



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5745

Introduced 2/16/2012, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

See Index

Creates the Family and Personal Protection Act. Provides that the Department of State Police shall issue a license to carry a loaded or unloaded handgun to an applicant that meets specified qualifications, has provided the application and specified documentation, and has submitted the requisite fees. Provides that a license to carry a handgun entitles a licensee to carry a loaded handgun, either concealed or openly, on or about his or her person or in a vehicle, except in certain prohibited locations. Provides that the license shall be issued by the Department of State Police within 45 days of receipt from a sheriff and shall be valid throughout the State for a period of 5 years from the date of issuance. Provides for renewal of licenses. Establishes qualifications for licensees, certified firearms instructors, and instructor trainers. Provides for home rule preemption. Provides that the provisions of the Act are severable. Amends the Freedom of Information Act. Prohibits from inspection and copying information about applications for licenses to carry a handgun and about license holders contained in the database created by the Family and Personal Protection Act, except as authorized by that Act. Amends the State Finance Act and the Criminal Code of 1961 to make conforming changes. Effective immediately.

LRB097 19596 RLC 64850 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Family
5 and Personal Protection Act.

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

7 "Concealed firearm" means a loaded or unloaded handgun
8 carried on or about a person completely or mostly concealed
9 from view of the public, or carried in a vehicle in such a way
10 as it is concealed from view of the public.

11 "Department" means the Department of State Police.

12 "Director" means the Director of State Police.

13 "Fund" means the Citizen Safety and Self-Defense Trust
14 Fund.

15 "Handgun" means any device which is designed to expel a
16 projectile or projectiles by the action of an explosion,
17 expansion of gas, or escape of gas that is designed to be held
18 and fired by the use of a single hand, and includes a
19 combination of parts from which that firearm can be assembled.

20 "Handgun" does not include a stun gun or taser.

21 "License" means a license issued by the Department of State
22 Police to carry a loaded or unloaded concealed firearm.

23 "Licensee" means a person issued a license to carry a

1 concealed firearm.

2 "Peace officer" means (i) any person who by virtue of his
3 or her office or public employment is vested by law with a duty
4 to maintain public order and to make arrests for offenses,
5 whether that duty extends to all offenses or is limited to
6 specific offenses, or (ii) any person who, by statute, is
7 granted and authorized to exercise powers similar to those
8 conferred upon any peace officer employed by a law enforcement
9 agency of this State. The term "peace officer" does not apply
10 to an alderman acting as a conservator of the peace under
11 Section 3.1-15-25 of the Illinois Municipal Code.

12 Section 15. Citizen Safety and Self-Defense Trust Fund.
13 Fees from applications for licenses shall be deposited into the
14 Citizen Safety and Self-Defense Trust Fund, a special fund that
15 is created in the State treasury. Moneys in the Fund may be
16 invested and any income from investments shall be deposited
17 into the Fund. Subject to appropriation, moneys in the Fund
18 shall exclusively be used to assist the Department with the
19 administrative costs associated with this Act.

20 Section 20. Issuance of licenses to carry a concealed
21 firearm.

22 (a) The Department shall issue a license to an applicant
23 who (i) meets the qualifications of Section 25; (ii) has
24 provided the application and documentation required in Section

1 30; and (iii) has submitted the requisite fees. The Department
2 shall issue a renewal, corrected, or duplicate license in
3 accordance with this Act.

4 (a-5) A licensee shall possess a license at all times the
5 licensee carries a concealed firearm except (i) if the person
6 is carrying or possessing a concealed firearm and the person is
7 on his or her land or in his or her abode or legal dwelling or
8 in the abode or legal dwelling of another person as an invitee
9 with that person's permission; (ii) if the person is authorized
10 to carry a firearm under Section 24-2 of the Criminal Code of
11 1961; or (iii) the handgun is broken down in a non-functioning
12 state, is not immediately accessible, or is enclosed in a case,
13 firearm carrying box, shipping box, or other container.

14 (a-10) A licensee shall display the license upon the
15 request of a peace officer or person designated to enforce the
16 provisions of Section 70.

17 (b) The Department shall make applications for a license
18 available no later than 90 days after the effective date of
19 this Act. Applications shall be available at Department
20 locations, sheriff offices, on the Department's official
21 website, and any other location designated by the Department.

22 (c) A completed application for a license shall be
23 submitted to the office of the sheriff of the county in which
24 the applicant resides with all accompanying materials and fees.
25 The sheriff shall review the application and submit a completed
26 application, all accompanying materials, and the application

1 fee to the Department within 30 days of receipt. The sheriff
2 shall promptly return an incomplete application to the
3 applicant. Each applicant for a license shall submit a \$65
4 application fee, of which \$25 shall be retained by the sheriff
5 for expenses related to receiving and reviewing applications,
6 and \$40 shall be submitted to the Department and deposited into
7 the Citizen Safety and Self Defense Trust Fund. The sheriff may
8 require an applicant to submit the fee in 2 portions: (1) \$25
9 payable to the sheriff, and (2) \$40 payable to the Department.

