



Rep. Michael J. Zalewski

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LRB098 08475 MRW 41483 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 15. 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 "Proper cause" means a special need for self-protection
16 distinguishable from that of the general community or of
17 persons engaged in the same profession or occupation,
18 including, but not limited to, obtained an order of protection
19 against a person under Article 112A of the Code of Criminal
20 Procedure of 1963, obtained a civil no contact order against a
21 person under the Civil No Contact Order Act, provides
22 officially documented domestic violence-related evidence of a
23 threat of bodily harm to his or person by another, or provides
24 officially documented domestic violence-related evidence of
25 infliction of bodily harm to his or person by another.

26 (b) The Department of State Police may issue or renew a

1 handgun carry license to a resident of this State who has shown
2 proper cause exists for issuance of the handgun carry license
3 and he or she:

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

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

6 (3) is not prohibited under the Firearm Owners
7 Identification Card Act or federal law from possessing or
8 receiving a firearm;

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

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

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

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

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

24 (7) has submitted a complete application and any other
25 documentation required in this Act; and

26 (8) has submitted the required fees.

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

1 the denial.

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

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

9 (2) is otherwise authorized to carry a handgun or
10 firearm under Section 24-2 of the Criminal Code of 2012; or

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

15 (e) Upon being stopped or detained by a peace officer, the
16 licensee shall inform the officer that he or she is carrying a
17 handgun under the provisions of this Act and provide the
18 license to the officer. If requested by the officer, the
19 licensee shall in a safe manner turn the handgun over to the
20 officer for the remainder of the stop or detention.

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

23 (g) Handgun carry license exemption.

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

26 (A) Peace officers, and any person summoned by a

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

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

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

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

21 (E) Persons licensed as private security
22 contractors, private detectives, or private alarm
23 contractors, or employed by an agency certified by the
24 Department of Financial and Professional Regulation,
25 if their duties include the carrying of a weapon under
26 the provisions of the Private Detective, Private

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

25 (F) Any person regularly employed in a commercial
26 or industrial operation as a security guard for the

1 protection of persons employed and private property
2 related to that commercial or industrial operation,
3 while actually engaged in the performance of his or her
4 duty or traveling between sites or properties
5 belonging to the employer, and who, as a security
6 guard, is a member of a security force of at least 5
7 persons registered with the Department of Financial
8 and Professional Regulation; provided this security
9 guard has successfully completed a course of study,
10 approved by and supervised by the Department of
11 Financial and Professional Regulation, consisting of
12 not less than 40 hours of training that includes the
13 theory of law enforcement, liability for acts, and the
14 handling of weapons. A person shall be considered
15 eligible for this exemption if he or she has completed
16 the required 20 hours of training for a security
17 officer and 20 hours of required firearm training, and
18 has been issued a firearm control card by the
19 Department of Financial and Professional Regulation.
20 Conditions for the renewal of firearm control cards
21 issued under the provisions of this Section shall be
22 the same as for those cards issued under the provisions
23 of the Private Detective, Private Alarm, Private
24 Security, Fingerprint Vendor, and Locksmith Act of
25 2004. The firearm control card shall be carried by the
26 security guard at all times when he or she is in

1 possession of a concealable weapon.

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

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

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

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

14 (J) Persons who have been classified as peace
15 officers under the Peace Officer Fire Investigation
16 Act.

17 (K) Investigators of the Office of the State's
18 Attorneys Appellate Prosecutor authorized by the board
19 of governors of the Office of the State's Attorneys
20 Appellate Prosecutor to carry weapons under Section
21 7.06 of the State's Attorneys Appellate Prosecutor's
22 Act.

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

25 (M) Probation officers while in the performance of
26 their duties, or while commuting between their homes,

1 places of employment or specific locations that are
2 part of their assigned duties, with the consent of the
3 chief judge of the circuit for which they are employed.

4 (N) Court Security Officers while in the
5 performance of their official duties, or while
6 commuting between their homes and places of
7 employment, with the consent of the Sheriff.

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

14 (P) Manufacture, transportation, or sale of
15 weapons to persons authorized under subparagraphs (A)
16 through (O) of this subsection to possess those
17 weapons.

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

24 (R) Duly authorized military or civil
25 organizations while parading, with the special
26 permission of the Governor.

1 (S) Hunters, trappers or fishermen with a license
2 or permit while engaged in hunting, trapping or
3 fishing.

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

7 (U) Carrying or possessing any pistol, revolver,
8 or other firearm on the land or in the legal dwelling
9 of another person as an invitee with that person's
10 permission.

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

14 (W) An athlete's possession, transport on official
15 Olympic and Paralympic transit systems established for
16 athletes, or use of competition firearms sanctioned by
17 the International Olympic Committee, the International
18 Paralympic Committee, the International Shooting Sport
19 Federation, or USA Shooting in connection with this
20 athlete's training for and participation in shooting
21 competitions at the 2016 Olympic and Paralympic Games
22 and sanctioned test events leading up to the 2016
23 Olympic and Paralympic Games.

24 (2) An information or indictment based upon any
25 violation of this Act need not negative any exemptions
26 contained in this subsection. The defendant shall have the

1 burden of proving that exemption.

2 (3) Nothing in this Section shall prohibit, apply to,
3 or affect the transportation, carrying, or possession, of
4 any pistol or revolver, or other firearm consigned to a
5 common carrier operating under license of this State or the
6 federal government, where the transportation, carrying, or
7 possession is incident to the lawful transportation in
8 which the common carrier is engaged; and nothing in this
9 Act shall prohibit, apply to, or affect the transportation,
10 carrying, or possession of any pistol, revolver, or other
11 firearm, not the subject of and regulated by subsection
12 24-1(a)(7) or subsection 24-2(c) of the Criminal Code of
13 2012, which is unloaded and enclosed in a case, firearm
14 carrying box, shipping box, or other container, by the
15 possessor of a valid Firearm Owner's Identification Card.

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