



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2150

Introduced 2/10/2011, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

New Act
50 ILCS 705/10.6 new
720 ILCS 5/24-2

Creates the Illinois License to Carry Firearms for Self-Defense Act. Authorizes the county sheriff to issue licenses to carry concealed firearms to persons at least 21 years of age who meet certain requirements. Requires an applicant for a license to have completed specified training requirements developed by the Illinois Law Enforcement Training Standards Board consisting of classroom instruction and live firing exercises. Preempts home rule. Amends the Illinois Police Training Act and the Criminal Code of 1961 to make conforming changes. Effective January 1, 2012.

LRB097 07202 RLC 50285 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

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
5 Illinois License to Carry Firearms for Self-Defense Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means the Illinois Law Enforcement Training
8 Standards Board.

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

13 "Fund" means the County License to Carry Firearms for
14 Self-Defense Trust Fund in each county.

15 "Handgun" has the meaning ascribed to it in paragraph (h)
16 of subsection (A) of Section 24-3 of the Criminal Code of 1961.

17 "License" means a license to carry a concealed firearm
18 issued by the county sheriff.

19 "Licensee" means a person who is issued a license to carry
20 a concealed firearm by the county sheriff.

21 Section 10. Licensee for concealed firearms. The county
22 sheriff is authorized to issue licenses to carry concealed

1 firearms to persons qualified as provided in this Act. Licenses
2 to carry concealed firearms shall be valid throughout the State
3 for a period of 3 years from the date of issuance. Any person
4 in compliance with the terms of the license may carry concealed
5 firearms on or about his or her person. The licensee shall
6 carry the license at all times the licensee is carrying a
7 concealed firearm and shall display the license upon the
8 request of a law enforcement officer.

9 Section 15. Application for license and qualifications of
10 applicants.

11 (a) An applicant for a license shall obtain the application
12 from the sheriff of the county in which the applicant resides.
13 The completed application and all accompanying material plus an
14 application fee of \$100 for a new license or \$75 for a renewal
15 shall be presented to the office of the sheriff of the county
16 in which the applicant resides.

17 The sheriff shall evaluate the application and
18 accompanying material, and within 30 days, the sheriff shall
19 either issue or deny the license.

20 (b) The sheriff, upon a person's application for a
21 concealed firearms license, upon receipt of the appropriate
22 fees, and after compliance with the procedures set out in this
23 Section, shall issue the applicant a concealed firearms license
24 if the person:

25 (i) is at least 21 years of age;

1 (ii) resides within the State of Illinois and has been
2 a resident for the last 6 months (except the 6 months shall
3 be waived for members of the Armed Forces) and is a
4 permanent resident of the United States;

5 (iii) has a valid Firearm Owner's Identification Card;

6 (iv) Has not been convicted of a crime punishable by
7 imprisonment for a term exceeding one year, or of a
8 misdemeanor evidencing violence, is not free on any form of
9 bond or pretrial release for a felony or a misdemeanor
10 evidencing violence, and has no outstanding warrants for
11 those crimes;

12 (v) Has no record of mental disease or mental illness
13 on file that would evidence incapacity, or lack of proper
14 mental capacity;

15 (vi) Has not been committed to a state or federal
16 facility for the abuse of a controlled substance,
17 methamphetamine, or cannabis and has not been convicted of
18 a misdemeanor violation of the Illinois Controlled
19 Substances Act or Cannabis Control Act or similar laws of
20 any other state relating to controlled substances or
21 cannabis within a 10 year period immediately preceding the
22 date on which the application is submitted; and

23 (vii) Does not chronically and habitually use
24 alcoholic beverages as evidenced by the applicant having 2
25 or more convictions for violating Section 11-501 of the
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance within 5 years preceding his or her application
2 or the applicant having elected treatment under the
3 supervision of a licensed program in accordance with the
4 Alcoholism and Other Drug Abuse and Dependency Act or
5 similar laws of any other state within a 5 year period
6 immediately preceding the date on which the application is
7 submitted.

8 Section 20. Contents of application. The initial
9 application shall be in writing, under oath and under the
10 penalties of perjury, on a standard form promulgated by the
11 sheriff and shall be accompanied by the appropriate fees and
12 required documentation. The application shall only contain or
13 require the following information:

14 (i) the applicant's name, address, gender, race, date
15 and place of birth, and driver license or State
16 identification card number;

17 (ii) an affirmation that the applicant is at least 21
18 years of age and that the applicant possesses a currently
19 valid Illinois Firearm Owner's Identification Card,
20 together with the card number and a photocopy of the
21 Firearm Owner's Identification Card;

22 (iii) a full set of legible fingerprints of the
23 applicant taken by any federal, State, county or municipal
24 law enforcement agency. Any cost of fingerprinting shall be
25 paid by the applicant. The State, county or local law