10 (d) A sheriff may submit an objection to an application,
11 provided the objection is in writing, includes specific reasons
12 for the objection, and is submitted with the application. Upon
13 request of a municipal law enforcement department, the sheriff
14 shall notify the department of the name, address, and date of
15 birth of any person submitting an application for a license.
16 The municipal police department may submit to the sheriff
17 information deemed to be relevant to the application, and the
18 sheriff may consider that information when determining whether
19 to submit an objection. Any objection submitted by a sheriff,
20 including reports submitted to a sheriff by a municipal law
21 enforcement agency, must be disclosed to the applicant unless
22 disclosure would interfere with a criminal investigation, or as
23 determined by the Department, disclosure may threaten the
24 safety or welfare of the sheriff or local law enforcement
25 agency.

26 (e) Notwithstanding subsection (a), the Department may

1 consider any objection or recommendation made by the sheriff
2 and may determine the applicant is ineligible based solely on
3 those objections. If the applicant is found by the Department
4 to be ineligible, the Department shall deny the application and
5 notify the applicant and the sheriff in writing, stating the
6 grounds for denial. The notice of denial must inform the
7 applicant that he or she may, within 30 days, appeal the denial
8 and submit additional materials relevant to the grounds for
9 denial. Upon receiving the additional documentation, the
10 Department shall reconsider its decision and inform the
11 applicant within 30 days of the result of the reconsideration.
12 If upon reconsideration the Department denies the application,
13 the applicant must be informed of the right to administrative
14 review.

15 (f) During an administrative or judicial review of a denial
16 based on subsection (d) or (e) of this Section, the Department
17 shall have the burden of proving by clear and convincing
18 evidence that the applicant would pose a danger to the
19 applicant's self, another, or public safety, or would use a
20 firearm unlawfully, if granted a license to carry a concealed
21 firearm under this Act.

22 (g) The license shall be issued by the Department within 45
23 days of receipt of a completed application from a sheriff. A
24 license shall be valid throughout the State for a period of 5
25 years. If the Department does not act on the application within
26 the 45-day period, the applicant may file, in the circuit court

1 of the judicial circuit in which the applicant resides, a
2 complaint for mandamus to compel a decision on the application.

3 (h) The Department shall promulgate rules to implement the
4 provisions of this Section.

5 Section 25. Qualifications of an applicant for a license.
6 The Department shall issue a license to an applicant completing
7 an application in accordance with Section 30 of this Act if the
8 person:

9 (a) is at least 21 years of age;

10 (b) has a valid Firearm Owner's Identification Card or,
11 if applying for a non-resident license, has a notarized
12 document stating that the applicant is eligible under
13 federal law and the laws of his or her home state to
14 possess a firearm;

15 (c) is not prohibited under the Firearm Owners
16 Identification Card Act or federal law from possessing or
17 receiving a firearm;

18 (d) is not the subject of a pending arrest warrant,
19 prosecution, or proceeding for an offense or action that
20 could lead to disqualification under subsection (c);

21 (e) does not chronically or habitually abuse alcoholic
22 beverages, as evidenced by either of the following within
23 the 3 years immediately preceding the application:

24 (i) residential or court-ordered treatment for
25 alcoholism or alcohol detoxification; or

1 (ii) 2 or more convictions for driving while under
2 the influence or driving while intoxicated; and
3 (f) has completed firearms training and any
4 educational component required in Section 85 of this Act.

5 Section 30. Contents of application.

6 (a) The application shall be in writing, under oath and
7 penalty of perjury, on a standard form promulgated by the
8 Department and shall be accompanied by the documentation
9 required in this Section and all applicable fees.

10 (b) The application shall contain the following
11 information:

12 (i) the applicant's name, current address, gender,
13 date and year of birth, place of birth, height, weight,
14 hair color, eye color, maiden name or any other name the
15 applicant has used or identified with, and any address at
16 which the applicant resided for more than 30 days within
17 the 5 years preceding the date of the application;

18 (ii) the applicant's drivers license or state
19 identification card number and the last 4 digits of the
20 applicant's social security number;

21 (iii) questions to certify or demonstrate the
22 applicant has completed firearms training and any
23 educational component required in Section 85 of this Act;

24 (iv) a statement that the applicant is a resident of
25 the State of Illinois, except persons applying under

1 Section 65 shall be instructed to submit the information
2 required in that Section;

3 (v) a waiver of privacy and confidentiality rights and
4 privileges enjoyed by the applicant under State and federal
5 law sufficient to obtain access to juvenile court, criminal
6 justice, psychological, or psychiatric records, or records
7 relating to the applicant's history, if any, of
8 institutionalization or inpatient treatment for alcoholism
9 or alcohol detoxification, as well as an affirmative
10 request that any person having custody of those records
11 provide copies of them or information concerning them to
12 the Department for the sole purpose of making a
13 determination of an applicant's eligibility under Section
14 25;

15 (vi) a conspicuous warning that false statements made
16 by the applicant will result in prosecution for perjury in
17 accordance with Section 32-2 of the Criminal Code of 1961;

18 (vii) an affirmation that the applicant either
19 possesses a currently valid Illinois Firearm Owner's
20 Identification Card, in which case the application shall
21 include the card number, or is applying for the card in
22 conjunction with the application for a license, except
23 persons applying under Section 65 shall be instructed to
24 submit a copy of a valid license to carry a handgun issued
25 by their home state, if applicable, or submit a notarized
26 document stating the applicant is eligible under the laws

1 of his or her home state to possess a handgun; and

2 (viii) an affirmation that the applicant meets the
3 requirements of Section 25 and is not prohibited under the
4 Firearm Owners Identification Card Act or federal law from
5 possessing a firearm.

