



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1639

Introduced 2/9/2011, by Sen. Tim Bivins

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2
730 ILCS 5/3-2-12 new
730 ILCS 125/27 new

Amends the Criminal Code of 1961, the Unified Code of Corrections, and the County Jail Act. Permits currently employed and retired State correctional officers and county correctional officers to carry their own firearms off duty without being in violation of the unlawful use of weapons and aggravated unlawful use of a weapon statutes if they meet certain training requirements.

LRB097 06868 RLC 46961 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning correctional officers.

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

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

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

1 Locksmith Act of 2004. Such firearm control card shall be
2 carried by the security guard at all times when he or she
3 is in possession of a concealable weapon.

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

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

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

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

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

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

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

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

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

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

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

14 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
15 24-1.6 do not apply to or affect any of the following:

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

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

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

26 (4) Transportation of weapons that are broken down in a

1 non-functioning state or are not immediately accessible.

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

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

8 (1) Peace officers while in performance of their
9 official duties.

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

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

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

21 (5) Persons licensed under federal law to manufacture
22 any weapon from which 8 or more shots or bullets can be
23 discharged by a single function of the firing device, or
24 ammunition for such weapons, and actually engaged in the
25 business of manufacturing such weapons or ammunition, but
26 only with respect to activities which are within the lawful

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

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

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

23 The exemption granted under this subdivision (c)(6)
24 shall also apply to any authorized agent of any such
25 contractor or subcontractor who is operating within the
26 scope of his employment, where such activities involving

1 such weapon, weapons or ammunition are necessary and
2 incident to fulfilling the terms of such contract.

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

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

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

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

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

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

22 (2) Bonafide collectors of antique or surplus military
23 ordinance.

24 (3) Laboratories having a department of forensic
25 ballistics, or specializing in the development of
26 ammunition or explosive ordinance.

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

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

1 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
2 24-1.6 do not apply to or affect any parole agent or parole
3 supervisor who meets the qualifications and conditions
4 prescribed in Section 3-14-1.5 of the Unified Code of
5 Corrections.

6 (g-7) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
7 24-1.6 do not apply to or affect any currently employed or
8 retired State correctional officer who meets the
9 qualifications and conditions prescribed in Section 3-2-12 of
10 the Unified Code of Corrections.

11 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
12 24-1.6 do not apply to or affect any currently employed or
13 retired county correctional officer who meets the
14 qualifications and conditions prescribed in Section 27 of the
15 County Jail Act.

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

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

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

19 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
20 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
21 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

22 Section 10. The Unified Code of Corrections is amended by
23 adding Section 3-2-12 as follows:

24 (730 ILCS 5/3-2-12 new)

1 Sec. 3-2-12. State correctional officers; off-duty
2 firearms.

3 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
4 24-1.6 of the Criminal Code of 1961 do not apply to currently
5 employed or retired State correctional officers who meet the
6 following conditions:

7 (1) The currently employed or retired State
8 correctional officer must be at least 21 years of age and
9 possess a valid Firearm Owner's Identification Card as
10 prescribed in the Firearm Owners Identification Card Act,
11 receive training in the use of firearms while off duty
12 conducted by the Illinois Law Enforcement Training
13 Standards Board, and be certified as having successfully
14 completing such training by the Board. The Board shall
15 determine the amount of such training and the course
16 content for such training. The currently employed or
17 retired State correctional officer shall requalify for the
18 firearms training annually at a State range certified by
19 the Illinois Law Enforcement Training Standards Board. The
20 expenses of such retraining shall be paid by the currently
21 employed or retired State correctional officer and moneys
22 for the costs of such requalification shall be expended at
23 the request of the Illinois Law Enforcement Training
24 Standards Board.

25 (2) The currently employed or retired State
26 correctional officer shall purchase such firearm at his or

1 her own expense and shall register the firearm with the
2 Illinois Department of State Police and with any other
3 local law enforcement agencies that require such
4 registration.

5 (3) The currently employed or retired State
6 correctional officer may not carry any Illinois Department
7 of Corrections or Department of Juvenile Justice
8 State-issued firearm while off duty. A person who violates
9 this paragraph (3) is subject to disciplinary action by the
10 Illinois Department of Corrections or the Department of
11 Juvenile Justice.

12 (4) State correctional officers who are or were
13 discharged from employment by the Illinois Department of
14 Corrections or the Department of Juvenile Justice shall no
15 longer be considered law enforcement officials and all
16 their rights as law enforcement officials shall be revoked
17 permanently.

18 (b) For the purposes of this Section, "State correctional
19 officer" means an employee of the Department of Corrections or
20 the Department of Juvenile Justice who has custody and control
21 over inmates in an adult or juvenile correctional facility.

22 Section 15. The County Jail Act is amended by adding
23 Section 27 as follows:

24 (730 ILCS 125/27 new)

1 Sec. 27. County correctional officers; off-duty firearms.

2 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
3 24-1.6 of the Criminal Code of 1961 do not apply to currently
4 employed or retired county correctional officers who meet the
5 following conditions:

6 (1) The currently employed or retired county
7 correctional officer must be at least 21 years of age and
8 possess a valid Firearm Owner's Identification Card as
9 prescribed in the Firearm Owners Identification Card Act,
10 receive training in the use of firearms while off duty
11 conducted by the Illinois Law Enforcement Training
12 Standards Board, and be certified as having successfully
13 completing such training by the Board. The Board shall
14 determine the amount of such training and the course
15 content for such training. The currently employed or
16 retired county correctional officer shall requalify for
17 the firearms training annually at a State range certified
18 by the Illinois Law Enforcement Training Standards Board.
19 The expenses of such retraining shall be paid by the
20 currently employed or retired county correctional officer
21 and moneys for the costs of such requalification shall be
22 expended at the request of the Illinois Law Enforcement
23 Training Standards Board.

24 (2) The currently employed or retired county
25 correctional officer shall purchase such firearm at his or
26 her own expense and shall register the firearm with the

1 Illinois Department of State Police and with any other
2 local law enforcement agencies that require such
3 registration.

4 (3) The currently employed or retired county
5 correctional officer may not carry any county
6 sheriff-issued firearm while off duty. A person who
7 violates this paragraph (3) is subject to disciplinary
8 action by the county sheriff.

9 (4) County correctional officers who are or were
10 discharged from employment by the county sheriff shall no
11 longer be considered law enforcement officials and all
12 their rights as law enforcement officials shall be revoked
13 permanently.

14 (b) For the purposes of this Section, "county correctional
15 officer" means an employee of the county who has custody and
16 control over inmates in a county jail or juvenile detention
17 center.