1 enforcement agencies may not charge more than \$10 to
2 fingerprint an applicant;

3 (iv) a head and shoulder color photograph taken within
4 30 days preceding the date on which the application is
5 submitted;

6 (v) questions to certify or demonstrate that the
7 applicant has completed the firearms and deadly use of
8 force training and education prerequisites specified under
9 this Act and a photocopy of a certificate or other evidence
10 of completion of a course to show compliance;

11 (vi) a statement that the applicant is a resident of
12 the State of Illinois and has been a resident for the last
13 6 months (except the 6 months shall be waived for members
14 of the Armed Forces) and is a permanent resident of the
15 United States;

16 (vii) a waiver of privacy and confidentiality rights
17 and privileges enjoyed by the applicant under all federal
18 and state laws governing justice, psychological, or
19 psychiatric records, or access to records relating to the
20 applicant's history of juvenile court, or criminal
21 institutionalization, and an affirmative request that any
22 person having custody of any such record provide it or
23 information concerning it to the sheriff;

24 (viii) an affirmation that the applicant has never been
25 convicted of any felony or of a misdemeanor involving the
26 use or threat of physical force or violence to any person;

1 and has never been adjudicated a delinquent minor for an
2 offense which, had he or she been tried as an adult, would
3 have been such a felony or misdemeanor. The application
4 shall also contain the following statement along with a
5 signature line for use by the applicant, which statement
6 the applicant shall affirm under oath: "I, the undersigned,
7 state, under oath and subject to the penalty of perjury,
8 that I am not a streetgang member as defined in Section 10
9 of the Illinois Streetgang Terrorism Omnibus Prevention
10 Act, and I will not join or become associated with a
11 criminal streetgang."; and

12 (ix) a conspicuous warning that false statements made
13 by the applicant will result in prosecution for perjury in
14 accordance with Section 32-2 of the Criminal Code of 1961.

15 Section 25. Fees. Fees collected under this Act and
16 deposited into the County License to Carry Firearms for
17 Self-Defense Trust Fund shall be used exclusively by the
18 sheriff for administrating the provisions of this Act. Any
19 excess monies in the Fund may be used to ensure the prompt and
20 efficient processing of applications received under Section 20
21 of this Act. The application fee shall be retained by the
22 office of the sheriff for official expenses of the office
23 associated with this Act.

24 Fees for a concealed firearms license shall be:

25 New license..\$100

1 Renewal..\$75
2 Duplicate of a lost or destroyed license..\$25
3 Corrected license due to change of address or name..\$25
4 Late renewal fee..\$25

5 Section 30. Approval of application.

6 (a) If the sheriff finds that the applicant possesses a
7 valid Firearm Owner's Identification Card, meets the training
8 requirements of this Act, and has provided the documentation
9 and paid the fees required for issuance of a concealed firearms
10 license, and that, as nearly as it is possible to determine,
11 nothing in the applicant's background or present circumstances
12 disqualify him or her from possessing a firearm in Illinois,
13 the Sheriff shall approve the application and issue the
14 applicant a wallet sized license bearing the photograph, name,
15 and address of the applicant and identifying the office issuing
16 the license within 30 days.

17 (b) The sheriff may consider an objection or recommendation
18 made by the sheriff or municipal police department supported by
19 specific and articulable reasons, in a written report, why the
20 applicant should be denied a license and may deny the license
21 based solely on those objections. If the objection contains
22 false, malicious or inaccurate information, the sheriff or
23 municipal police department filing the objection shall bear all
24 of the applicant's costs if the applicant prevails in an
25 appeal.

1 (c) If the applicant is found to be ineligible, the sheriff
2 shall deny the application, and notify the applicant in
3 writing, stating the grounds for denial and informing the
4 applicant of the right to submit, within 30 days, any
5 additional documentation relating to the grounds of the denial.
6 Upon receiving any additional documentation, the sheriff shall
7 reconsider his or her decision and inform the applicant within
8 30 days of the result of the reconsideration. The applicant
9 shall be informed of the right to appeal the denial in the
10 circuit court of his or her place of residence.

11 Section 35. Revocation of a license. A license issued under
12 Section 30 shall be suspended or revoked if the license holder
13 becomes ineligible to be issued a license under the criteria
14 set forth in paragraph (i), (ii), (iii), (iv), (v), (vi), or
15 (vii) of Section 20 or subsection (b) of Section 30 of this
16 Act.

17 When an order of protection is issued under Section 112A-14
18 of the Code of Criminal Procedure of 1963 or under Section 214
19 of the Illinois Domestic Violence Act of 1986 against a person
20 holding a license issued under this Act, the holder of the
21 license shall surrender the license to the court or to the
22 officer serving the order. The officer to whom the license is
23 surrendered shall forthwith transmit the license to the court
24 issuing the order. The license shall be suspended until the
25 order is terminated.