6 (c) A person applying for a license shall provide a head
7 and shoulder color photograph in a size specified by the
8 Department that was taken within the 30 days preceding the date
9 of the application. The applicant shall consent to the
10 Department reviewing and using the applicant's digital
11 driver's license or Illinois Identification Card photograph
12 and signature, if available. The Secretary of State shall allow
13 the Department access to the photograph and signature for the
14 purpose of identifying the applicant and issuing the applicant
15 a license.

16 (d) A person applying for a license shall submit with an
17 application a full set of legible fingerprints. Fingerprinting
18 may be administered by the Department or any other federal,
19 State, county, or municipal law enforcement agency or private
20 vendor or company. The cost of fingerprinting shall be paid by
21 the applicant, provided that the Department or law enforcement
22 agency may charge no more than \$25 for a single set of
23 fingerprints. The Department shall accept a hard copy or
24 electronic version of the fingerprints.

25 (e) A person applying for a license shall submit a
26 photocopy of a certificate or other evidence of completion of a

1 course to show compliance with Section 85 of this Act.

2 (f) The Department is authorized to establish a system for
3 electronically submitting applications, including applications
4 for renewal or a replacement license.

5 Section 35. Database of applicants and licensees.

6 (a) The Department shall maintain a database of applicants
7 for a license and licenses. The database shall be available to
8 all Illinois law enforcement agencies, State's Attorneys, and
9 the Attorney General. Members and staff of the judiciary may
10 access the database for the purpose of determining whether to
11 confiscate a license or to ensure compliance with this Act or
12 any other law. The database shall be searchable and provide all
13 information included in the application, a photo of the
14 applicant or licensee, and any information related to
15 violations of this Act. Individual law enforcement agencies
16 shall not maintain a separate, searchable database of
17 applicants and licensees containing information included in
18 the database.

19 (b) The Department shall make available on its website and
20 upon request under the Freedom of Information Act statistical
21 information about the number of licenses issued by county, age,
22 race, or gender. The report shall be updated monthly. Except as
23 provided in this subsection, applications and information in
24 the database shall be confidential and exempt from disclosure
25 under the Freedom of Information Act. The Department may answer

1 requests to confirm or deny whether a person has been issued a
2 license as part of inquiries dealing with a criminal
3 investigation. Individual law enforcement agencies, State's
4 Attorneys, the Attorney General, members of the judiciary, and
5 judicial staff shall sign a confidentiality agreement,
6 prepared by the Department, prior to receiving access to the
7 database. No law enforcement agency, State's Attorney, the
8 Attorney General, or member or staff of the judiciary, other
9 than the Department, shall provide any information to a
10 requester not entitled to it by law, except as required or
11 necessary for the conduct of a criminal investigation.

12 Section 40. Suspension or revocation of a license.

13 (a) A license issued or renewed under this Act shall be
14 revoked if, at any time, the licensee is found ineligible for a
15 license based on the criteria set forth in Section 25 of this
16 Act or the licensee no longer possesses a Firearm Owner's
17 Identification Card or a non-resident licensee if his or her
18 home state has revoked a license to carry a firearm. A license
19 shall not be revoked unless the revocation is for reasons
20 specifically authorized by this Act. This subsection shall not
21 apply to a person who has filed an application with the State
22 Police for renewal of a Firearm Owner's Identification Card and
23 who is not otherwise ineligible to obtain a Firearm Owner's
24 Identification Card.

25 (b) A license shall be suspended if an order of protection

1 under Section 112A-14 of the Code of Criminal Procedure of 1963
2 or under Section 214 of the Illinois Domestic Violence Act of
3 1986 is issued against a licensee. The license shall be
4 suspended for the duration of the order or until the order is
5 terminated by a court and the Department shall not reissue or
6 renew a license for the duration of the order or until the
7 order is terminated. If an order of protection is issued
8 against a licensee, the licensee shall surrender the license,
9 as applicable, to the court at the time the order is entered or
10 to the law enforcement agency or entity designated to serve
11 process at the time the licensee is served the order. The
12 court, law enforcement agency, or entity responsible for
13 serving the order shall transmit the license to the Department.

14 (c) The Department may suspend a license for a violation of
15 Section 70 of this Act in accordance with subsection (i) of
16 Section 70.

17 (d) A license shall be invalid upon expiration of the
18 license, unless the licensee has submitted an application to
19 renew the license. A person who fails to renew his or her
20 license within 6 months after its expiration must reapply for a
21 new license and pay the fee for a new application.

22 (e) The Department may suspend a license for up to 90 days
23 if a licensee fails to submit a change of address or name or
24 fails to report a lost or destroyed license to the Department
25 within 60 days of the discovery of the loss or destruction of
26 the license.

1 Section 45. Renewal of license.

2 (a) Not later than 120 days before the expiration of any
3 license issued under this Act, the Department shall notify the
4 licensee in writing of the expiration and furnish an
5 application for renewal of the license or make the application
6 available on-line.

