



Rep. Brandon W. Phelps

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LRB098 08475 MRW 41479 a

1 AMENDMENT TO HOUSE BILL 1155

2 AMENDMENT NO. _____. Amend House Bill 1155, AS AMENDED, by
3 inserting the following in its proper numeric sequence:

4 "Section 10. Handgun carry licensing.

5 (a) For the purposes of this Act:

6 "Firearm" means any device, by whatever name known, which
7 is designed to expel a projectile or projectiles by the action
8 of an explosion, expansion of gas or escape of gas; excluding,
9 however:

10 (1) any pneumatic gun, spring gun, paint ball gun, or
11 B-B gun which expels a single globular projectile not
12 exceeding .18 inch in diameter or which has a maximum
13 muzzle velocity of less than 700 feet per second;

14 (2) any pneumatic gun, spring gun, paint ball gun, or
15 B-B gun which expels breakable paint balls containing
16 washable marking colors;

17 (3) any device used exclusively for signalling or

1 safety and required or recommended by the United States
2 Coast Guard or the Interstate Commerce Commission;

3 (4) any device used exclusively for the firing of stud
4 cartridges, explosive rivets or similar industrial
5 ammunition; and

6 (5) an antique firearm (other than a machine-gun)
7 which, although designed as a weapon, the Department of
8 State Police finds by reason of the date of its
9 manufacture, value, design, and other characteristics is
10 primarily a collector's item and is not likely to be used
11 as a weapon.

12 "Handgun" means a firearm designed to be held and fired by
13 the use of a single hand, and includes a combination of parts
14 from which that type of firearm can be assembled.

15 (b) Except as provided in subsection (c) of this Section,
16 the Department of State Police shall issue or renew a handgun
17 carry license to a resident of this State or non-resident who:

18 (1) is at least 21 years of age;

19 (2) has a valid Firearm Owner's Identification Card or,
20 if applying for a non-resident license, has a notarized
21 document stating that the applicant is eligible under
22 federal law and the laws of his or her home state to
23 possess a firearm;

24 (3) is not prohibited under the Firearm Owners
25 Identification Card Act or federal law from possessing or
26 receiving a firearm;

1 (4) is not the subject of a pending arrest warrant,
2 prosecution, or proceeding for an offense or action that
3 will lead to disqualification under subparagraph (3) of
4 this subsection (b);

5 (5) does not chronically or habitually abuse alcoholic
6 beverages, which means that within the 5 years immediately
7 preceding the application the applicant:

8 (A) has been in residential or court-ordered
9 treatment for alcoholism or alcohol detoxification; or

10 (B) has one or more convictions or supervision
11 dispositions for driving while under the influence or
12 driving while intoxicated as defined in Section 11-501
13 of the Illinois Vehicle Code or similar law; and

14 (6) has completed firearms safety training and any
15 educational component required in this Act;

16 (7) has submitted a complete application and any other
17 documentation required by this Act; and

18 (8) has submitted the required fees.

19 (c) The Department of State Police shall provide the
20 sheriff of the county where the applicant resides with a copy
21 of the applicant's handgun carry application within 3 days of
22 receipt of the application. The sheriff may, within 14 days of
23 receiving the application file an objection to the issuance of
24 a handgun carry license to the applicant. The sheriff's
25 objection must be in writing and state specific reasons for
26 denial of the application. The Department of State Police may

1 consider an objection to an application by the sheriff, if the
2 objection and any reports submitted to the Department by the
3 sheriff are disclosed to the applicant unless disclosure would
4 interfere with a criminal investigation, or as determined by
5 the Department, disclosure may threaten the safety or welfare
6 of the sheriff. If the Department of State Police determines,
7 based on the sheriff's objections, to deny the application, the
8 Department shall notify the applicant and the sheriff in
9 writing, stating the grounds for denial. The notice of denial
10 must inform the applicant that he or she may, within 30 days,
11 appeal the denial and submit additional materials and
12 documentation relevant to the grounds for denial to the
13 Department. Upon receiving the additional materials and
14 documentation, the Department of State Police shall reconsider
15 its decision and inform the applicant within 30 days of the
16 result of the reconsideration. If upon reconsideration the
17 Department denies the application, the applicant must be
18 informed of the his or her right to administrative review of
19 the denial.

20 (d) A handgun carry licensee shall possess and carry the
21 license at all times the licensee carries a handgun, in the
22 manner provided in this Act, except when he or she:

23 (1) is on his or her land or in his or her abode or
24 legal dwelling or in the abode or legal dwelling of another
25 person as an invitee with that person's permission;

26 (2) is otherwise authorized to carry a handgun or

1 firearm under Section 24-2 of the Criminal Code of 2012; or

2 (3) the handgun is broken down in a non-functioning
3 state, is not immediately accessible, or is enclosed in a
4 case, firearm carrying box, shipping box, or any other
5 container.

6 (e) Upon being stopped or detained by a peace officer, the
7 licensee shall inform the officer that he or she is carrying a
8 handgun under the provisions of this Act and provide the
9 license to the officer. If requested by the officer, the
10 licensee shall in a safe manner turn the handgun over to the
11 officer for the remainder of the stop or detention.

12 (f) A handgun carry license does not authorize the carrying
13 of any other non-handgun firearm.

14 (g) Handgun carry license exemption.

15 (1) This Section does not apply to or affect any of the
16 following:

17 (A) Peace officers, and any person summoned by a
18 peace officer to assist in making arrests or preserving
19 the peace, while actually engaged in assisting the
20 officer.

21 (B) Wardens, superintendents and keepers of
22 prisons, penitentiaries, jails, and other institutions
23 for the detention of persons accused or convicted of an
24 offense, while in the performance of their official
25 duty, or while commuting between their homes and places
26 of employment.