1 Section 40. Notification of renewal. Not later than 120
2 days before the expiration of any license issued under this
3 Act, the sheriff shall notify the license holder in writing of
4 the expiration and furnish an application for renewal of the
5 license.

6 Section 45. Renewal of license.

7 (a) The license shall be renewed for a qualified applicant
8 upon receipt of the properly completed renewal application and
9 required renewal fee. The renewal application shall contain the
10 same required information as set forth in paragraphs (i)
11 through (ix) of Section 20, except that in lieu of the firearm
12 education and use of deadly force training, the applicant need
13 only demonstrate previous issuance of and continued
14 eligibility for a concealed firearms license.

15 (b) A licensee who fails to file a renewal application on
16 or before its expiration date must pay an additional late fee
17 of \$25. A person who fails to renew his or her application
18 within 6 months after its expiration must reapply for a new
19 license and pay the fee for a new application.

20 Section 50. Change of address, change of name, and lost or
21 destroyed licenses.

22 (a) Within 30 days after changing his or her permanent
23 residence, and within 30 days after loss or destruction of a

1 concealed firearms license, the licensee shall notify the
2 sheriff and the Department of State Police of the loss,
3 destruction, change of name, or change of residence. Failure to
4 notify the Department of State Police shall constitute a
5 noncriminal violation with a penalty of \$25 payable to the
6 Department of State Police.

7 (b) If a person issued a license to carry a concealed
8 firearm changes residence within this State, or changes his or
9 her name, the person to whom the license was issued may, upon
10 payment of \$25 and presentation of their current license to the
11 sheriff, obtain a corrected concealed firearms license with a
12 change of address or change of name upon furnishing a notarized
13 statement to the sheriff that the licensee has changed
14 residence or his or her name, and upon submission of an
15 application as set forth in paragraph (i) of Section 20 and a
16 photograph as set forth in paragraph (iv) of Section 20. A
17 concealed firearms license shall be automatically invalid
18 after 30 days if the licensee has not notified the Department
19 of State Police of a change of residence. A license corrected
20 under this subsection shall be issued written in 48 hours.

21 (c) If a license to carry a concealed firearm is lost or
22 destroyed, the license shall be automatically invalid, and the
23 person to whom the license was issued may obtain a duplicate,
24 upon payment of \$25 to the sheriff and furnishing a notarized
25 statement to the sheriff that the license was lost or
26 destroyed, and submission of an application as set forth in

1 paragraph (i) of Section 20 and a photograph as set forth in
2 paragraph (iv) of Section 20.

3 Section 55. Automated listing.

4 (a) At least once per month, the sheriff shall transmit a
5 listing of all individuals to whom the Sheriff has issued or
6 revoked a license under this Act. That listing shall contain
7 the name, address, gender, race, date and place of birth, and
8 driver license or State identification card number.

9 (b) The Department of State Police shall maintain an
10 automated listing of license holders, and this information
11 shall be available on-line, upon request, at all times to all
12 Illinois law enforcement agencies. Except as provided in this
13 Act, information on applications for licenses, names and
14 addresses, or other identifying information relating to
15 license holders shall be confidential and shall not be made
16 available except to law enforcement agencies.

17 Section 60. Privacy of license holders and applicants.
18 Except as provided in this Section, information on applications
19 for licenses, names and addresses, or other identifying
20 information relating to license holders shall be confidential,
21 not subject to the Illinois Freedom of Information Act, and
22 shall not be made available except to law enforcement agencies
23 or as otherwise provided in this Section.

24 Requests for information about any license holder or

1 applicant made by persons other than a bona fide law
2 enforcement agency shall be made in writing together with any
3 fee required for providing the information.

4 No State or local law enforcement agency shall provide a
5 list of names of any or all license holders or applicants in
6 the State of Illinois or a county, except that the Department
7 of State Police or sheriff may, upon proper application and the
8 payment of the required fee, provide to the requester, in
9 written form only, confirmation that an individual has or has
10 not been issued, applied for, or denied a license, or had a
11 license revoked under this Act. No identifying information
12 other than the name shall be provided.

13 Only the Department of State Police or sheriff may provide
14 statistical information on:

15 (i) the number of licenses or applicants issued or
16 received;

17 (ii) the race, age, or gender of those issued licenses
18 or applicants;

19 (iii) the county of residence of those issued licenses
20 or applicants;

21 (vi) the number of licenses revoked and for what
22 reason.

23 Nothing in this Section shall prevent any law enforcement
24 agency from releasing information about an individual as part
25 of a criminal investigation.

