



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0997

Introduced 1/29/2013, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

See Index

Creates the Family and Personal Protection Act. Provides that the Department of State Police shall issue a license to a person to: (1) carry a loaded or unloaded handgun on or about his or her person, concealed or otherwise; (2) keep or carry a loaded or unloaded handgun on or about his or her person when in a vehicle; and (3) keep a loaded or unloaded handgun openly or concealed in a vehicle. Prohibits the carrying of the handgun in certain locations. Provides that the license shall be issued by the Department of State Police within 30 days of receipt of a completed application and shall be valid throughout the State for a period of 5 years from the date of issuance. Provides for renewal of licenses. Establishes qualifications for licensees, certified firearms instructors, and instructor trainers. Provides for home rule preemption. Provides that the provisions of the Act are severable. Amends the Freedom of Information Act. Prohibits from inspection and copying information about applications for licenses to carry a handgun and about license holders contained in the database created by the Family and Personal Protection Act, except as authorized by that Act. Amends the State Finance Act and the Criminal Code of 2012 to make conforming changes. Effective immediately.

LRB098 04070 RLC 34093 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 Family
5 and Personal Protection Act.

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

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

11 "Department" means the Department of State Police.

12 "Director" means the Director of State Police.

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

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

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

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

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

1 concealed firearm.

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

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

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

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

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

4 (a-5) The Department is authorized to issue licenses to
5 carry a handgun under this Act. A license shall permit the
6 licensee to:

7 (1) carry a loaded or unloaded handgun on or about his
8 or her person, concealed or otherwise;

9 (2) keep or carry a loaded or unloaded handgun on or
10 about his or her person when in a vehicle; and

11 (3) keep a loaded or unloaded handgun openly or
12 concealed in a vehicle.

13 (a-10) A licensee shall possess a license at all times the
14 licensee carries a concealed firearm except (i) if the person
15 is carrying or possessing a concealed firearm and the person is
16 on his or her land or in his or her abode or legal dwelling or
17 in the abode or legal dwelling of another person as an invitee
18 with that person's permission; (ii) if the person is authorized
19 to carry a firearm under Section 24-2 of the Criminal Code of
20 2012; or (iii) the handgun is broken down in a non-functioning
21 state, is not immediately accessible, or is enclosed in a case,
22 firearm carrying box, shipping box, or any other container.

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

26 (b) The Department shall make applications for a license

1 available upon the effective date of this Act. Applications
2 shall be available at Department locations, on the Department's
3 official website, and any other location designated by the
4 Department.

5 (c) A completed application for a license shall be
6 submitted to the Department with all accompanying materials and
7 fees. The Department shall promptly return an incomplete
8 application to the applicant. Each applicant for a license
9 shall submit a \$25 application fee to the Department which
10 shall be deposited into the Citizen Safety and Self-Defense
11 Trust Fund.

12 (d) The Department may consider an objection to an
13 application, provided the objection is in writing, includes
14 specific reasons for the objection, and is submitted with the
15 application by a municipal law enforcement agency or sheriff.
16 Any objection submitted by a sheriff or a municipal law
17 enforcement agency including reports submitted to the
18 Department must be disclosed to the applicant unless disclosure
19 would interfere with a criminal investigation.

20 (e) Notwithstanding subsection (a), the Department may
21 consider any objection or recommendation made by the sheriff or
22 a municipal law enforcement agency that demonstrates the
23 applicant is a danger to himself, herself, or others. Based
24 upon those objections, if the applicant is found by the
25 Department to be a danger to himself, herself, or others, the
26 Department shall deny the application and notify the applicant

1 and the sheriff or the municipal law enforcement agency in
2 writing, stating the grounds for denial. The notice of denial
3 must inform the applicant that he or she may, within 30 days,
4 appeal the denial and submit additional materials relevant to
5 the grounds for denial. Upon receiving the additional
6 documentation, the Department shall reconsider its decision
7 and inform the applicant within 30 days of the result of the
8 reconsideration. If upon reconsideration the Department denies
9 the application, the applicant must be informed of the right to
10 administrative review.

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

18 (g) The license shall be issued by the Department within 30
19 days of receipt of a completed application. A license shall be
20 valid throughout the State for a period of 5 years. If the
21 Department does not act on the application within the 30-day
22 period, the applicant may file, in the circuit court of the
23 judicial circuit in which the applicant resides, a complaint
24 for mandamus to compel a decision on the application. If the
25 applicant prevails, he or she shall be entitled to all costs,
26 fees, and damages. If the court decides that the reason for the

1 denial was arbitrary, capricious, malicious, or without merit,
2 the court shall award punitive damages.

3 (h) Any Illinois resident who has a license or permit to
4 carry a handgun issued by another state shall be able to carry
5 a handgun in accordance with this Act using that license for
6 180 days following the effective date of this Act.

7 (i) The Department shall adopt rules to implement the
8 provisions of this Section.

9 Section 25. Qualifications of an applicant for a license.
10 The Department shall issue a license to an applicant completing
11 an application in accordance with Section 30 of this Act if the
12 person:

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

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

19 (c) is not prohibited under the Firearm Owners
20 Identification Card Act or federal law from possessing or
21 receiving a firearm;

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

25 (e) does not chronically or habitually abuse alcoholic

1 beverages, as evidenced by either of the following within
2 the 3 years immediately preceding the application:

3 (1) residential or court-ordered treatment for
4 alcoholism or alcohol detoxification; or

5 (2) 2 or more convictions for driving while under
6 the influence or driving while intoxicated; and

7 (f) has completed firearms training and any
8 educational component required in Section 85 of this Act.

9 Section 30. Contents of application.

10 (a) The application shall be in writing, under oath and
11 penalty of perjury, on a standard form adopted by the
12 Department and shall be accompanied by the documentation
13 required in this Section and all applicable fees.