7 (b) Applications for renewal of a license shall be made
8 directly to the Department. A license shall be renewed for a
9 period of 5 years upon receipt of a completed renewal
10 application and a \$25 renewal fee. The renewal application
11 shall contain the information required in Section 30, except
12 that the applicant need not resubmit a full set of
13 fingerprints. An applicant for a renewal shall submit, on a
14 form prescribed by the Department, proof that the applicant (i)
15 has participated in at least one shooting competition with a
16 handgun within 6 months of the application for renewal, (ii)
17 has completed an equivalent range exercise as prescribed in
18 Section 85 and attested to by any instructor qualified under
19 this Act, a certified law enforcement instructor, or NRA
20 certified instructor or (iii) has completed Firearms
21 Instructor Training under Section 90. The Department shall make
22 the range recertification form available on its website or as
23 part of a renewal application.

24 Section 50. Change of address, change of name, or lost or

1 destroyed licenses.

2 (a) The licensee shall notify the Department within 60 days
3 of: (i) moving or changing a residence or any change of name;
4 or (ii) the discovery of the loss or destruction of a license.

5 (b) If a licensee changes residence within this State or
6 changes his or her name, the licensee shall request a new
7 license. The licensee shall submit a \$25 fee, a notarized
8 statement that the licensee has changed residence or his or her
9 name, and a photograph as required in Section 30 of this Act.
10 The statement must include the prior and current address or
11 name and the date the applicant moved or changed his or her
12 name.

13 (c) A lost or destroyed license shall be invalid. To
14 request a new license, the licensee shall submit (i) a \$25 fee,
15 (ii) a notarized statement that the licensee no longer
16 possesses the license and that it was lost or destroyed, (iii)
17 a copy of a police report stating that the license was lost,
18 destroyed, or stolen, and (iv) a photograph as required in
19 Section 30 of this Act.

20 Section 65. Non-resident applications. A person from
21 another state or territory of the United States may apply for a
22 non-resident license. The applicant shall apply to the
23 Department and must meet the qualifications established in
24 Section 25. The applicant shall submit (i) the application and
25 documentation required in Section 30; (ii) a notarized document

1 stating the applicant (A) is eligible under federal law and the
2 laws of his or her home state to possess a firearm, (B) if
3 applicable, has a license or permit to carry a firearm or
4 concealed firearm issued by his or her home state and that a
5 copy is attached to the application, (C) is familiar with
6 Illinois laws pertaining to the possession and transport of
7 firearms, and (D) acknowledges that the applicant is subject to
8 the jurisdiction of the Department and Illinois courts for any
9 violation of this Act; and (iii) a \$65 application fee. In lieu
10 of an Illinois State driver's license or identification card,
11 he or she shall provide similar documentation from his or her
12 state or territory.

13 Section 70. Restrictions.

14 (a) No license issued under this Act shall authorize any
15 person to knowingly carry a concealed firearm into:

16 (i) Any building under control of the General Assembly
17 or any of its support service agencies, including the
18 portion of a building in which a committee of the General
19 Assembly convenes for the purpose of conducting meetings of
20 committees, joint committees, or legislative commissions.

21 (ii) Any courthouse or part of that building that is
22 occupied by the Circuit, Appellate, or Supreme Court, or a
23 room designated for court proceedings by any of these
24 courts.

25 (iii) Any meeting of the governing body of a unit of

1 local government or special district.

2 (iv) Any establishment licensed to dispense alcoholic
3 beverages for consumption on the premises if less than 50%
4 of its annual gross income comes from the sale of food.

5 (v) Any secure area of an airport to which access is
6 controlled by the inspection of persons and property.

7 (vi) Any place where the carrying of a firearm is
8 prohibited by federal law.

9 (vii) Any elementary or secondary school building
10 without the consent of school authorities. School
11 authorities shall inform the appropriate law enforcement
12 agency and any law enforcement personnel on site of that
13 consent.

14 (viii) Any portion of a building used as a child care
15 facility without the consent of the manager. Nothing in
16 this Section shall prevent the operator of a child care
17 facility in a family home from owning or possessing a
18 firearm or license.

19 (ix) Any gaming facility licensed under the Riverboat
20 Gambling Act or the Illinois Horse Racing Act of 1975.

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

22 (xi) Any stadium, arena, or collegiate or professional
23 sporting event.

24 (xii) A residential mental health facility.

25 (xiii) Any community college, college, or university
26 building without consent of the school authorities. School

1 authorities shall inform the appropriate law enforcement
2 agency and any law enforcement personnel on site of that
3 consent. A community college, college, or university may
4 prohibit the carrying of a firearm on its campus in a
5 manner that is not inconsistent with subsection (d). If a
6 community college, college, or university elects to
7 prohibit the carrying of firearms on its campus, it shall
8 be civilly liable for any injury from a criminal act upon a
9 person holding a permit for carrying a concealed firearm
10 who was prohibited from carrying a concealed firearm on the
11 premises.

12 (xiv) A public library building without the written
13 consent of the library's governing body. The governing body
14 shall inform the appropriate law enforcement agency of that
15 consent.

16 (xv) Any police, sheriff, or State Police office or
17 station without the consent of the chief law enforcement
18 officer in charge of that office or station.

19 (xvi) Any adult or juvenile detention or correctional
20 institution, prison, or jail.