26 The names of all persons, other than law enforcement

1 agencies and peace officers, requesting information under this
2 Section shall be public records. No other agency of government
3 other than the Department of State Police or sheriff shall
4 provide any information to a requester not entitled to it by
5 law.

6 Section 65. Concealed firearms license.

7 (a) A concealed firearm license shall authorize the person
8 in whose name the license is issued to carry concealed firearms
9 on or about his or her person or vehicle throughout the State.
10 No license issued under this Section shall authorize any person
11 to carry a concealed firearm into or upon:

12 (i) Any state or local police or sheriff's office or
13 station without the consent of the chief law enforcement
14 officer in charge of that office or station.

15 (ii) The facility of any adult or juvenile detention or
16 correctional institution, prison, or jail.

17 (iii) Any courthouse solely occupied by the Circuit,
18 Appellate, or Supreme Court or a courtroom of any of those
19 courts, or court proceeding.

20 (iv) Any meeting of the governing body of a unit of
21 local government; or any meeting of the General Assembly or
22 a committee of the General Assembly.

23 The General Assembly or a county or municipality may by
24 statute or ordinance prohibit or limit the carrying of
25 concealed firearms by license holders in that portion of a

1 building owned, leased or controlled by that unit of
2 government. That portion of a building in which the
3 carrying of concealed firearms is prohibited or limited
4 shall be clearly identified by signs conspicuously posted
5 at each entrance to the restricted area. The statute or
6 ordinance shall exempt any building used for public housing
7 by private persons, highways or rest areas, firing ranges,
8 and private dwellings owned, leased, or controlled by that
9 unit of government from any restriction on the carrying or
10 of possession of a firearm. The statute or ordinance shall
11 not specify any criminal penalty for its violation but may
12 specify that persons violating the statute or ordinance may
13 be denied entrance to the building, ordered to leave the
14 building and if the employees of the unit of government, be
15 subjected to disciplinary measures for violation of the
16 provisions of the statute or ordinance. The provisions of
17 this Section shall not apply to any other unit of
18 government.

19 (v) Any portion of an establishment licensed to
20 dispense beer or alcoholic beverages for consumption on the
21 premises, which portion of the establishment is primarily
22 devoted to that purpose.

23 This paragraph (v) does not apply to any bona fide
24 restaurant open to the general public having dining
25 facilities for at least 25 persons and that receives at
26 least 50% of its gross annual income from the dining

1 facilities by the sale of food.

2 (vi) Any area of an airport to which access is
3 controlled by the inspection of persons and property.

4 (vii) Any place where the carrying of a firearm is
5 prohibited by federal law.

6 (viii) Inside any elementary or secondary school
7 facility without the consent of school authorities.

8 (ix) Any portion of a building used as a child care
9 facility without the consent of the manager. Nothing in
10 this Section shall prevent the operator of a child care
11 facility in a family home from owning or possessing a
12 firearm or license.

13 (x) A riverboat gambling operation or horse racing
14 facility accessible by the public.

15 (xi) Any gated area of an amusement park.

16 (xii) Any stadium, arena, or collegiate or
17 professional sporting event.

18 (xiii) A church or other place of religious worship.

19 A violation of this subsection (a) is a Class A
20 misdemeanor.

21 A concealed firearm license does not authorize the
22 concealed carrying or transportation of a stun gun or taser.

23 (b) The owner, business or commercial lessee, manager of a
24 private business enterprise, or any other organization,
25 entity, or person in control of a premises may prohibit persons
26 holding a license for concealed firearms from carrying

1 concealed firearms on the premises and may prohibit employees,
2 not under a collective bargaining agreement, not authorized by
3 the employer, holding a license for concealed firearms from
4 carrying concealed firearms on the property of the employer. If
5 the building or the premises are open to the public, the
6 employer of the business enterprise shall post conspicuous
7 signs on or about the premises notifying the public that
8 carrying a concealed firearm is prohibited. Possession of a
9 firearm in a vehicle on the premises shall not be a criminal
10 offense so long as the firearm is not removed from the vehicle
11 or brandished while the vehicle is on the premises. An employer
12 may prohibit employees, not under a collective bargaining
13 agreement, or other persons holding a license for a concealed
14 firearm from carrying a concealed firearm in vehicles owned by
15 the employer. Carrying of a concealed firearm in a location
16 specified in this subsection by a license holder shall not be a
17 criminal offense but may subject the person to denial to the
18 premises or removal from the premises.

19 Section 70. Immunity of sheriff, employees, and agents. The
20 office of the sheriff, or any employee or agent of the sheriff,
21 shall not be liable for damages in any civil action arising
22 from alleged wrongful or improper granting, renewing, or
23 failure to revoke licenses issued under this Act. The office of
24 the sheriff or any employee or agent of the office of the
25 sheriff shall not be liable for submitting specific and

1 articulable reasons why an applicant should be denied a
2 license, unless the objection contains false, malicious or
3 inaccurate information.