14 (b) The application shall contain the following
15 information:

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

22 (2) the applicant's drivers license or state
23 identification card number and the last 4 digits of the
24 applicant's social security number;

25 (3) questions to certify or demonstrate the applicant

1 has completed firearms training and any educational
2 component required in Section 85 of this Act;

3 (4) a statement that the applicant is a resident of the
4 State of Illinois, except persons applying under Section 65
5 shall be instructed to submit the information required in
6 that Section;

7 (5) a waiver of privacy and confidentiality rights and
8 privileges enjoyed by the applicant under State and federal
9 law sufficient to obtain access to juvenile court, criminal
10 justice, psychological, or psychiatric records, or records
11 relating to the applicant's history, if any, of
12 institutionalization or inpatient treatment for alcoholism
13 or alcohol detoxification, as well as an affirmative
14 request that any person having custody of those records
15 provide copies of them or information concerning them to
16 the Department for the sole purpose of making a
17 determination of an applicant's eligibility under Section
18 25;

19 (6) a conspicuous warning that false statements made by
20 the applicant will result in prosecution for perjury in
21 accordance with Section 32-2 of the Criminal Code of 2012;

22 (7) an affirmation that the applicant either possesses
23 a currently valid Illinois Firearm Owner's Identification
24 Card, in which case the application shall include the card
25 number, or is applying for the card in conjunction with the
26 application for a license, except persons applying under

1 Section 65 shall be instructed to submit a copy of a valid
2 license to carry a handgun issued by their home state, if
3 applicable, or submit a notarized document stating the
4 applicant is eligible under the laws of his or her home
5 state to possess a handgun; and

6 (8) an affirmation that the applicant meets the
7 requirements of Section 25 and is not prohibited under the
8 Firearm Owners Identification Card Act or federal law from
9 possessing a firearm.

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

20 (d) The Department may request a person applying for a
21 license to submit a full set of legible fingerprints if
22 necessary to determine the person's identity. Fingerprinting
23 may be administered by the Department or any other federal,
24 State, county, or municipal law enforcement agency or private
25 vendor or company. The cost of fingerprinting shall be paid by
26 the applicant, provided that the Department or law enforcement

1 agency may charge no more than \$15 for a single set of
2 fingerprints. The Department shall accept a hard copy or
3 electronic version of the fingerprints.

4 (e) A person applying for a license shall submit a
5 photocopy of a certificate or other evidence of completion of a
6 course to show compliance with Section 85 of this Act.

7 (f) The Department is authorized to establish a system for
8 electronically submitting applications, including applications
9 for renewal or a replacement license.

10 Section 35. Database of applicants and licensees. Not more
11 than one year after the effective date of this Act:

12 (a) The Department shall maintain a database of applicants
13 for a license and licenses. The database shall be available to
14 all Illinois law enforcement agencies, State's Attorneys, and
15 the Attorney General. Members and staff of the judiciary may
16 access the database for the purpose of determining whether to
17 confiscate a license or to ensure compliance with this Act or
18 any other law. The database shall be searchable and provide all
19 information included in the application, a photo of the
20 applicant or licensee, and any information related to
21 violations of this Act.

22 (a-5) Individual law enforcement agencies or any other
23 entity of local government shall not maintain any separate
24 records, lists, or searchable databases of applicants and
25 licensees containing information included in the Department's

1 database. Any law enforcement agency or other entity that
2 violates this Section shall be liable for all costs, fees, and
3 damages of not less than \$5,000 per record or name kept in
4 violation of this Section.

5 (b) The Department shall make available on its website and
6 upon request under the Freedom of Information Act statistical
7 information about the number of licenses issued by county, age,
8 race, or gender. The report shall be updated monthly. Except as
9 provided in this subsection, applications and information in
10 the database shall be confidential and exempt from disclosure
11 under the Freedom of Information Act. The Department may answer
12 requests to confirm or deny whether a person has been issued a
13 license as part of inquiries dealing with a criminal
14 investigation. Individual law enforcement agencies, State's
15 Attorneys, the Attorney General, members of the judiciary, and
16 judicial staff shall sign a confidentiality agreement,
17 prepared by the Department, prior to receiving access to the
18 database. No law enforcement agency, State's Attorney, the
19 Attorney General, or member or staff of the judiciary, other
20 than the Department, shall provide any information to a
21 requester not entitled to it by law, except as required or
22 necessary for the conduct of a criminal investigation.

23 Section 40. Suspension or revocation of a license.

24 (a) A license issued or renewed under this Act shall be
25 revoked if, at any time, the licensee is found ineligible for a

1 license based on the criteria set forth in Section 25 of this
2 Act or the licensee no longer possesses a Firearm Owner's
3 Identification Card or a non-resident licensee if his or her
4 home state has revoked a license to carry a firearm. A license
5 shall not be revoked unless the revocation is for reasons
6 specifically authorized by this Act. This subsection shall not
7 apply to a person who has filed an application with the State
8 Police for renewal of a Firearm Owner's Identification Card and
9 who is not otherwise ineligible to obtain a Firearm Owner's
10 Identification Card.

11 (b) A license shall be suspended if an order of protection
12 under Section 112A-14 of the Code of Criminal Procedure of 1963
13 or under Section 214 of the Illinois Domestic Violence Act of
14 1986 is issued against a licensee. The license shall be
15 suspended for the duration of the order or until the order is
16 terminated by a court and the Department shall not reissue or
17 renew a license for the duration of the order or until the
18 order is terminated. If an order of protection is issued
19 against a licensee, the licensee shall surrender the license,
20 as applicable, to the court at the time the order is entered or
21 to the law enforcement agency or entity designated to serve
22 process at the time the licensee is served the order. The
23 court, law enforcement agency, or entity responsible for
24 serving the order shall transmit the license to the Department.

25 (c) The Department may suspend a license for a violation of
26 Section 70 of this Act in accordance with subsection (i) of

1 Section 70.

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

7 (e) The Department may suspend a license for up to 90 days
8 if a licensee fails to submit a change of address or name or
9 fails to report a lost or destroyed license to the Department
10 within 60 days of the discovery of the loss or destruction of
11 the license.

12 Section 45. Renewal of license.

13 (a) Not later than 120 days before the expiration of any
14 license issued under this Act, the Department shall notify the
15 licensee in writing of the expiration and furnish an
16 application for renewal of the license or make the application
17 available on-line.

18 (b) Applications for renewal of a license shall be made to
19 the Department. A license shall be renewed for a period of 5
20 years upon receipt of a completed renewal application and a \$25
21 renewal fee. An applicant for a renewal shall submit, on a form
22 prescribed by the Department, proof that the applicant has: (i)
23 participated in at least one shooting competition with a
24 handgun within 6 months of the application for renewal and
25 attested to by any instructor qualified under this Act; or (ii)

1 completed an equivalent range exercise as prescribed in Section
2 85 and attested to by any instructor qualified under this Act.
3 The Department shall make the range recertification form
4 available on its website or as part of a renewal application.