21 (b) A municipality, school district, or public or private
22 college, university, or post-secondary educational institution
23 may prohibit or limit licensees from carrying a firearm into or
24 within any building or portion of any building owned, leased,
25 or controlled by the municipality, school district, or public
26 or private college, university, or other post-secondary

1 educational institution by a majority vote of the members of
2 its legislative body or governing board. The resolution,
3 ordinance, or policy shall not prohibit a licensee from
4 carrying a concealed firearm into or within any building used
5 for public housing; into or within any publicly-accessible
6 restroom or rest stop; into, within, or on any bridge, tunnel,
7 overpass, underpass, elevated walkway, or other structure used
8 as a public right of way; or into or within any
9 publicly-accessible parking facility. The resolution,
10 ordinance, or policy shall not prohibit a licensee from
11 carrying a concealed firearm in a public transportation
12 facility or while accessing the services of a public
13 transportation agency, including while traveling via public
14 transportation. For purposes of this Section, "public
15 transportation agency" means a public or private agency, or any
16 combination thereof, that provides for the transportation or
17 conveyance of persons by means available to the general public,
18 except taxicabs, livery cabs, or limousines. Violators of the
19 resolution or ordinance may be removed from the premises and
20 assessed a civil fine of up to \$100.

21 (c) The owner, business or commercial lessee, or manager of
22 a private business enterprise, or any other private
23 organization, entity, or person, may prohibit licensees from
24 carrying a concealed firearm on the premises under its control.
25 However, a private landlord of a residential or commercial
26 property shall not prohibit any lessee from possessing or

1 carrying a firearm in accordance with this Act in or on the
2 leased premises or during ingress or egress of the leased
3 premises. The owner, business or commercial lessee, or manager
4 of a private business enterprise or any other private
5 organization, entity, or person who allows the carrying of a
6 firearm by a licensee shall not be liable for any act of the
7 licensee that arises out of the licensee carrying a firearm.

8 (c-1) The Governor, Lieutenant Governor, Attorney General,
9 Secretary of State, Comptroller, or Treasurer may prohibit
10 licensees from carrying a handgun in buildings under their
11 control.

12 (d) Any person licensed under this Act who is prohibited
13 from carrying a concealed firearm into a building by the
14 provisions of subsection (a) or under an ordinance, resolution,
15 or policy adopted in accordance with subsection (b) or (c)
16 shall be permitted to store that firearm or ammunition out of
17 plain sight in his or her locked vehicle or in a locked
18 compartment or container within or securely affixed to the
19 outside of the vehicle. A licensee shall not be in violation of
20 this Section while he or she is traversing a public right of
21 way that touches or crosses any of the premises specified in
22 subsection (a) or from which firearms are prohibited under the
23 provisions of subsection (b) or (c), provided that the firearm
24 is carried on his or her person in accordance with this Act or
25 is being transported in a firearm in accordance with applicable
26 law. A licensee shall not be in violation of subsection (b) or

1 (c) if the responsible party for the premises fails
2 conspicuously to post notice of the prohibition at all public
3 entrances to the building in accordance with subsection (g).

4 (e) If a law enforcement officer initiates an investigative
5 stop, including but not limited to a traffic stop, of a
6 licensee who is carrying a concealed firearm, the licensee
7 shall immediately disclose to the officer that he or she is in
8 possession of a concealed firearm pursuant to this Act.
9 Disclosure may be accomplished by oral notification or by
10 providing or displaying the license to carry a concealed
11 firearm to the officer.

12 (f) A licensee shall not carry a concealed firearm while
13 under the influence of illegal drugs or hallucinogenic drugs or
14 alcohol. For the purposes of this subsection (f), under the
15 influence of alcohol means a blood alcohol content of .08 or
16 greater.

17 (g) Signs stating that the carrying of a concealed firearm
18 is prohibited shall be clearly and conspicuously posted at
19 every entrance of a building or premises specified in
20 subsection (a) or designated in accordance with subsection (b)
21 or (c). The Department shall promulgate rules for standardized
22 signs to be used under this subsection.

23 (h) A violation of subsection (a), (b), (c), (d), (e), or
24 (f) is a petty offense. A willful violation of subsection (a),
25 (b), (c), (d), (e), or (f) is a Class B misdemeanor. The court
26 may require a licensee to pay a \$75 fee, in addition to any

1 other fees or court costs, for a violation of subsection (e).

2 (i) The Department may suspend a license for up to 30 days
3 for a second violation of subsection (a), (b), (c), (d), (e),
4 or (f) or up to 180 days for a willful violation of subsection
5 (a), (b), (c), (d), (e), or (f). The Department may permanently
6 revoke a license for 3 or more violations of this Section.

7 Section 75. Immunity, employees, and agents. The office of
8 the county sheriff, or any employee or agent of the county
9 sheriff, or the Department of State Police shall not be liable
10 for damages in any civil action arising from alleged wrongful
11 or improper granting, renewing, or failure to revoke licenses
12 issued under this Act, except for willful or wanton misconduct.
13 The office of the county sheriff and any employees or agents
14 shall not be liable for submitting specific or articulable
15 reasons why an applicant should be denied a license, unless the
16 objection contains false, malicious, or inaccurate information
17 and the objection constituted willful and wanton misconduct.
18 Any owner, business or commercial lessee, landlord, manager of
19 a private business enterprise, employer, or any other
20 organization, entity, person, public or private college,
21 university, or post-secondary educational institution that
22 does not prohibit licensees from carrying concealed firearms on
23 property it owns or occupies is immune from any liability
24 arising from its decision.