4 Section 75. Applicant training.

5 (a) The applicant training course shall be the standardized
6 training course furnished by the Board and taught by a
7 qualified firearms instructor, consisting of:

8 (1) Eight hours of classroom instruction, covering at
9 least the following topics:

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

12 (ii) the basic principles of marksmanship;

13 (iii) care and cleaning of handguns;

14 (iv) by means of a videotape produced or approved
15 by the Board:

16 (A) the requirements for obtaining a concealed
17 firearms license in this State;

18 (B) laws relating to firearms as prescribed in
19 the Firearm Owners Identification Card Act,
20 Article 24 of the Criminal Code of 1961, and 18
21 U.S.C. 921 through 930; and

22 (C) laws relating to the justifiable use of
23 force as prescribed in Article 7 of the Criminal
24 Code of 1961;

25 (v) a written exam not to exceed 100 questions

1 testing the knowledge of the applicant on the subject
2 matter covered in the course.

3 (2) Live firing exercises of sufficient duration for
4 each applicant to fire a handgun:

5 (i) from a standing position;

6 (ii) a minimum of 20 rounds;

7 (iii) at a distance of 7 yards from a B-21
8 silhouette target, or an equivalent as approved by the
9 Board.

10 (b) The classroom portion of the course may be, at the
11 qualified firearms instructor's discretion, divided into
12 segments of not less than 2 hours each.

13 (c) (1) An applicant training course shall not be open to
14 persons who are less than 21 years of age.

15 (2) Applicant training course students shall complete a
16 course application form, which shall include a statement
17 acknowledging receipt of copies of pertinent statutory
18 provisions listed in clauses (A), (B), and (C) of subparagraph
19 (iv) of paragraph (1) of subsection (a) and a liability waiver.

20 (3) The course application form may be obtained from the
21 qualified firearms instructor at the time of the course.

22 (d) At the conclusion of the classroom portion of the
23 applicant training course, the qualified firearms instructor
24 shall:

25 (1) distribute a standard course examination to the
26 students;

1 (2) not leave the room in which the examination is
2 being held while the examination is in progress;

3 (3) collect examination booklets and answer sheets
4 from each student at the end of the examination period;

5 (4) not grade the examinations in the presence of
6 students; and

7 (5) not divulge an applicant's numeric score on the day
8 of the examination, but the instructor may indicate whether
9 an applicant passed or failed the examination.

10 (e) A person shall not:

11 (1) Make an unauthorized copy of the applicant training
12 course examination, in whole or in part;

13 (2) Possess the applicant training course examination,
14 or questions from the examination, unless authorized by the
15 Board; or

16 (3) Divulge the contents of an applicant training
17 course examination question to another person.

18 (f)(1) Students shall provide their own safe, functional
19 handgun and factory-loaded ammunition.

20 (2) Prior to conducting range firing, the certified
21 firearms instructor shall:

22 (i) inspect each applicant's firearm; and

23 (ii) not allow the firing of a handgun that is not in
24 sound mechanical condition or otherwise may pose a safety
25 hazard.

26 (g) Grades of "passing" shall not be given on range work to

1 an applicant who:

2 (1) does not follow the orders of the certified
3 firearms instructor;

4 (2) in the judgment of the certified firearms
5 instructor, handles a firearm in a manner that poses a
6 danger to the applicant or to others; or

7 (3) during the testing portion of the range work fails
8 to hit the silhouette portion of the target with a majority
9 of 20 rounds.

10 (h) Certified firearms instructors shall:

11 (1) allow monitoring of their classes by officials of
12 any certifying agency;

13 (2) make all course records available upon demand to
14 authorized personnel of the Board; and

15 (3) not divulge course records except as authorized by
16 the certifying agency.

17 (i) (1) Fees for applicant training courses shall not exceed
18 \$125 per student.

19 (2) Qualified firearms instructors shall collect the fee
20 and remit \$25 of the fee to the Board.

21 (3) Fees shall not be refunded to students who fail or
22 otherwise do not complete the course.

23 (j) An applicant training course shall not have more than
24 40 students in the classroom portion or more than 5 students
25 per range officer engaged in range firing.

26 (k) Within 3 working days after the completion of the

1 course, the certified firearms instructor shall:

2 (1) grade the examinations; and

3 (2) mail to the Board:

4 (i) the completed course application form, showing
5 the student's score on the written examination and
6 indicating whether the student passed or failed the
7 range work, and

8 (ii) the graded examinations.

9 (l) Within 15 days after receipt of the material described
10 in subsection (k), the Board shall mail to the applicant:

11 (i) A certificate of successful course completion; or

12 (ii) Notification that the applicant has failed the
13 course and will not be certified.

