

# SB2835



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2835

Introduced 1/24/2012, by Sen. Mike Jacobs

#### SYNOPSIS AS INTRODUCED:

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

Amends the Criminal Code of 1961 and the Unified Code of Corrections. Permits currently employed and retired State 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 15493 RLC 60607 b

FISCAL NOTE ACT  
MAY APPLY

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

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

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

25 (e) Subsection 24-1(a)(8) does not apply to any owner,  
26 manager or authorized employee of any place specified in that

1 subsection nor to any law enforcement officer.

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

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

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

12 (2) Bonafide collectors of antique or surplus military  
13 ordinance.

14 (3) Laboratories having a department of forensic  
15 ballistics, or specializing in the development of  
16 ammunition or explosive ordinance.

17 (4) Commerce, preparation, assembly or possession of  
18 explosive bullets by manufacturers of ammunition licensed  
19 by the federal government, in connection with the supply of  
20 those organizations and persons exempted by subdivision  
21 (g)(1) of this Section, or like organizations and persons  
22 outside this State, or the transportation of explosive  
23 bullets to any organization or person exempted in this  
24 Section by a common carrier or by a vehicle owned or leased  
25 by an exempted manufacturer.

26 (g-5) Subsection 24-1(a)(6) does not apply to or affect

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

17 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
18 24-1.6 do not apply to or affect any parole agent or parole  
19 supervisor who meets the qualifications and conditions  
20 prescribed in Section 3-14-1.5 of the Unified Code of  
21 Corrections.

22 (g-7) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
23 24-1.6 do not apply to or affect any currently employed or  
24 retired State correctional officer who meets the  
25 qualifications and conditions prescribed in Section 3-2-12 of  
26 the Unified Code of 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 10. The Unified Code of Corrections is amended by  
7 adding Section 3-2-12 as follows:

8 (730 ILCS 5/3-2-12 new)

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

11 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
12 24-1.6 of the Criminal Code of 1961 do not apply to currently  
13 employed or retired State correctional officers who meet the  
14 following conditions:

15 (1) The currently employed or retired State  
16 correctional officer must receive training in the use of  
17 firearms while off duty conducted by the Illinois Law  
18 Enforcement Training Standards Board and be certified as  
19 having successfully completing such training by the Board.  
20 The Board shall determine the amount of such training and  
21 the course content for such training. The currently  
22 employed or retired State correctional officer shall  
23 requalify for the firearms training annually at a State  
24 range certified by the Illinois Law Enforcement Training

1       Standards Board. The expenses of such retraining shall be  
2       paid by the currently employed or retired State  
3       correctional officer and moneys for the costs of such  
4       requalification shall be expended at the request of the  
5       Illinois Law Enforcement Training Standards Board.

6       (2) The currently employed or retired State  
7       correctional officer shall purchase such firearm at his or  
8       her own expense and shall register the firearm with the  
9       Illinois Department of State Police and with any other  
10       local law enforcement agencies that require such  
11       registration.

12       (3) The currently employed or retired State  
13       correctional officer may not carry any Illinois Department  
14       of Corrections or Department of Juvenile Justice  
15       State-issued firearm while off duty. A person who violates  
16       this paragraph (3) is subject to disciplinary action by the  
17       Illinois Department of Corrections or the Department of  
18       Juvenile Justice.

19       (4) State correctional officers who are or were  
20       discharged from employment by the Illinois Department of  
21       Corrections or the Department of Juvenile Justice shall no  
22       longer be considered law enforcement officials and all  
23       their rights as law enforcement officials shall be revoked  
24       permanently.

25       (b) For the purposes of this Section, "State correctional  
26       officer" means an employee of the Department of Corrections or

1 the Department of Juvenile Justice who has custody and control  
2 over inmates in an adult or juvenile correctional facility.