1 (C) Members of the Armed Services or Reserve Forces
2 of the United States or the Illinois National Guard or
3 the Reserve Officers Training Corps, while in the
4 performance of their official duty.

5 (D) Special agents employed by a railroad or a
6 public utility to perform police functions, and guards
7 of armored car companies, while actually engaged in the
8 performance of the duties of their employment or
9 commuting between their homes and places of
10 employment; and watchmen while actually engaged in the
11 performance of the duties of their employment.

12 (E) Persons licensed as private security
13 contractors, private detectives, or private alarm
14 contractors, or employed by an agency certified by the
15 Department of Financial and Professional Regulation,
16 if their duties include the carrying of a weapon under
17 the provisions of the Private Detective, Private
18 Alarm, Private Security, Fingerprint Vendor, and
19 Locksmith Act of 2004, while actually engaged in the
20 performance of the duties of their employment or
21 commuting between their homes and places of
22 employment, provided that the commuting is
23 accomplished within one hour from departure from home
24 or place of employment, as the case may be. A person
25 shall be considered eligible for this exemption if he
26 or she has completed the required 20 hours of training

1 for a private security contractor, private detective,
2 or private alarm contractor, or employee of a licensed
3 agency and 20 hours of required firearm training, and
4 has been issued a firearm control card by the
5 Department of Financial and Professional Regulation.
6 Conditions for the renewal of firearm control cards
7 issued under the provisions of this Section shall be
8 the same as for those cards issued under the provisions
9 of the Private Detective, Private Alarm, Private
10 Security, Fingerprint Vendor, and Locksmith Act of
11 2004. The firearm control card shall be carried by the
12 private security contractor, private detective, or
13 private alarm contractor, or employee of the licensed
14 agency at all times when he or she is in possession of
15 a concealable weapon.

16 (F) Any person regularly employed in a commercial
17 or industrial operation as a security guard for the
18 protection of persons employed and private property
19 related to that commercial or industrial operation,
20 while actually engaged in the performance of his or her
21 duty or traveling between sites or properties
22 belonging to the employer, and who, as a security
23 guard, is a member of a security force of at least 5
24 persons registered with the Department of Financial
25 and Professional Regulation; provided this security
26 guard has successfully completed a course of study,

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

19 (G) Agents and investigators of the Illinois
20 Legislative Investigating Commission authorized by the
21 Commission to carry the weapons specified in
22 subsections 24-1(a)(3) and 24-1(a)(4) of the Criminal
23 Code of 2012, while on duty in the course of any
24 investigation for the Commission.

25 (H) Persons employed by a financial institution
26 for the protection of other employees and property

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

1 providing armored car services.

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

5 (J) Persons who have been classified as peace
6 officers under the Peace Officer Fire Investigation
7 Act.

8 (K) Investigators of the Office of the State's
9 Attorneys Appellate Prosecutor authorized by the board
10 of governors of the Office of the State's Attorneys
11 Appellate Prosecutor to carry weapons under Section
12 7.06 of the State's Attorneys Appellate Prosecutor's
13 Act.

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

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

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

25 (O) A person employed as an armed security guard at
26 a nuclear energy, storage, weapons, or development

1 site or facility regulated by the Nuclear Regulatory
2 Commission who has completed the background screening
3 and training mandated by the rules and regulations of
4 the Nuclear Regulatory Commission.

5 (P) Manufacture, transportation, or sale of
6 weapons to persons authorized under subparagraphs (A)
7 through (O) of this subsection to possess those
8 weapons.

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

15 (R) Duly authorized military or civil
16 organizations while parading, with the special
17 permission of the Governor.

18 (S) Hunters, trappers or fishermen with a license
19 or permit while engaged in hunting, trapping or
20 fishing.

21 (T) Transportation of weapons that are broken down
22 in a non-functioning state or are not immediately
23 accessible.

24 (U) Carrying or possessing any pistol, revolver,
25 or other firearm on the land or in the legal dwelling
26 of another person as an invitee with that person's

1 permission.

2 (V) Any parole agent or parole supervisor who meets
3 the qualifications and conditions prescribed in
4 Section 3-14-1.5 of the Unified Code of Corrections.

5 (W) An athlete's possession, transport on official
6 Olympic and Paralympic transit systems established for
7 athletes, or use of competition firearms sanctioned by
8 the International Olympic Committee, the International
9 Paralympic Committee, the International Shooting Sport
10 Federation, or USA Shooting in connection with this
11 athlete's training for and participation in shooting
12 competitions at the 2016 Olympic and Paralympic Games
13 and sanctioned test events leading up to the 2016
14 Olympic and Paralympic Games.

15 (2) An information or indictment based upon any
16 violation of this Act need not negative any exemptions
17 contained in this subsection. The defendant shall have the
18 burden of proving that exemption.

19 (3) Nothing in this Section shall prohibit, apply to,
20 or affect the transportation, carrying, or possession, of
21 any pistol or revolver, or other firearm consigned to a
22 common carrier operating under license of this State or the
23 federal government, where the transportation, carrying, or
24 possession is incident to the lawful transportation in
25 which the common carrier is engaged; and nothing in this
26 Act shall prohibit, apply to, or affect the transportation,

1 carrying, or possession of any pistol, revolver, or other
2 firearm, not the subject of and regulated by subsection
3 24-1(a)(7) or subsection 24-2(c) of the Criminal Code of
4 2012, which is unloaded and enclosed in a case, firearm
5 carrying box, shipping box, or other container, by the
6 possessor of a valid Firearm Owner's Identification Card.

7 (h) The Department of State Police shall adopt rules
8 necessary to implement the provisions of this Section.".