1 Section 80. Fees.

2 (a) Fees collected under this Act by the Department and
3 deposited into the Citizen Safety and Self-Defense Trust Fund
4 shall be appropriated for administration of this Act.

5 (b) Fees shall be:

6 New license: \$65.

7 Renewal of license: \$25.

8 Duplicate license due to lost or destroyed: \$25.

9 Corrected license due to change of address or name: \$25.

10 Late renewal fee: \$25.

11 (c) By March 1 of each year, the Department shall submit a
12 statistical report to the Governor, the President of the
13 Senate, and the Speaker of the House of Representatives
14 indicating the number of licenses issued, revoked, suspended,
15 denied, and issued after appeal since the last report and in
16 total and also the number of licenses currently valid. The
17 report shall also include the number of arrests and convictions
18 and the types of crimes committed by licensees since the last
19 report.

20 (d) The Secretary of State shall conduct a study to
21 determine the cost and feasibility of creating a method of
22 adding an identifiable code, background, or other means to show
23 that an individual has been issued a license by the Department
24 on the person's driver's license.

25 Section 85. Applicant training.

1 (a) Applicants shall provide proof of completion of at
2 least one of the following courses:

3 (1) NRA Basic Personal Protection In The Home Course.

4 (2) NRA Basics of Personal Protection Outside The Home
5 Course.

6 (3) NRA Basic Pistol Shooting Course.

7 (4) Any other firearms training course of at least 4
8 hours that covers the following:

9 (A) handgun safety in the classroom, at home, on
10 the firing range, and while carrying the firearm;

11 (B) the basic principles of marksmanship;

12 (C) care and cleaning of handguns;

13 (D) laws relating to the justifiable use of force.

14 (b) Applicants shall provide proof of certification by a
15 certified instructor that the applicant passed a live fire
16 exercise with a handgun consisting of:

17 (1) a minimum of 30 rounds; and

18 (2) 20 rounds from a distance of 7 yards and 10 rounds
19 from a distance of 15 yards at a B-21 silhouette or
20 equivalent target as approved by the Department.

21 (b-5) Students shall provide their own safe, functional
22 handgun and factory-loaded ammunition.

23 (b-6) Grades of "passing" shall not be given on range work
24 to an applicant who:

25 (A) does not follow the orders of the certified
26 firearms instructor;

1 (B) in the judgment of the certified firearms
2 instructor, handles a firearm in a manner that poses a
3 danger to the applicant or to others; or

4 (C) during the testing portion of the range work fails
5 to hit the silhouette portion of the target with 70% of the
6 30 rounds fired.

7 (c) The classroom portion of the course may, at the
8 qualified firearms instructor's discretion, be divided into
9 segments of not less than 2 hours each.

10 (d) Applicant training courses shall not be open to anyone
11 under the age of 16 and no certificate of completion shall be
12 issued to persons less than 20 years of age.

13 (e) Instructors shall maintain all records for students'
14 performance for not less than 5 years.

15 (f) Certified firearms instructors shall:

16 (1) allow monitoring of their classes by officials of
17 any certifying agency;

18 (2) make all course records available upon demand to
19 authorized personnel of the Department; and

20 (3) not divulge course records except as authorized by
21 the certifying agency.

22 (g) Fees for applicant training courses shall be set by the
23 instructor.

24 (h) An applicant training course shall not have more than
25 40 students in the classroom portion nor more than 5 students
26 per range officer engaged in range firing.

1 (i) Persons with the following training or certifications
2 are exempt from the requirements of subsection (a) of this
3 Section:

4 (1) An NRA certified instructor.

5 (2) An individual who has qualified to carry a firearm
6 as a retired law enforcement officer.

7 (3) Any active, retired, or honorably discharged
8 member of the armed forces who held a combat related
9 military occupation specialty (MOS).

10 (4) An individual certified as a law enforcement
11 instructor by the Illinois Law Enforcement Training
12 Standards Board or other equivalent agency.

13 Section 90. Firearms instructors training.

14 (a) Not later than 30 days after the effective date of this
15 Act, the Department shall establish a registry of instructors
16 who are eligible to teach courses or sign off on range
17 qualifications, or both, to meet the requirements of Section 85
18 of this Act.

19 (b) Instructors who are eligible to teach courses and
20 certify range qualifications shall have one of the following
21 valid firearms instructor certifications:

22 (1) National Rifle Association Personal Protection
23 Instructor;

24 (2) National Rifle Association Pistol Marksmanship
25 Instructor;

1 (3) National Rifle Association Law Enforcement Firearm
2 Instructor with a certification for handguns;

3 (4) Certification from a firearms instructor's course
4 offered by a State or federal governmental agency; or

5 (5) A similar firearms instructor qualifying course
6 approved by the Illinois Law Enforcement Training
7 Standards Board.

8 (c) Instructors who are eligible to teach courses and
9 certify range qualifications shall be at least 21 years of age
10 and possess at least a high school diploma or GED certificate.

11 (d) An applicant may have his or her instructor
12 qualification revoked if the applicant:

13 (1) does not meet the requirements of this Act to
14 possess a concealed firearms permit;

15 (2) provides false or misleading information to the
16 Board; or

17 (3) has had a prior instructor qualification revoked by
18 the Board or other certifying organization.