14 (m) A student shall be issued a certificate of completion
15 if he or she:

16 (i) answers at least 70% of the written examination
17 questions correctly; and

18 (ii) achieves a grade of "passing" on the range work.

19 (n)(i) Students who score below 70% on the written
20 examination may retake the examination one time without having
21 to retake the course.

22 (ii) Students who do not achieve a grade of "passing" on
23 the range work may repeat the range work twice without having
24 to retake the course.

25 (iii) Notices of failure will include information on
26 whether the student failed the written exam, the range firing,

1 or both.

2 Section 80. Firearms instructor certification. The Board
3 shall certify instructors who have met the requirements of this
4 Section.

5 (a) Persons who are not certified firearms instructors
6 shall not teach applicant training courses.

7 (b) Persons who are not certified firearms instructors
8 shall not advertise or otherwise represent courses they teach
9 as qualifying their students to meet the requirements to
10 receive a license to carry concealed firearms in this State.

11 (c) Persons who are not certified instructor trainers shall
12 not teach instructor qualification courses.

13 (d) Persons wishing to become certified firearms
14 instructors shall:

15 (1) be at least 21 years of age;

16 (2) be a citizen of the United States; and

17 (3) meet the requirements of subsection (b) of Section
18 20. Persons wishing to become instructor trainers, in
19 addition to the other requirements of this subsection (d),
20 shall:

21 (A) possess at least a high school diploma or GED
22 certificate,

23 (B) have at least one of the following valid
24 firearms instructor certifications:

25 (I) National Rifle Association Personal

- 1 Protection Instructor;
- 2 (II) National Rifle Association Pistol
- 3 Marksmanship Instructor;
- 4 (III) Certification from a firearms
- 5 instructor's course offered by a State or federal
- 6 governmental agency; or
- 7 (IV) A similar firearms instructor qualifying
- 8 course, approved by the Police Training Board.

9 (e) (1) Applicants shall agree to criminal history

10 background checks.

11 (2) An applicant may be disqualified from becoming a

12 certified instructor, or have his or her instructor

13 qualification revoked if the applicant:

14 (A) does not meet the requirements of this Act to

15 possess a concealed firearms license;

16 (B) provides false or misleading information to the

17 Board; or

18 (C) has had a prior instructor qualification revoked by

19 the Board.

20 (f) The training course to certify firearms instructors and

21 instructor trainers shall include:

22 (1) 16 hours of classroom instruction covering at least

23 the following topics:

24 (i) By means of a videotape produced or approved by the

25 Board:

26 (A) the requirements for obtaining a concealed

1 firearms license in this State;

2 (B) laws relating to firearms as contained in the
3 Firearm Owners Identification Card Act, Article 24 of
4 the Criminal Code of 1961, and 18 U.S.C. 921 through
5 930;

6 (C) laws relating to the justifiable use of force
7 as contained in Article 7 of the Criminal Code of 1961;

8 (D) the conduct of applicant training courses;

9 (E) record-keeping requirements of this Act;

10 (F) the basic nomenclature of handguns;

11 (G) the basic principles of marksmanship; and

12 (H) the safe handling of handguns.

13 (2) A classroom demonstration, during which the
14 instructor candidate shall receive instruction on and
15 demonstrate competency in the ability to prepare and
16 deliver a classroom presentation using materials from the
17 applicant curriculum.

18 (3) Range instruction and firing of live ammunition,
19 during which the instructor candidate shall receive
20 instruction on and demonstrate competency in the ability
21 to:

22 (i) handle and fire a handgun safely and
23 accurately;

24 (ii) conduct a function test and safety inspection
25 of common types of handguns;

26 (iii) clean common types of handguns; and

1 (iv) supervise and conduct live firing exercises
2 in a safe and efficient manner.

3 (g) To qualify as a certified firearms instructor or
4 instructor trainer, instructor candidates shall achieve:

5 (1) A minimum score of 70% on a written examination
6 covering the material taught during the classroom portion
7 of the course;

8 (2) A minimum score of 80% on range firing of a handgun
9 from the standing position while aiming at a B-21 PC
10 silhouette target or an equivalent as approved by the
11 Board, with a minimum of:

12 (i) ten rounds from 7 yards; and

13 (ii) ten rounds from 15 yards; and

14 (iii) a score of "passing" from the course
15 instructor for demonstrating competency in each of the
16 following:

17 (A) Supervising and conducting live fire;

18 (B) Cleaning and inspecting handguns; and

19 (C) Preparing and delivering the classroom
20 lecture.

21 (h) Instructor candidates who fail to meet the minimum
22 requirements of subsection (g) of this Section may retake the
23 examination, range work, or classroom demonstration one time
24 without having to repeat the course.

