. Amend House Bill 4901 by replacing
3 everything after the enacting clause with the following:

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

6 (720 ILCS 5/24-2)

7 (Text of Section after amendment by P.A. 97-676)

8 Sec. 24-2. Exemptions.

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

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

15 (2) Wardens, superintendents and keepers of prisons,
16 penitentiaries, jails and other institutions for the

1 detention of persons accused or convicted of an offense,
2 while in the performance of their official duty, or while
3 commuting between their homes and places of employment.

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

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

15 (5) Persons licensed as private security contractors,
16 private detectives, or private alarm contractors, or
17 employed by an agency certified by the Department of
18 Professional Regulation, if their duties include the
19 carrying of a weapon under the provisions of the Private
20 Detective, Private Alarm, Private Security, Fingerprint
21 Vendor, and Locksmith Act of 2004, while actually engaged
22 in the performance of the duties of their employment or
23 commuting between their homes and places of employment,
24 provided that such commuting is accomplished within one
25 hour from departure from home or place of employment, as
26 the case may be. Persons exempted under this subdivision

1 (a) (5) shall be required to have completed a course of
2 study in firearms handling and training approved and
3 supervised by the Department of Professional Regulation as
4 prescribed by Section 28 of the Private Detective, Private
5 Alarm, Private Security, Fingerprint Vendor, and Locksmith
6 Act of 2004, prior to becoming eligible for this exemption.
7 The Department of Professional Regulation shall provide
8 suitable documentation demonstrating the successful
9 completion of the prescribed firearms training. Such
10 documentation shall be carried at all times when such
11 persons are in possession of a concealable weapon.

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

1 she has completed the required 20 hours of training for a
2 security officer and 20 hours of required firearm training,
3 and has been issued a firearm control card by the
4 Department of Professional Regulation. Conditions for the
5 renewal of firearm control cards issued under the
6 provisions of this Section shall be the same as for those
7 cards issued under the provisions of the Private Detective,
8 Private Alarm, Private Security, Fingerprint Vendor, and
9 Locksmith Act of 2004. Such firearm control card shall be
10 carried by the security guard at all times when he or she
11 is in possession of a concealable weapon.

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

17 (8) Persons employed by a financial institution for the
18 protection of other employees and property related to such
19 financial institution, while actually engaged in the
20 performance of their duties, commuting between their homes
21 and places of employment, or traveling between sites or
22 properties owned or operated by such financial
23 institution, provided that any person so employed has
24 successfully completed a course of study, approved by and
25 supervised by the Department of Professional Regulation,
26 consisting of not less than 40 hours of training which

1 includes theory of law enforcement, liability for acts, and
2 the handling of weapons. A person shall be considered to be
3 eligible for this exemption if he or she has completed the
4 required 20 hours of training for a security officer and 20
5 hours of required firearm training, and has been issued a
6 firearm control card by the Department of Professional
7 Regulation. Conditions for renewal of firearm control
8 cards issued under the provisions of this Section shall be
9 the same as for those issued under the provisions of the
10 Private Detective, Private Alarm, Private Security,
11 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
12 control card shall be carried by the person so trained at
13 all times when such person is in possession of a
14 concealable weapon. For purposes of this subsection,
15 "financial institution" means a bank, savings and loan
16 association, credit union or company providing armored car
17 services.

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

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

23 (11) Investigators of the Office of the State's
24 Attorneys Appellate Prosecutor authorized by the board of
25 governors of the Office of the State's Attorneys Appellate
26 Prosecutor to carry weapons pursuant to Section 7.06 of the

1 State's Attorneys Appellate Prosecutor's Act.

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

4 (12.5) Probation officers while in the performance of
5 their duties, or while commuting between their homes,
6 places of employment or specific locations that are part of
7 their assigned duties, with the consent of the chief judge
8 of the circuit for which they are employed.

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

13 (13.5) A person employed as an armed security guard at
14 a nuclear energy, storage, weapons or development site or
15 facility regulated by the Nuclear Regulatory Commission
16 who has completed the background screening and training
17 mandated by the rules and regulations of the Nuclear
18 Regulatory Commission.

19 (14) Manufacture, transportation, or sale of weapons
20 to persons authorized under subdivisions (1) through
21 (13.5) of this subsection to possess those weapons.

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

24 (1) Members of any club or organization organized for
25 the purpose of practicing shooting at targets upon
26 established target ranges, whether public or private, and

1 patrons of such ranges, while such members or patrons are
2 using their firearms on those target ranges.

3 (2) Duly authorized military or civil organizations
4 while parading, with the special permission of the
5 Governor.

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

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

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

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

16 (1) Peace officers while in performance of their
17 official duties.

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

21 (3) 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 (4) Manufacture, transportation, or sale of machine
25 guns to persons authorized under subdivisions (1) through
26 (3) of this subsection to possess machine guns, if the

1 machine guns are broken down in a non-functioning state or
2 are not immediately accessible.

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

17 During transportation, such weapons shall be broken
18 down in a non-functioning state or not immediately
19 accessible.

20 (6) The manufacture, transport, testing, delivery,
21 transfer or sale, and all lawful commercial or experimental
22 activities necessary thereto, of rifles, shotguns, and
23 weapons made from rifles or shotguns, or ammunition for
24 such rifles, shotguns or weapons, where engaged in by a
25 person operating as a contractor or subcontractor pursuant
26 to a contract or subcontract for the development and supply

1 of such rifles, shotguns, weapons or ammunition to the
2 United States government or any branch of the Armed Forces
3 of the United States, when such activities are necessary
4 and incident to fulfilling the terms of such contract.

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

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

14 (7) A person possessing a rifle with a barrel or
15 barrels less than 16 inches in length if: (A) the person
16 has been issued a Curios and Relics license from the U.S.
17 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
18 the person is an active member of a bona fide, nationally
19 recognized military re-enacting group and the modification
20 is required and necessary to accurately portray the weapon
21 for historical re-enactment purposes; the re-enactor is in
22 possession of a valid and current re-enacting group
23 membership credential; and the overall length of the weapon
24 as modified is not less than 26 inches. ~~An active member of~~
25 ~~a bona fide, nationally recognized military re-enacting~~
26 ~~group possessing a vintage rifle or modern reproduction~~

1 ~~thereof with a barrel or barrels less than 16 inches in~~
2 ~~length for the purpose of using the rifle during historical~~
3 ~~re-enactments if: (A) the person has been issued a Curios~~
4 ~~and Relics license from the U.S. Bureau of Alcohol,~~
5 ~~Tobacco, Firearms and Explosives; or (B) the modification~~
6 ~~is required and necessary to accurately portray the weapon~~
7 ~~for historical re-enactment purposes; the re-enactor is in~~
8 ~~possession of a valid and current re-enacting group~~
9 ~~membership credential; and the overall length of the weapon~~
10 ~~as modified is not less than 26 inches.~~

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

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

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

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

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

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

4 (2) Bonafide collectors of antique or surplus military
5 ordinance.

6 (3) Laboratories having a department of forensic
7 ballistics, or specializing in the development of
8 ammunition or explosive ordinance.

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

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

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

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

14 (g-7) Subsection 24-1(a)(6) does not apply to a peace
15 officer while serving as a member of a tactical response team
16 or special operations team. A peace officer may not personally
17 own or apply for ownership of a device or attachment of any
18 kind designed, used, or intended for use in silencing the
19 report of any firearm. These devices shall be owned and
20 maintained by lawfully recognized units of government whose
21 duties include the investigation of criminal acts.

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

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

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

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

25 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
26 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;

1 97-676, eff. 6-1-12; revised 2-10-12.)".