



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5682

Introduced 2/16/2012, by Rep. Scott E Penny

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2

Amends the Criminal Code of 1961. In the statute exempting from an unlawful use of weapons violation or an aggravated unlawful use of a weapon violation, persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon, deletes provision that the Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training and that the documentation shall be carried at all times when those persons are in possession of a concealable weapon. Provides that the licensed person shall be considered eligible for the exemption if he or she has completed the required 20 hours of training under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Provides that conditions for the renewal of firearm control cards issued under these provisions shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that the firearm control card shall be carried by the licensed person at all times when he or she is in possession of a concealable weapon.

LRB097 17834 RLC 66082 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. A person shall be  
19 considered eligible for this exemption if he or she has  
20 completed the required 20 hours of training for a private  
21 security contractor, private detective, or private alarm  
22 contractor, or employee of a licensed agency and 20 hours  
23 of required firearm training, and has been issued a firearm  
24 control card by the Department of Financial and  
25 Professional Regulation. Conditions for the renewal of  
26 firearm control cards issued under the provisions of this

1       Section shall be the same as for those cards issued under  
2       the provisions of the Private Detective, Private Alarm,  
3       Private Security, Fingerprint Vendor, and Locksmith Act of  
4       2004. The firearm control card shall be carried by the  
5       private security contractor, private detective, or private  
6       alarm contractor, or employee of the licensed agency at all  
7       times when he or she is in possession of a concealable  
8       weapon. Persons exempted under this subdivision (a) (5)  
9       shall be required to have completed a course of study in  
10       firearms handling and training approved and supervised by  
11       the Department of Professional Regulation as prescribed by  
12       Section 28 of the Private Detective, Private Alarm, Private  
13       Security, Fingerprint Vendor, and Locksmith Act of 2004,  
14       prior to becoming eligible for this exemption. The  
15       Department of Professional Regulation shall provide  
16       suitable documentation demonstrating the successful  
17       completion of the prescribed firearms training. Such  
18       documentation shall be carried at all times when such  
19       persons are in possession of a concealable weapon.

20           (6) Any person regularly employed in a commercial or  
21       industrial operation as a security guard for the protection  
22       of persons employed and private property related to such  
23       commercial or industrial operation, while actually engaged  
24       in the performance of his or her duty or traveling between  
25       sites or properties belonging to the employer, and who, as  
26       a security guard, is a member of a security force of at

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

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

26 (8) Persons employed by a financial institution for the

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

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

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

6           (11) Investigators of the Office of the State's  
7 Attorneys Appellate Prosecutor authorized by the board of  
8 governors of the Office of the State's Attorneys Appellate  
9 Prosecutor to carry weapons pursuant to Section 7.06 of the  
10 State's Attorneys Appellate Prosecutor's Act.

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

13           (12.5) Probation officers while in the performance of  
14 their duties, or while commuting between their homes,  
15 places of employment or specific locations that are part of  
16 their assigned duties, with the consent of the chief judge  
17 of the circuit for which they are employed.

18           (13) Court Security Officers while in the performance  
19 of their official duties, or while commuting between their  
20 homes and places of employment, with the consent of the  
21 Sheriff.

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

1 Regulatory Commission.

2 (14) Manufacture, transportation, or sale of weapons  
3 to persons authorized under subdivisions (1) through  
4 (13.5) of this subsection to possess those weapons.

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

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

12 (2) Duly authorized military or civil organizations  
13 while parading, with the special permission of the  
14 Governor.

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

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

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

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

25 (1) Peace officers while in performance of their  
26 official duties.



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

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

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

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

26          During transportation, such weapons shall be broken

1 down in a non-functioning state or not immediately  
2 accessible.

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

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

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

23 (7) An active member of a bona fide, nationally  
24 recognized military re-enacting group possessing a vintage  
25 rifle or modern reproduction thereof with a barrel or  
26 barrels less than 16 inches in length for the purpose of

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

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

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

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

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

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

26 (1) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in  
2 the performance of their official duty.

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

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

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

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

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

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

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

24 (h) An information or indictment based upon a violation of  
25 any subsection of this Article need not negative any exemptions  
26 contained in this Article. The defendant shall have the burden

1 of proving such an exemption.

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

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