5 Section 50. Change of address, change of name, or lost or
6 destroyed licenses.

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

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

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

1 Section 65. Non-resident applications and reciprocity.

2 (a) A person from another state or territory of the United
3 States may apply for a non-resident license. The applicant
4 shall apply to the Department and must meet the qualifications
5 established in Section 25. The applicant shall submit:

6 (1) the application and documentation required in
7 Section 30;

8 (2) a notarized document stating the applicant:

9 (A) is eligible under federal law and the laws of
10 his or her home state to possess a firearm;

11 (B) if applicable, has a license or permit to carry
12 a firearm or concealed firearm issued by his or her
13 home state and that a copy is attached to the
14 application;

15 (C) is familiar with Illinois laws pertaining to
16 the possession and transport of firearms; and

17 (D) acknowledges that the applicant is subject to
18 the jurisdiction of the Department and Illinois courts
19 for any violation of this Act; and

20 (3) a \$25 application fee.

21 In lieu of an Illinois State driver's license or
22 identification card, the person shall provide similar
23 documentation from his or her state or territory.

24 (b) (1) Notwithstanding subsection (a) a nonresident of
25 Illinois may carry a handgun in accordance with this Act if the
26 nonresident:

1 (A) is 21 years of age or older;

2 (B) has in his or her immediate possession a valid
3 license that authorizes the individual to carry a concealed
4 firearm issued to him or her by another state; and

5 (C) is a legal resident of the United States.

6 The Department shall enter into reciprocal agreements with
7 any other state whose requirements to obtain a license or
8 permit is substantially similar to those requirements
9 contained in Section 85.

10 This paragraph (1) of subsection (b) applies only to
11 nonresident concealed weapon or concealed firearm license
12 holders from states that honor Illinois concealed weapon or
13 concealed firearm licenses.

14 (2) A nonresident is subject to the same laws and
15 restrictions with respect to carrying a handgun as a resident
16 of Illinois who is licensed under this Act.

17 (3) If the resident of another state who is the holder of a
18 valid license to carry a concealed weapon or concealed firearm
19 issued in another state establishes legal residence in this
20 State the license shall remain in effect for 90 days following
21 the date on which the holder of the license establishes legal
22 residence in this State. For the purposes of this paragraph,
23 the person may establish legal residence in this State by: (A)
24 registering to vote; or (B) obtaining an Illinois driver's
25 license or state identification card; or (C) filing for
26 homestead tax exemption on property in this State.

1 Section 70. Restrictions.

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

4 (1) Any building under control of the General Assembly
5 or any of its support service agencies, including the
6 portion of a building in which a committee of the General
7 Assembly convenes for the purpose of conducting meetings of
8 committees, joint committees, or legislative commissions;
9 except that nothing in this Section shall prevent a member
10 of the General Assembly from allowing licensees to carry a
11 firearm into his or her district office.

12 (2) Any courthouse or part of that building that is
13 occupied by the Circuit, Appellate, or Supreme Court, or a
14 room designated for court proceedings by any of these
15 courts, except as provided in subsection (a-5).

16 (3) Any meeting of the governing body of a unit of
17 local government or special district.

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

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

23 (6) Any place where the carrying of a firearm is
24 prohibited by federal law.

25 (7) Any elementary or secondary school building

1 without the consent of school authorities. School
2 authorities shall inform the appropriate law enforcement
3 agency and any law enforcement personnel on site of that
4 consent.

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

10 (9) Any casino licensed under the Riverboat Gambling
11 Act. This shall not apply to any place of business that is
12 not a casino licensed for video gaming.

13 (10) Any gated area of an amusement park.

14 (11) Any stadium, arena, or collegiate or professional
15 sporting event.

16 (12) A residential mental health facility.

17 (13) Any community college, college, or university
18 building without consent of the school authorities. School
19 authorities shall inform the appropriate law enforcement
20 agency and any law enforcement personnel on site of that
21 consent. A community college, college, or university may
22 prohibit the carrying of a firearm on its campus.

23 (14) A public library building without the written
24 consent of the library's governing body. The governing body
25 shall inform the appropriate law enforcement agency of that
26 consent.

1 (15) Any police, sheriff, or State Police office or
2 station without the consent of the chief law enforcement
3 officer in charge of that office or station.

4 (16) Any adult or juvenile detention or correctional
5 institution, prison, or jail.

6 (a-5) Judges, State's Attorneys and assistant State's
7 Attorneys with the permission of the State's Attorney, who
8 possess a valid license under this Act may possess a firearm in
9 any courthouse in which they are employed, but shall be
10 required to follow any rules applicable to sworn peace officers
11 to maintain facility security.

12 (b) A municipality or school district may prohibit or limit
13 licensees from carrying a firearm into or within any building
14 or portion of any building owned, leased, or controlled by the
15 municipality or school district by a majority vote of the
16 members of its legislative body or governing board. The
17 resolution, ordinance, or policy shall not prohibit a licensee
18 from carrying a concealed firearm into or within any building
19 used for public housing; into or within any publicly-accessible
20 restroom or rest stop; into, within, or on any bridge, tunnel,
21 overpass, underpass, elevated walkway, or other structure used
22 as a public right of way; or into or within any
23 publicly-accessible parking facility. The resolution,
24 ordinance, or policy shall not prohibit a licensee from
25 carrying a concealed firearm in a public transportation
26 facility or while accessing the services of a public

1 transportation agency, including while traveling via public
2 transportation. For purposes of this Section, "public
3 transportation agency" means a public or private agency, or any
4 combination thereof, that provides for the transportation or
5 conveyance of persons by means available to the general public,
6 except taxicabs, livery cabs, or limousines. Violators of the
7 resolution or ordinance may be removed from the premises and
8 assessed a civil fine of up to \$100.

9 (c) The owner of a business or commercial lessee, or a
10 private business enterprise, or any other private
11 organization, entity, or person, may prohibit licensees from
12 carrying a concealed firearm on the premises under its control.
13 However, a private landlord of a residential or commercial
14 property shall not prohibit any lessee from possessing or
15 carrying a firearm in accordance with this Act in or on the
16 leased premises or during ingress or egress of the leased
17 premises. The owner, business or commercial lessee, or manager
18 of a private business enterprise or any other private
19 organization, entity, or person who allows the carrying of a
20 firearm by a licensee shall not be liable for any act of the
21 licensee that arises out of the licensee carrying a firearm.