25 (i) Qualified firearms instructor and instructor trainer
26 certificates shall be valid for 5 years from the date of

1 issuance. Qualified firearms instructors or instructor
2 trainers may renew their certification by successfully
3 completing a refresher course offered or approved by the Board.

4 (j) The fees for instructor trainer or refresher courses
5 shall be \$100 per student.

6 (1) The fees for qualified instructor courses shall be
7 no more than \$100 per student. The instructor trainer shall
8 remit \$25 per student to the Board.

9 (2) Fees shall not be refunded to those who do not pass
10 or otherwise fail to complete a course.

11 (k) Course participants shall provide their own safe,
12 functional handgun and factory-loaded ammunition.

13 (l) Prior to conducting range firing, the course instructor
14 shall:

15 (i) inspect each applicant's firearm; and

16 (ii) not allow the firing of a handgun which is not in
17 sound mechanical condition or otherwise may pose a safety
18 hazard.

19 Section 85. Study. The Secretary of State shall conduct a
20 study, to determine the cost and feasibility of creating a
21 method of adding an identifiable code, background, or other
22 means to show that an individual has been issued a license to
23 carry a concealed firearm by the sheriff on the person's
24 driver's license or State identification card.

1 Section 90. Report. By March 1 of each year, the
2 Department of State Police shall submit a statistical report to
3 the Governor, the President of the Senate and the Speaker of
4 the House of Representatives, indicating the number of licenses
5 issued, revoked, suspended, denied and issued after appeal in
6 the previous calendar year and in total and also the number of
7 licenses currently valid. The report shall also include the
8 number of arrests, convictions and types of crimes in the
9 previous calendar year by individuals issued licenses to carry
10 a concealed firearm.

11 Section 95. Preemption. The regulating of carrying
12 firearms being an exclusive function of the State under Section
13 24-1 and 24-1.6 of the Criminal Code of 1961, an ordinance of a
14 unit of local government, including a home rule unit, is
15 invalid if it is inconsistent with the Illinois License to
16 Carry Firearms for Self-Defense Act. It is declared to be the
17 policy of this State that the regulation of the right to carry
18 concealed firearms and the issuance of licenses to carry
19 concealed firearms is an exclusive power and function of the
20 State. A home rule unit may not regulate the carrying of
21 concealed firearms. This Section is a denial and limitation of
22 home rule powers and functions under subsection (h) of Section
23 6 of Article VII of the Illinois Constitution.

24 Section 100. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 105. The Illinois Police Training Act is amended by
3 adding Section 10.6 as follows:

4 (50 ILCS 705/10.6 new)

5 Sec. 10.6. Illinois License to Carry Firearms for
6 Self-Defense Act training course. The Board shall initiate,
7 develop, and oversee a training course for the Illinois License
8 to Carry Firearms for Self-Defense Act pursuant to that Act.
9 The training course shall include all of the subjects
10 enumerated in the Illinois License to Carry Firearms for
11 Self-Defense Act. The Board shall issue a certificate to those
12 persons successfully completing the course according to that
13 Act.

14 Section 110. The Criminal Code of 1961 is amended by
15 changing Section 24-2 as follows:

16 (720 ILCS 5/24-2)

17 Sec. 24-2. Exemptions.

18 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
19 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
20 the following:

21 (1) Peace officers, and any person summoned by a peace
22 officer to assist in making arrests or preserving the

1 peace, while actually engaged in assisting such officer.

2 (2) Wardens, superintendents and keepers of prisons,
3 penitentiaries, jails and other institutions for the
4 detention of persons accused or convicted of an offense,
5 while in the performance of their official duty, or while
6 commuting between their homes and places of employment.

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

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

18 (5) Persons licensed as private security contractors,
19 private detectives, or private alarm contractors, or
20 employed by an agency certified by the Department of
21 Professional Regulation, if their duties include the
22 carrying of a weapon under the provisions of the Private
23 Detective, Private Alarm, Private Security, Fingerprint
24 Vendor, and Locksmith Act of 2004, while actually engaged
25 in the performance of the duties of their employment or
26 commuting between their homes and places of employment,

1 provided that such commuting is accomplished within one
2 hour from departure from home or place of employment, as
3 the case may be. Persons exempted under this subdivision
4 (a)(5) shall be required to have completed a course of
5 study in firearms handling and training approved and
6 supervised by the Department of Professional Regulation as
7 prescribed by Section 28 of the Private Detective, Private
8 Alarm, Private Security, Fingerprint Vendor, and Locksmith
9 Act of 2004, prior to becoming eligible for this exemption.
10 The Department of Professional Regulation shall provide
11 suitable documentation demonstrating the successful
12 completion of the prescribed firearms training. Such
13 documentation shall be carried at all times when such
14 persons are in possession of a concealable weapon.

