

HB2743



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2743

Introduced 2/21/2013, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

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

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Permits currently employed and retired State correctional officers to carry their own firearms off duty without being in violation of the unlawful use of weapons and aggravated unlawful use of a weapon statutes if they meet certain training requirements.

LRB098 08897 RLC 39028 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning correctional officers.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 24-2 as follows:

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
9 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
10 the following:

11 (1) Peace officers, and any person summoned by a peace
12 officer to assist in making arrests or preserving the
13 peace, while actually engaged in assisting such officer.

14 (2) Wardens, superintendents and keepers of prisons,
15 penitentiaries, jails and other institutions for the
16 detention of persons accused or convicted of an offense,
17 while in the performance of their official duty, or while
18 commuting between their homes and places of employment.

19 (3) Members of the Armed Services or Reserve Forces of
20 the United States or the Illinois National Guard or the
21 Reserve Officers Training Corps, while in the performance
22 of their official duty.

23 (4) Special agents employed by a railroad or a public

1 utility to perform police functions, and guards of armored
2 car companies, while actually engaged in the performance of
3 the duties of their employment or commuting between their
4 homes and places of employment; and watchmen while actually
5 engaged in the performance of the duties of their
6 employment.

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

1 Section shall be the same as for those cards issued under
2 the provisions of the Private Detective, Private Alarm,
3 Private Security, Fingerprint Vendor, and Locksmith Act of
4 2004. The firearm control card shall be carried by the
5 private security contractor, private detective, or private
6 alarm contractor, or employee of the licensed agency at all
7 times when he or she is in possession of a concealable
8 weapon.

9 (6) Any person regularly employed in a commercial or
10 industrial operation as a security guard for the protection
11 of persons employed and private property related to such
12 commercial or industrial operation, while actually engaged
13 in the performance of his or her duty or traveling between
14 sites or properties belonging to the employer, and who, as
15 a security guard, is a member of a security force of at
16 least 5 persons registered with the Department of Financial
17 and Professional Regulation; provided that such security
18 guard has successfully completed a course of study,
19 approved by and supervised by the Department of Financial
20 and Professional Regulation, consisting of not less than 40
21 hours of training that includes the theory of law
22 enforcement, liability for acts, and the handling of
23 weapons. A person shall be considered eligible for this
24 exemption if he or she has completed the required 20 hours
25 of training for a security officer and 20 hours of required
26 firearm training, and has been issued a firearm control

1 card by the Department of Financial and Professional
2 Regulation. Conditions for the renewal of firearm control
3 cards issued under the provisions of this Section shall be
4 the same as for those cards issued under the provisions of
5 the Private Detective, Private Alarm, Private Security,
6 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
7 control card shall be carried by the security guard at all
8 times when he or she is in possession of a concealable
9 weapon.

10 (7) Agents and investigators of the Illinois
11 Legislative Investigating Commission authorized by the
12 Commission to carry the weapons specified in subsections
13 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
14 any investigation for the Commission.

15 (8) Persons employed by a financial institution for the
16 protection of other employees and property related to such
17 financial institution, while actually engaged in the
18 performance of their duties, commuting between their homes
19 and places of employment, or traveling between sites or
20 properties owned or operated by such financial
21 institution, provided that any person so employed has
22 successfully completed a course of study, approved by and
23 supervised by the Department of Financial and Professional
24 Regulation, consisting of not less than 40 hours of
25 training which includes theory of law enforcement,
26 liability for acts, and the handling of weapons. A person

1 shall be considered to be eligible for this exemption if he
2 or she has completed the required 20 hours of training for
3 a security officer and 20 hours of required firearm
4 training, and has been issued a firearm control card by the
5 Department of Financial and Professional Regulation.
6 Conditions for renewal of firearm control cards issued
7 under the provisions of this Section shall be the same as
8 for those issued under the provisions of the Private
9 Detective, Private Alarm, Private Security, Fingerprint
10 Vendor, and Locksmith Act of 2004. Such firearm control
11 card shall be carried by the person so trained at all times
12 when such person is in possession of a concealable weapon.
13 For purposes of this subsection, "financial institution"
14 means a bank, savings and loan association, credit union or
15 company providing armored car services.

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

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

21 (11) Investigators of the Office of the State's
22 Attorneys Appellate Prosecutor authorized by the board of
23 governors of the Office of the State's Attorneys Appellate
24 Prosecutor to carry weapons pursuant to Section 7.06 of the
25 State's Attorneys Appellate Prosecutor's Act.