22 (c-1) The Governor, Lieutenant Governor, Attorney General,
23 Secretary of State, Comptroller, or Treasurer may prohibit
24 licensees from carrying a handgun in buildings under their
25 control.

26 (d) Any person licensed under this Act who is prohibited

1 from carrying a concealed firearm into a building by the
2 provisions of subsection (a) or under an ordinance, resolution,
3 or policy adopted in accordance with subsection (b) or (c)
4 shall be permitted to store that firearm or ammunition out of
5 plain sight in his or her locked vehicle or in a locked
6 compartment or container within or securely affixed to the
7 outside of the vehicle. A licensee shall not be in violation of
8 this Section while he or she is traversing a public right of
9 way that touches or crosses any of the premises specified in
10 subsection (a) or from which firearms are prohibited under the
11 provisions of subsection (b) or (c), provided that the firearm
12 is carried on his or her person in accordance with this Act or
13 is being transported in a case or container in accordance with
14 applicable law. A licensee shall not be in violation of
15 subsection (b) or (c) if the responsible party for the premises
16 fails to conspicuously post notice of the prohibition at all
17 public entrances to the building in accordance with subsection
18 (g).

19 (e) If a law enforcement officer initiates an investigative
20 stop, including but not limited to a traffic stop, of a
21 licensee who is carrying a concealed firearm, the licensee
22 shall disclose as soon as reasonably possible to the officer
23 that he or she is in possession of a concealed firearm under
24 this Act. Disclosure may be accomplished by oral notification
25 or by providing or displaying the license to carry a concealed
26 firearm to the officer.

1 (f) A licensee shall not carry a handgun while under the
2 influence of illegal drugs or hallucinogenic drugs or alcohol.
3 For the purposes of this subsection (f), under the influence of
4 alcohol means a blood alcohol content of .08 or greater.

5 (g) Signs stating that the carrying of a firearm is
6 prohibited shall be clearly and conspicuously posted at every
7 entrance of a building or premises specified in subsection (a)
8 or designated in accordance with subsection (b) or (c). Signs
9 shall be of a uniform size and design, not smaller than 6
10 inches by 6 inches as prescribed by the Department. The
11 Department shall adopt rules for standardized signs to be used
12 under this subsection.

13 (h) A violation of subsection (a), (b), (c), (d), (e), or
14 (f) is a petty offense. A willful violation of subsection (a),
15 (b), (c), (d), or (f) is a Class B misdemeanor. The court may
16 require a licensee to pay a \$50 fee, in addition to any other
17 fees or court costs, for a violation of subsection (e) which
18 shall be deposited into the Citizen Safety and Self-Defense
19 Trust Fund.

20 (i) The Department may suspend a license for up to 30 days
21 for a second violation of subsection (a), (b), (c), (d), or (f)
22 or up to 90 days for a willful violation of subsection (a),
23 (b), (c), (d), or (f). The Department may permanently revoke a
24 license for 3 or more violations of this Section.

25 Section 75. Immunity, employees, and agents. The office of

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

18 Section 80. Fees.

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

22 (b) Fees shall be:

23 New license: \$25.

24 Renewal of license: \$25.

25 Duplicate license due to lost or destroyed: \$15.

1 Corrected license due to change of address or name: \$15.

2 (c) By March 1 of each year, the Department shall submit a
3 statistical report to the Governor, the President of the
4 Senate, and the Speaker of the House of Representatives
5 indicating the number of licenses issued, revoked, suspended,
6 denied, and issued after appeal since the last report and in
7 total and also the number of licenses currently valid. The
8 report shall also include the number of arrests and convictions
9 and the types of crimes committed by licensees since the last
10 report.

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

16 Section 85. Applicant training.

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

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

20 (2) NRA Basics of Personal Protection Outside The Home
21 Course.

22 (3) NRA Basic Pistol Shooting Course.

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

25 (A) handgun safety in the classroom, at home, on

- 1 the firing range, and while carrying the firearm;
- 2 (B) the basic principles of marksmanship;
- 3 (C) care and cleaning of handguns;
- 4 (D) laws relating to the justifiable use of force.

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

8 (1) a minimum of 30 rounds; and

9 (2) 20 rounds from a distance of 7 yards and 10 rounds
10 from a distance of 15 yards at a B-21 silhouette or
11 equivalent target as approved by the Department.

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

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

16 (1) does not follow the orders of the certified
17 firearms instructor;

18 (2) in the judgment of the certified firearms
19 instructor, handles a firearm in a manner that poses a
20 danger to the applicant or to others; or

21 (3) during the testing portion of the range work fails
22 to hit the silhouette portion of the target with 70% of the
23 30 rounds fired.

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

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

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

6 (f) Certified firearms instructors shall:

7 (1) allow monitoring of their classes by officials of
8 any certifying agency;

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

11 (3) not divulge course records except as authorized by
12 the certifying agency.

13 (g) Fees for applicant training courses shall be set by the
14 instructor.

15 (h) An applicant training course shall not have more than
16 40 students in the classroom portion nor more than 5 students
17 per range officer engaged in range firing.

18 (i) Persons with the following training or certifications
19 are exempt from the requirements of subsection (a) of this
20 Section:

21 (1) An NRA certified instructor.

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

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

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

4 Section 90. Firearms instructors training.

5 (a) Not later than 30 days after the effective date of this
6 Act, the Department shall establish a registry of instructors
7 who are eligible to teach courses or sign off on range
8 qualifications, or both, to meet the requirements of Section 85
9 of this Act.

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

13 (1) National Rifle Association Personal Protection
14 Instructor;

15 (2) National Rifle Association Pistol Marksmanship
16 Instructor;

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

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

21 (5) A similar firearms instructor qualifying course
22 approved by the Illinois Law Enforcement Training
23 Standards Board.

24 (c) Instructors who are eligible to teach courses and
25 certify range qualifications shall be at least 21 years of age

1 and possess at least a high school diploma or GED certificate.