15 (6) Any person regularly employed in a commercial or
16 industrial operation as a security guard for the protection
17 of persons employed and private property related to such
18 commercial or industrial operation, while actually engaged
19 in the performance of his or her duty or traveling between
20 sites or properties belonging to the employer, and who, as
21 a security guard, is a member of a security force of at
22 least 5 persons registered with the Department of
23 Professional Regulation; provided that such security guard
24 has successfully completed a course of study, approved by
25 and supervised by the Department of Professional
26 Regulation, consisting of not less than 40 hours of

1 training that includes the theory of law enforcement,
2 liability for acts, and the handling of weapons. A person
3 shall be considered eligible for this exemption if he or
4 she has completed the required 20 hours of training for a
5 security officer and 20 hours of required firearm training,
6 and has been issued a firearm control card by the
7 Department of Professional Regulation. Conditions for the
8 renewal of firearm control cards issued under the
9 provisions of this Section shall be the same as for those
10 cards issued under the provisions of the Private Detective,
11 Private Alarm, Private Security, Fingerprint Vendor, and
12 Locksmith Act of 2004. Such firearm control card shall be
13 carried by the security guard at all times when he or she
14 is in possession of a concealable weapon.

15 (7) Agents and investigators of the Illinois
16 Legislative Investigating Commission authorized by the
17 Commission to carry the weapons specified in subsections
18 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
19 any investigation for the Commission.

20 (8) Persons employed by a financial institution for the
21 protection of other employees and property related to such
22 financial institution, while actually engaged in the
23 performance of their duties, commuting between their homes
24 and places of employment, or traveling between sites or
25 properties owned or operated by such financial
26 institution, provided that any person so employed has

1 successfully completed a course of study, approved by and
2 supervised by the Department of Professional Regulation,
3 consisting of not less than 40 hours of training which
4 includes theory of law enforcement, liability for acts, and
5 the handling of weapons. A person shall be considered to be
6 eligible for this exemption if he or she has completed the
7 required 20 hours of training for a security officer and 20
8 hours of required firearm training, and has been issued a
9 firearm control card by the Department of Professional
10 Regulation. Conditions for renewal of firearm control
11 cards issued under the provisions of this Section shall be
12 the same as for those issued under the provisions of the
13 Private Detective, Private Alarm, Private Security,
14 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
15 control card shall be carried by the person so trained at
16 all times when such person is in possession of a
17 concealable weapon. For purposes of this subsection,
18 "financial institution" means a bank, savings and loan
19 association, credit union or company providing armored car
20 services.

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

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

26 (11) Investigators of the Office of the State's

1 Attorneys Appellate Prosecutor authorized by the board of
2 governors of the Office of the State's Attorneys Appellate
3 Prosecutor to carry weapons pursuant to Section 7.06 of the
4 State's Attorneys Appellate Prosecutor's Act.

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

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

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

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

22 (14) Manufacture, transportation, or sale of weapons
23 to persons authorized under subdivisions (1) through
24 (13.5) of this subsection to possess those weapons.

25 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
26 24-1.6 do not apply to or affect any of the following:

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

6 (2) Duly authorized military or civil organizations
7 while parading, with the special permission of the
8 Governor.

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

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

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

17 (6) Carrying a concealed firearm by a licensee who (i)
18 has a valid license to carry a concealed firearm issued
19 under the Illinois License to Carry Firearms for
20 Self-Defense Act; or (ii) has an expired license to carry a
21 concealed firearm issued under the Illinois License to
22 Carry Firearms for Self-Defense Act, which has been expired
23 for 60 days or less and the person is otherwise eligible
24 for a license under the Act.

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

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

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

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

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

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

1 business described in this paragraph.

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

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

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

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.

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

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

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

15 (2) Bonafide collectors of antique or surplus military
16 ordinance.

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

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

1 Section by a common carrier or by a vehicle owned or leased
2 by an exempted manufacturer.

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

20 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
21 24-1.6 do not apply to or affect any parole agent or parole
22 supervisor who meets the qualifications and conditions
23 prescribed in Section 3-14-1.5 of the Unified Code of
24 Corrections.

25 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
26 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an

1 athlete's possession, transport on official Olympic and
2 Paralympic transit systems established for athletes, or use of
3 competition firearms sanctioned by the International Olympic
4 Committee, the International Paralympic Committee, the
5 International Shooting Sport Federation, or USA Shooting in
6 connection with such athlete's training for and participation
7 in shooting competitions at the 2016 Olympic and Paralympic
8 Games and sanctioned test events leading up to the 2016 Olympic
9 and Paralympic Games.

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

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

1 possessor of a valid Firearm Owners Identification Card.
2 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
3 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
4 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

5 Section 999. Effective date. This Act takes effect January
6 1, 2012.