19 Section 95. Preemption. It is declared to be the policy of
20 this State that it is an exclusive power and function of the
21 State to regulate the possession and transportation of handguns
22 and the issuance of licenses to carry a concealed firearm.
23 Except as provided in subsection (b) of Section 70, a home rule
24 unit shall not regulate the possession or transportation of
25 handguns. A home rule unit shall not regulate the number of

1 handguns or require registration of handguns possessed by a
2 person licensed under this Act. This Section is a denial of
3 home rule powers and functions under subsection (i) of Section
4 6 of Article VII of the Illinois Constitution.

5 Section 100. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 900. The Freedom of Information Act is amended by
8 changing Section 7.5 as follows:

9 (5 ILCS 140/7.5)

10 Sec. 7.5. Statutory Exemptions. To the extent provided for
11 by the statutes referenced below, the following shall be exempt
12 from inspection and copying:

13 (a) All information determined to be confidential under
14 Section 4002 of the Technology Advancement and Development Act.

15 (b) Library circulation and order records identifying
16 library users with specific materials under the Library Records
17 Confidentiality Act.

18 (c) Applications, related documents, and medical records
19 received by the Experimental Organ Transplantation Procedures
20 Board and any and all documents or other records prepared by
21 the Experimental Organ Transplantation Procedures Board or its
22 staff relating to applications it has received.

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating to
2 known or suspected cases of sexually transmissible disease or
3 any information the disclosure of which is restricted under the
4 Illinois Sexually Transmissible Disease Control Act.

5 (e) Information the disclosure of which is exempted under
6 Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of the
8 Architectural, Engineering, and Land Surveying Qualifications
9 Based Selection Act.

10 (g) Information the disclosure of which is restricted and
11 exempted under Section 50 of the Illinois Prepaid Tuition Act.

12 (h) Information the disclosure of which is exempted under
13 the State Officials and Employees Ethics Act, and records of
14 any lawfully created State or local inspector general's office
15 that would be exempt if created or obtained by an Executive
16 Inspector General's office under that Act.

17 (i) Information contained in a local emergency energy plan
18 submitted to a municipality in accordance with a local
19 emergency energy plan ordinance that is adopted under Section
20 11-21.5-5 of the Illinois Municipal Code.

21 (j) Information and data concerning the distribution of
22 surcharge moneys collected and remitted by wireless carriers
23 under the Wireless Emergency Telephone Safety Act.

24 (k) Law enforcement officer identification information or
25 driver identification information compiled by a law
26 enforcement agency or the Department of Transportation under

1 Section 11-212 of the Illinois Vehicle Code.

2 (l) Records and information provided to a residential
3 health care facility resident sexual assault and death review
4 team or the Executive Council under the Abuse Prevention Review
5 Team Act.

6 (m) Information provided to the predatory lending database
7 created pursuant to Article 3 of the Residential Real Property
8 Disclosure Act, except to the extent authorized under that
9 Article.

10 (n) Defense budgets and petitions for certification of
11 compensation and expenses for court appointed trial counsel as
12 provided under Sections 10 and 15 of the Capital Crimes
13 Litigation Act. This subsection (n) shall apply until the
14 conclusion of the trial of the case, even if the prosecution
15 chooses not to pursue the death penalty prior to trial or
16 sentencing.

17 (o) Information that is prohibited from being disclosed
18 under Section 4 of the Illinois Health and Hazardous Substances
19 Registry Act.

20 (p) Security portions of system safety program plans,
21 investigation reports, surveys, schedules, lists, data, or
22 information compiled, collected, or prepared by or for the
23 Regional Transportation Authority under Section 2.11 of the
24 Regional Transportation Authority Act or the St. Clair County
25 Transit District under the Bi-State Transit Safety Act.

26 (q) Information prohibited from being disclosed by the

1 Personnel Records Review Act.

2 (r) Information prohibited from being disclosed by the
3 Illinois School Student Records Act.

4 (s) Information the disclosure of which is restricted under
5 Section 5-108 of the Public Utilities Act.

6 (t) All identified or deidentified health information in
7 the form of health data or medical records contained in, stored
8 in, submitted to, transferred by, or released from the Illinois
9 Health Information Exchange, and identified or deidentified
10 health information in the form of health data and medical
11 records of the Illinois Health Information Exchange in the
12 possession of the Illinois Health Information Exchange
13 Authority due to its administration of the Illinois Health
14 Information Exchange. The terms "identified" and
15 "deidentified" shall be given the same meaning as in the Health
16 Insurance Accountability and Portability Act of 1996, Public
17 Law 104-191, or any subsequent amendments thereto, and any
18 regulations promulgated thereunder.

19 (u) Records and information provided to an independent team
20 of experts under Brian's Law.

21 (v) Names and information of people who have applied for or
22 received Firearm Owner's Identification Cards under the
23 Firearm Owners Identification Card Act.

24 (w) ~~(v)~~ Personally identifiable information which is
25 exempted from disclosure under subsection (g) of Section 19.1
26 of the Toll Highway Act.

1 (x) Information maintained by the Department of State
2 Police in accordance with subsection (a) of Section 35 of the
3 Family and Personal Protection Act, except as authorized by
4 that Act.

5 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
6 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
7 8-12-11; 97-342, eff. 8-12-11; revised 9-2-11.)