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

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

6 (2) provides false or misleading information to the
7 Board; or

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

10 Section 95. Preemption. It is declared to be the policy of
11 this State that it is an exclusive power and function of the
12 State to regulate the possession, carrying, and transportation
13 of handguns and the issuance of licenses to carry a concealed
14 firearm. Except as provided in subsection (b) of Section 70, a
15 home rule unit shall not regulate the possession, carrying, or
16 transportation of handguns. A home rule unit shall not regulate
17 the number of handguns or require registration of handguns
18 possessed by a person licensed under this Act. This Section is
19 a denial of home rule powers and functions under subsection (i)
20 of Section 6 of Article VII of the Illinois Constitution. Any
21 unit of local government that violates this Section shall be
22 liable for all costs, fees, and damages to anyone impacted by
23 any rule or ordinance. In addition to any other awards of fees,
24 damages, or penalties, the unit of local government shall also
25 be liable for not less than \$10,000 per incident per day in

1 punitive damages to each individual affected.

2 Section 100. Expedited appeal. A judgment of a circuit
3 court declaring this Act or any part of this Act
4 unconstitutional or unenforceable is appealable directly to
5 the Supreme Court. The notice of appeal shall be filed within
6 30 days after the judgment of the circuit court declaring this
7 Act or any part of this Act unconstitutional or unenforceable.
8 The manner of appeal shall be as provided in Supreme Court
9 Rules.

10 Section 105. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.

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

14 (5 ILCS 140/7.5)

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

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

20 (b) Library circulation and order records identifying
21 library users with specific materials under the Library Records
22 Confidentiality Act.

1 (c) Applications, related documents, and medical records
2 received by the Experimental Organ Transplantation Procedures
3 Board and any and all documents or other records prepared by
4 the Experimental Organ Transplantation Procedures Board or its
5 staff relating to applications it has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating to
8 known or suspected cases of sexually transmissible disease or
9 any information the disclosure of which is restricted under the
10 Illinois Sexually Transmissible Disease Control Act.

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

13 (f) Firm performance evaluations under Section 55 of the
14 Architectural, Engineering, and Land Surveying Qualifications
15 Based Selection Act.

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

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

23 (i) Information contained in a local emergency energy plan
24 submitted to a municipality in accordance with a local
25 emergency energy plan ordinance that is adopted under Section
26 11-21.5-5 of the Illinois Municipal Code.

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

4 (k) Law enforcement officer identification information or
5 driver identification information compiled by a law
6 enforcement agency or the Department of Transportation under
7 Section 11-212 of the Illinois Vehicle Code.

8 (l) Records and information provided to a residential
9 health care facility resident sexual assault and death review
10 team or the Executive Council under the Abuse Prevention Review
11 Team Act.

12 (m) Information provided to the predatory lending database
13 created pursuant to Article 3 of the Residential Real Property
14 Disclosure Act, except to the extent authorized under that
15 Article.

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

23 (o) Information that is prohibited from being disclosed
24 under Section 4 of the Illinois Health and Hazardous Substances
25 Registry Act.

26 (p) Security portions of system safety program plans,

1 investigation reports, surveys, schedules, lists, data, or
2 information compiled, collected, or prepared by or for the
3 Regional Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act or the St. Clair County
5 Transit District under the Bi-State Transit Safety Act.

6 (q) Information prohibited from being disclosed by the
7 Personnel Records Review Act.

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

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

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

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

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

4 (w) Personally identifiable information which is exempted
5 from disclosure under subsection (g) of Section 19.1 of the
6 Toll Highway Act.

7 (x) Information which is exempted from disclosure under
8 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
9 Illinois Municipal Code.

10 (y) Information maintained by the Department of State
11 Police in accordance with subsection (a) of Section 35 of the
12 Family and Personal Protection Act, except as authorized by
13 that Act.

14 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
15 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
16 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
17 eff. 1-1-13.)

18 Section 905. The State Finance Act is amended by adding
19 Section 5.826 as follows:

20 (30 ILCS 105/5.826 new)

21 Sec. 5.826. The Citizen Safety and Self-Defense Trust Fund.

22 Section 910. The Criminal Code of 2012 is amended by
23 changing Sections 21-6, 24-1, 24-1.6, and 24-2 as follows:

1 (720 ILCS 5/21-6) (from Ch. 38, par. 21-6)

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

3 (a) Whoever possesses or stores any weapon enumerated in
4 Section 33A-1 in any building ~~or on land~~ supported in whole or
5 in part with public funds ~~or in any building on such land~~
6 without prior written permission from the chief security
7 officer for that ~~such land or~~ building commits a Class A
8 misdemeanor.

9 (b) The chief security officer must grant any reasonable
10 request for permission under paragraph (a).

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

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

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

16 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

17 Sec. 24-1. Unlawful Use of Weapons.

18 (a) A person commits the offense of unlawful use of weapons
19 when he knowingly:

20 (1) Sells, manufactures, purchases, possesses or
21 carries any bludgeon, black-jack, slung-shot, sand-club,
22 sand-bag, metal knuckles or other knuckle weapon
23 regardless of its composition, throwing star, or any knife,
24 commonly referred to as a switchblade knife, which has a

1 blade that opens automatically by hand pressure applied to
2 a button, spring or other device in the handle of the
3 knife, or a ballistic knife, which is a device that propels
4 a knifelike blade as a projectile by means of a coil
5 spring, elastic material or compressed gas; or

6 (2) Carries or possesses with intent to use the same
7 unlawfully against another, a dagger, dirk, billy,
8 dangerous knife, razor, stiletto, broken bottle or other
9 piece of glass, stun gun or taser or any other dangerous or
10 deadly weapon or instrument of like character; or

11 (3) Carries on or about his person or in any vehicle, a
12 tear gas gun projector or bomb or any object containing
13 noxious liquid gas or substance, other than an object
14 containing a non-lethal noxious liquid gas or substance
15 designed solely for personal defense carried by a person 18
16 years of age or older; or

17 (4) Carries or possesses in any vehicle or concealed on
18 or about his person except when on his land or in his own
19 abode, legal dwelling, or fixed place of business, or on
20 the land or in the legal dwelling of another person as an
21 invitee with that person's permission, any pistol,
22 revolver, stun gun or taser or other firearm, except that
23 this subsection (a) (4) does not apply to or affect
24 transportation of weapons that meet one of the following
25 conditions:

26 (i) are broken down in a non-functioning state; or

- 1 (ii) are not immediately accessible; or
- 2 (iii) are unloaded and enclosed in a case, firearm
- 3 carrying box, shipping box, or other container by a
- 4 person who is not otherwise prohibited from owning or
- 5 possessing a firearm ~~has been issued a currently valid~~
- 6 ~~Firearm Owner's Identification Card~~; or
- 7 (5) Sets a spring gun; or
- 8 (6) Possesses any device or attachment of any kind
- 9 designed, used or intended for use in silencing the report
- 10 of any firearm; or
- 11 (7) Sells, manufactures, purchases, possesses or
- 12 carries:
- 13 (i) a machine gun, which shall be defined for the
- 14 purposes of this subsection as any weapon, which
- 15 shoots, is designed to shoot, or can be readily
- 16 restored to shoot, automatically more than one shot
- 17 without manually reloading by a single function of the
- 18 trigger, including the frame or receiver of any such
- 19 weapon, or sells, manufactures, purchases, possesses,
- 20 or carries any combination of parts designed or
- 21 intended for use in converting any weapon into a
- 22 machine gun, or any combination or parts from which a
- 23 machine gun can be assembled if such parts are in the
- 24 possession or under the control of a person;
- 25 (ii) any rifle having one or more barrels less than
- 26 16 inches in length or a shotgun having one or more

1 barrels less than 18 inches in length or any weapon
2 made from a rifle or shotgun, whether by alteration,
3 modification, or otherwise, if such a weapon as
4 modified has an overall length of less than 26 inches;
5 or

6 (iii) any bomb, bomb-shell, grenade, bottle or
7 other container containing an explosive substance of
8 over one-quarter ounce for like purposes, such as, but
9 not limited to, black powder bombs and Molotov
10 cocktails or artillery projectiles; or

11 (8) Carries or possesses any firearm, stun gun or taser
12 or other deadly weapon in any place which is licensed to
13 sell intoxicating beverages for consumption on the
14 premises, ~~or at any public gathering held pursuant to a~~
15 ~~license issued by any governmental body or any public~~
16 ~~gathering at which an admission is charged, excluding a~~
17 ~~place where a showing, demonstration or lecture involving~~
18 ~~the exhibition of unloaded firearms is conducted.~~

19 This subsection (a) (8) does not apply to any auction or
20 raffle of a firearm held pursuant to a license or permit
21 issued by a governmental body, nor does it apply to persons
22 engaged in firearm safety training courses; or

23 (9) Carries or possesses in a vehicle or on or about
24 his person any pistol, revolver, stun gun or taser or
25 firearm or ballistic knife, when he is hooded, robed or
26 masked in such manner as to conceal his identity; or

1 (10) Carries or possesses on or about his person, upon
2 any public street, alley, or other public lands within the
3 corporate limits of a city, village or incorporated town,
4 except when an invitee thereon or therein, for the purpose
5 of the display of such weapon or the lawful commerce in
6 weapons, or except when on his land or in his own abode,
7 legal dwelling, or fixed place of business, or on the land
8 or in the legal dwelling of another person as an invitee
9 with that person's permission, any pistol, revolver, stun
10 gun or taser or other firearm, except that this subsection
11 (a) (10) does not apply to or affect transportation of
12 weapons that meet one of the following conditions:

13 (i) are broken down in a non-functioning state; or

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container by a
17 person who is not otherwise prohibited from owning or
18 possessing a firearm ~~has been issued a currently valid~~
19 ~~Firearm Owner's Identification Card.~~

20 A "stun gun or taser", as used in this paragraph (a)
21 means (i) any device which is powered by electrical
22 charging units, such as, batteries, and which fires one or
23 several barbs attached to a length of wire and which, upon
24 hitting a human, can send out a current capable of
25 disrupting the person's nervous system in such a manner as
26 to render him incapable of normal functioning or (ii) any

1 device which is powered by electrical charging units, such
2 as batteries, and which, upon contact with a human or
3 clothing worn by a human, can send out current capable of
4 disrupting the person's nervous system in such a manner as
5 to render him incapable of normal functioning; or

6 (11) Sells, manufactures or purchases any explosive
7 bullet. For purposes of this paragraph (a) "explosive
8 bullet" means the projectile portion of an ammunition
9 cartridge which contains or carries an explosive charge
10 which will explode upon contact with the flesh of a human
11 or an animal. "Cartridge" means a tubular metal case having
12 a projectile affixed at the front thereof and a cap or
13 primer at the rear end thereof, with the propellant
14 contained in such tube between the projectile and the cap;
15 or

16 (12) (Blank); or

17 (13) Carries or possesses on or about his or her person
18 while in a building occupied by a unit of government, a
19 billy club, other weapon of like character, or other
20 instrument of like character intended for use as a weapon.
21 For the purposes of this Section, "billy club" means a
22 short stick or club commonly carried by police officers
23 which is either telescopic or constructed of a solid piece
24 of wood or other man-made material.

25 (b) Sentence. A person convicted of a violation of
26 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),

1 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
2 Class A misdemeanor. A person convicted of a violation
3 subsection 24-1(a)(4) or 24-1(a)(10) who is otherwise eligible
4 to obtain a license under the Family and Personal Protection
5 Act except for the completion of Section 85 of the Act is
6 guilty of a petty offense. A person convicted of a violation of
7 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
8 person convicted of a violation of subsection 24-1(a)(6) or
9 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
10 convicted of a violation of subsection 24-1(a)(7)(i) commits a
11 Class 2 felony and shall be sentenced to a term of imprisonment
12 of not less than 3 years and not more than 7 years, unless the
13 weapon is possessed in the passenger compartment of a motor
14 vehicle as defined in Section 1-146 of the Illinois Vehicle
15 Code, or on the person, while the weapon is loaded, in which
16 case it shall be a Class X felony. A person convicted of a
17 second or subsequent violation of subsection 24-1(a)(4),
18 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
19 felony. The possession of each weapon in violation of this
20 Section constitutes a single and separate violation.

21 (c) Violations in specific places.

22 (1) A person who violates subsection 24-1(a)(6) or
23 24-1(a)(7) in any school, regardless of the time of day or
24 the time of year, in residential property owned, operated
25 or managed by a public housing agency or leased by a public
26 housing agency as part of a scattered site or mixed-income

1 development, in a public park, in a courthouse, on the real
2 property comprising any school, regardless of the time of
3 day or the time of year, on residential property owned,
4 operated or managed by a public housing agency or leased by
5 a public housing agency as part of a scattered site or
6 mixed-income development, on the real property comprising
7 any public park, on the real property comprising any
8 courthouse, in any conveyance owned, leased or contracted
9 by a school to transport students to or from school or a
10 school related activity, in any conveyance owned, leased,
11 or contracted by a public transportation agency, or on any
12 public way within 1,000 feet of the real property
13 comprising any school, public park, courthouse, public
14 transportation facility, or residential property owned,
15 operated, or managed by a public housing agency or leased
16 by a public housing agency as part of a scattered site or
17 mixed-income development commits a Class 2 felony and shall
18 be sentenced to a term of imprisonment of not less than 3
19 years and not more than 7 years.

20 (1.5) A person who violates subsection 24-1(a)(4),
21 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
22 time of day or the time of year, in residential property
23 owned, operated, or managed by a public housing agency or
24 leased by a public housing agency as part of a scattered
25 site or mixed-income development, in a public park, in a
26 courthouse, on the real property comprising any school,

1 regardless of the time of day or the time of year, on
2 residential property owned, operated, or managed by a
3 public housing agency or leased by a public housing agency
4 as part of a scattered site or mixed-income development, on
5 the real property comprising any public park, on the real
6 property comprising any courthouse, in any conveyance
7 owned, leased, or contracted by a school to transport
8 students to or from school or a school related activity, in
9 any conveyance owned, leased, or contracted by a public
10 transportation agency, or on any public way within 1,000
11 feet of the real property comprising any school, public
12 park, courthouse, public transportation facility, or
13 residential property owned, operated, or managed by a
14 public housing agency or leased by a public housing agency
15 as part of a scattered site or mixed-income development
16 commits a Class 3 felony.

17 (2) A person who violates subsection 24-1(a)(1),
18 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
19 time of day or the time of year, in residential property
20 owned, operated or managed by a public housing agency or
21 leased by a public housing agency as part of a scattered
22 site or mixed-income development, in a public park, in a
23 courthouse, on the real property comprising any school,
24 regardless of the time of day or the time of year, on
25 residential property owned, operated or managed by a public
26 housing agency or leased by a public housing agency as part

1 of a scattered site or mixed-income development, on the
2 real property comprising any public park, on the real
3 property comprising any courthouse, in any conveyance
4 owned, leased or contracted by a school to transport
5 students to or from school or a school related activity, in
6 any conveyance owned, leased, or contracted by a public
7 transportation agency, or on any public way within 1,000
8 feet of the real property comprising any school, public
9 park, courthouse, public transportation facility, or
10 residential property owned, operated, or managed by a
11 public housing agency or leased by a public housing agency
12 as part of a scattered site or mixed-income development
13 commits a Class 4 felony. "Courthouse" means any building
14 that is used by the Circuit, Appellate, or Supreme Court of
15 this State for the conduct of official business.

16 (3) Paragraphs (1), (1.5), and (2) of this subsection
17 (c) shall not apply to law enforcement officers or security
18 officers of such school, college, or university or to
19 students carrying or possessing firearms for use in
20 training courses, parades, hunting, target shooting on
21 school ranges, or otherwise with the consent of school
22 authorities and which firearms are transported unloaded
23 enclosed in a suitable case, box, or transportation
24 package.

25 (4) For the purposes of this subsection (c), "school"
26 means any public or private elementary or secondary school,

1 community college, college, or university.

2 (5) For the purposes of this subsection (c), "public
3 transportation agency" means a public or private agency
4 that provides for the transportation or conveyance of
5 persons by means available to the general public, except
6 for transportation by automobiles not used for conveyance
7 of the general public as passengers; and "public
8 transportation facility" means a terminal or other place
9 where one may obtain public transportation.

10 (d) The presence in an automobile other than a public
11 omnibus of any weapon, instrument or substance referred to in
12 subsection (a)(7) is prima facie evidence that it is in the
13 possession of, and is being carried by, all persons occupying
14 such automobile at the time such weapon, instrument or
15 substance is found, except under the following circumstances:
16 (i) if such weapon, instrument or instrumentality is found upon
17 the person of one of the occupants therein; or (ii) if such
18 weapon, instrument or substance is found in an automobile
19 operated for hire by a duly licensed driver in the due, lawful
20 and proper pursuit of his trade, then such presumption shall
21 not apply to the driver.

22 (e) Exemptions. Crossbows, Common or Compound bows and
23 Underwater Spearguns are exempted from the definition of
24 ballistic knife as defined in paragraph (1) of subsection (a)
25 of this Section.

26 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;

1 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
2 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

3 (720 ILCS 5/24-1.6)

4 Sec. 24-1.6. Aggravated unlawful use of a weapon.

5 (a) A person commits the offense of aggravated unlawful use
6 of a weapon when he or she knowingly:

7 (1) Carries on or about his or her person or in any
8 vehicle or concealed on or about his or her person except
9 when on his or her land or in his or her abode, legal
10 dwelling, or fixed place of business, or on the land or in
11 the legal dwelling of another person as an invitee with
12 that person's permission, any pistol, revolver, stun gun or
13 taser or other firearm; or

14 (2) Carries or possesses on or about his or her person,
15 upon any public street, alley, or other public lands within
16 the corporate limits of a city, village or incorporated
17 town, except when an invitee thereon or therein, for the
18 purpose of the display of such weapon or the lawful
19 commerce in weapons, or except when on his or her own land
20 or in his or her own abode, legal dwelling, or fixed place
21 of business, or on the land or in the legal dwelling of
22 another person as an invitee with that person's permission,
23 any pistol, revolver, stun gun or taser or other firearm;
24 and

25 (3) One of the following factors is present:

1 (A) the firearm possessed was uncased, loaded and
2 immediately accessible at the time of the offense; or

3 (B) the firearm possessed was uncased, unloaded
4 and the ammunition for the weapon was immediately
5 accessible at the time of the offense; or

6 (C) the person possessing the firearm has not been
7 issued a currently valid Firearm Owner's
8 Identification Card; or

9 (D) the person possessing the weapon was
10 previously adjudicated a delinquent minor under the
11 Juvenile Court Act of 1987 for an act that if committed
12 by an adult would be a felony; or

13 (E) the person possessing the weapon was engaged in
14 a misdemeanor violation of the Cannabis Control Act, in
15 a misdemeanor violation of the Illinois Controlled
16 Substances Act, or in a misdemeanor violation of the
17 Methamphetamine Control and Community Protection Act;
18 or

19 (F) (blank); or

20 (G) the person possessing the weapon had a order of
21 protection issued against him or her within the
22 previous 2 years; or

23 (H) the person possessing the weapon was engaged in
24 the commission or attempted commission of a
25 misdemeanor involving the use or threat of violence
26 against the person or property of another; or

1 (I) the person possessing the weapon was under 21
2 years of age and in possession of a handgun as defined
3 in Section 24-3, unless the person under 21 is engaged
4 in lawful activities under the Wildlife Code or
5 described in subsection 24-2(b)(1), (b)(3), or
6 24-2(f).