8 Section 905. The State Finance Act is amended by adding
9 Section 5.811 as follows:

10 (30 ILCS 105/5.811 new)

11 Sec. 5.811. The Citizen Safety and Self-Defense Trust Fund.

12 Section 910. The Criminal Code of 1961 is amended by
13 changing Sections 21-6 and 24-2 as follows:

14 (720 ILCS 5/21-6) (from Ch. 38, par. 21-6)

15 Sec. 21-6. Unauthorized Possession or Storage of Weapons.

16 (a) Whoever possesses or stores any weapon enumerated in
17 Section 33A-1 in any building ~~or on land~~ supported in whole or
18 in part with public funds ~~or in any building on such land~~
19 without prior written permission from the chief security
20 officer for such ~~land or~~ building commits a Class A
21 misdemeanor.

22 (b) The chief security officer must grant any reasonable

1 request for permission under paragraph (a).

2 (c) This Section shall not apply to a person acting
3 lawfully under the Family and Personal Protection Act.

4 (d) Subsection (a) shall not apply to any tenant or
5 resident of any public housing.

6 (Source: P.A. 89-685, eff. 6-1-97.)

7 (720 ILCS 5/24-2)

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
17 detention of persons accused or convicted of an offense,
18 while in the performance of their official duty, or while
19 commuting between their homes and places of employment.

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

24 (4) Special agents employed by a railroad or a public
25 utility to perform police functions, and guards of armored

1 car companies, while actually engaged in the performance of
2 the duties of their employment or commuting between their
3 homes and places of employment; and watchmen while actually
4 engaged in the performance of the duties of their
5 employment.

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

1 documentation shall be carried at all times when such
2 persons are in possession of a concealable weapon.

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

1 carried by the security guard at all times when he or she
2 is in possession of a concealable weapon.

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

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

1 Private Detective, Private Alarm, Private Security,
2 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
3 control card shall be carried by the person so trained at
4 all times when such person is in possession of a
5 concealable weapon. For purposes of this subsection,
6 "financial institution" means a bank, savings and loan
7 association, credit union or company providing armored car
8 services.

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

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

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

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

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

26 (13) Court Security Officers while in the performance

1 of their official duties, or while commuting between their
2 homes and places of employment, with the consent of the
3 Sheriff.

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

10 (14) Manufacture, transportation, or sale of weapons
11 to persons authorized under subdivisions (1) through
12 (13.5) of this subsection to possess those weapons.

13 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
14 24-1.6 do not apply to or affect any of the following:

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

20 (2) Duly authorized military or civil organizations
21 while parading, with the special permission of the
22 Governor.

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

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

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

5 (6) A licensee under the Family and Personal Protection
6 Act, notwithstanding Section 70 of that Act, if the
7 licensee meets the requirements of the Family and Personal
8 Protection Act.

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

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

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

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

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

24 (5) Persons licensed under federal law to manufacture
25 any weapon from which 8 or more shots or bullets can be
26 discharged by a single function of the firing device, or

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

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

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

26 The exemption granted under this subdivision (c)(6)

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

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

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

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

25 (d) Subsection 24-1(a)(1) does not apply to the purchase,
26 possession or carrying of a black-jack or slung-shot by a peace

1 officer.

2 (e) Subsection 24-1(a)(8) does not apply to any owner,
3 manager or authorized employee of any place specified in that
4 subsection nor to any law enforcement officer or a licensee
5 under the Family and Personal Protection Act, notwithstanding
6 Section 70 of that Act.

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

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

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

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

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

22 (4) Commerce, preparation, assembly or possession of
23 explosive bullets by manufacturers of ammunition licensed
24 by the federal government, in connection with the supply of
25 those organizations and persons exempted by subdivision
26 (g)(1) of this Section, or like organizations and persons

1 outside this State, or the transportation of explosive
2 bullets to any organization or person exempted in this
3 Section by a common carrier or by a vehicle owned or leased
4 by an exempted manufacturer.

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

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

1 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
2 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
3 athlete's possession, transport on official Olympic and
4 Paralympic transit systems established for athletes, or use of
5 competition firearms sanctioned by the International Olympic
6 Committee, the International Paralympic Committee, the
7 International Shooting Sport Federation, or USA Shooting in
8 connection with such athlete's training for and participation
9 in shooting competitions at the 2016 Olympic and Paralympic
10 Games and sanctioned test events leading up to the 2016 Olympic
11 and Paralympic Games.

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

16 (i) Nothing in this Article shall prohibit, apply to, or
17 affect the transportation, carrying, or possession, of any
18 pistol or revolver, stun gun, taser, or other firearm consigned
19 to a common carrier operating under license of the State of
20 Illinois or the federal government, where such transportation,
21 carrying, or possession is incident to the lawful
22 transportation in which such common carrier is engaged; and
23 nothing in this Article shall prohibit, apply to, or affect the
24 transportation, carrying, or possession of any pistol,
25 revolver, stun gun, taser, or other firearm, not the subject of
26 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of

1 this Article, which is unloaded and enclosed in a case, firearm
2 carrying box, shipping box, or other container, by the
3 possessor of a valid Firearm Owners Identification Card.

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

6 Section 999. Effective date. This Act takes effect upon
7 becoming law.

1	INDEX
2	Statutes amended in order of appearance
3	New Act
4	5 ILCS 140/7.5
5	30 ILCS 105/5.811 new
6	720 ILCS 5/21-6 from Ch. 38, par. 21-6
7	720 ILCS 5/24-2