7 (b) "Stun gun or taser" as used in this Section has the
8 same definition given to it in Section 24-1 of this Code.

9 (c) This Section does not apply to or affect the
10 transportation or possession of weapons that:

11 (i) are broken down in a non-functioning state; or

12 (ii) are not immediately accessible; or

13 (iii) are unloaded and enclosed in a case, firearm
14 carrying box, shipping box, or other container ~~by a~~
15 ~~person who has been issued a currently valid Firearm~~
16 ~~Owner's Identification Card.~~

17 (d) Sentence.

18 (1) Aggravated unlawful use of a weapon is a Class 4
19 felony; a second or subsequent offense is a Class 2 felony
20 for which the person shall be sentenced to a term of
21 imprisonment of not less than 3 years and not more than 7
22 years.

23 (2) Except as otherwise provided in paragraphs (3) and
24 (4) of this subsection (d), a first offense of aggravated
25 unlawful use of a weapon committed with a firearm by a
26 person 18 years of age or older where the factors listed in

1 both items (A) and (C) of paragraph (3) of subsection (a)
2 are present is a Class 4 felony, for which the person shall
3 be sentenced to a term of imprisonment of not less than one
4 year and not more than 3 years.

5 (3) Aggravated unlawful use of a weapon by a person who
6 has been previously convicted of a felony in this State or
7 another jurisdiction is a Class 2 felony for which the
8 person shall be sentenced to a term of imprisonment of not
9 less than 3 years and not more than 7 years.

10 (4) Aggravated unlawful use of a weapon while wearing
11 or in possession of body armor as defined in Section 33F-1
12 by a person who has not been issued a valid Firearms
13 Owner's Identification Card in accordance with Section 5 of
14 the Firearm Owners Identification Card Act is a Class X
15 felony.

16 (e) The possession of each firearm in violation of this
17 Section constitutes a single and separate violation.

18 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
19 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

20 (720 ILCS 5/24-2)

21 Sec. 24-2. Exemptions.

22 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
23 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
24 the following:

25 (1) Peace officers, and any person summoned by a peace

1 officer to assist in making arrests or preserving the
2 peace, while actually engaged in assisting such officer.

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 while in the performance of their official duty, or while
7 commuting between their homes and places of employment.

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

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

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

1 employment or commuting between their homes and places of
2 employment, provided that such commuting is accomplished
3 within one hour from departure from home or place of
4 employment, as the case may be. A person shall be
5 considered eligible for this exemption if he or she has
6 completed the required 20 hours of training for a private
7 security contractor, private detective, or private alarm
8 contractor, or employee of a licensed agency and 20 hours
9 of required firearm training, and has been issued a firearm
10 control card by the Department of Financial and
11 Professional Regulation. Conditions for the renewal of
12 firearm control cards issued under the provisions of this
13 Section shall be the same as for those cards issued under
14 the provisions of the Private Detective, Private Alarm,
15 Private Security, Fingerprint Vendor, and Locksmith Act of
16 2004. The firearm control card shall be carried by the
17 private security contractor, private detective, or private
18 alarm contractor, or employee of the licensed agency at all
19 times when he or she is in possession of a concealable
20 weapon.

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

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

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

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

1 company providing armored car services.

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

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

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

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

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

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

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

1 mandated by the rules and regulations of the Nuclear
2 Regulatory Commission.

3 (14) Manufacture, transportation, or sale of weapons
4 to persons authorized under subdivisions (1) through
5 (13.5) of this subsection to possess those weapons.

6 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
7 24-1.6 do not apply to or affect any of the following:

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

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

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

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

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

24 (6) A licensee under the Family and Personal Protection
25 Act, notwithstanding Section 70 of that Act, if the
26 licensee meets the requirements of the Family and Personal

1 Protection Act.

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

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

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

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

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

1 bullets can be discharged by a single function of the
2 firing device, but only such possession and activities as
3 are within the lawful scope of a licensed manufacturing
4 business described in this paragraph.

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

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

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

25 During transportation, any such weapon shall be broken
26 down in a non-functioning state, or not immediately

1 accessible.

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

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

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

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

24 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
25 Section 24-1.6 do not apply to members of any club or
26 organization organized for the purpose of practicing shooting

1 at targets upon established target ranges, whether public or
2 private, while using their firearms on those target ranges.

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

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

8 (2) Bonafide collectors of antique or surplus military
9 ordinance.

10 (3) Laboratories having a department of forensic
11 ballistics, or specializing in the development of
12 ammunition or explosive ordinance.

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

22 (g-5) Subsection 24-1(a)(6) does not apply to or affect
23 persons licensed under federal law to manufacture any device or
24 attachment of any kind designed, used, or intended for use in
25 silencing the report of any firearm, firearms, or ammunition
26 for those firearms equipped with those devices, and actually

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

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

18 (g-7) Subsection 24-1(a)(6) does not apply to a peace
19 officer while serving as a member of a tactical response team
20 or special operations team. A peace officer may not personally
21 own or apply for ownership of a device or attachment of any
22 kind designed, used, or intended for use in silencing the
23 report of any firearm. These devices shall be owned and
24 maintained by lawfully recognized units of government whose
25 duties include the investigation of criminal acts.

26 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and

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

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

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

1 carrying box, shipping box, or other container, by the
2 possessor of a valid Firearm Owners Identification Card.

3 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
4 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
5 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;
6 revised 8-23-12.)

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

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4	5 ILCS 140/7.5	
5	30 ILCS 105/5.826 new	
6	720 ILCS 5/21-6	from Ch. 38, par. 21-6
7	720 ILCS 5/24-1	from Ch. 38, par. 24-1
8	720 ILCS 5/24-1.6	
9	720 ILCS 5/24-2	