26 (12) Special investigators appointed by a State's

1 Attorney under Section 3-9005 of the Counties Code.

2 (12.5) Probation officers while in the performance of
3 their duties, or while commuting between their homes,
4 places of employment or specific locations that are part of
5 their assigned duties, with the consent of the chief judge
6 of the circuit for which they are employed.

7 (13) Court Security Officers while in the performance
8 of their official duties, or while commuting between their
9 homes and places of employment, with the consent of the
10 Sheriff.

11 (13.5) A person employed as an armed security guard at
12 a nuclear energy, storage, weapons or development site or
13 facility regulated by the Nuclear Regulatory Commission
14 who has completed the background screening and training
15 mandated by the rules and regulations of the Nuclear
16 Regulatory Commission.

17 (14) Manufacture, transportation, or sale of weapons
18 to persons authorized under subdivisions (1) through
19 (13.5) of this subsection to possess those weapons.

20 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
21 24-1.6 do not apply to or affect any of the following:

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

1 (2) Duly authorized military or civil organizations
2 while parading, with the special permission of the
3 Governor.

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

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

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

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

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

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

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

22 (4) Manufacture, transportation, or sale of machine
23 guns to persons authorized under subdivisions (1) through
24 (3) of this subsection to possess machine guns, if the
25 machine guns are broken down in a non-functioning state or
26 are not immediately accessible.

1 (5) Persons licensed under federal law to manufacture
2 any weapon from which 8 or more shots or bullets can be
3 discharged by a single function of the firing device, or
4 ammunition for such weapons, and actually engaged in the
5 business of manufacturing such weapons or ammunition, but
6 only with respect to activities which are within the lawful
7 scope of such business, such as the manufacture,
8 transportation, or testing of such weapons or ammunition.
9 This exemption does not authorize the general private
10 possession of any weapon from which 8 or more shots or
11 bullets can be discharged by a single function of the
12 firing device, but only such possession and activities as
13 are within the lawful scope of a licensed manufacturing
14 business described in this paragraph.

15 During transportation, such weapons shall be broken
16 down in a non-functioning state or not immediately
17 accessible.

18 (6) The manufacture, transport, testing, delivery,
19 transfer or sale, and all lawful commercial or experimental
20 activities necessary thereto, of rifles, shotguns, and
21 weapons made from rifles or shotguns, or ammunition for
22 such rifles, shotguns or weapons, where engaged in by a
23 person operating as a contractor or subcontractor pursuant
24 to a contract or subcontract for the development and supply
25 of such rifles, shotguns, weapons or ammunition to the
26 United States government or any branch of the Armed Forces

1 of the United States, when such activities are necessary
2 and incident to fulfilling the terms of such contract.

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

9 During transportation, any such weapon shall be broken
10 down in a non-functioning state, or not immediately
11 accessible.

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

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

26 (d) Subsection 24-1(a)(1) does not apply to the purchase,

1 possession or carrying of a black-jack or slung-shot by a peace
2 officer.

3 (e) Subsection 24-1(a)(8) does not apply to any owner,
4 manager or authorized employee of any place specified in that
5 subsection nor to any law enforcement officer.

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

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

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

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

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

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

1 bullets to any organization or person exempted in this
2 Section by a common carrier or by a vehicle owned or leased
3 by an exempted manufacturer.

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

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

26 (g-7) Subsection 24-1(a)(6) does not apply to a peace

1 officer while serving as a member of a tactical response team
2 or special operations team. A peace officer may not personally
3 own or apply for ownership of a device or attachment of any
4 kind designed, used, or intended for use in silencing the
5 report of any firearm. These devices shall be owned and
6 maintained by lawfully recognized units of government whose
7 duties include the investigation of criminal acts.

8 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
9 24-1.6 do not apply to or affect any currently employed or
10 retired State correctional officer who meets the
11 qualifications and conditions prescribed in Section 3-2-12 of
12 the Unified Code of Corrections.

13 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
14 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
15 athlete's possession, transport on official Olympic and
16 Paralympic transit systems established for athletes, or use of
17 competition firearms sanctioned by the International Olympic
18 Committee, the International Paralympic Committee, the
19 International Shooting Sport Federation, or USA Shooting in
20 connection with such athlete's training for and participation
21 in shooting competitions at the 2016 Olympic and Paralympic
22 Games and sanctioned test events leading up to the 2016 Olympic
23 and Paralympic Games.

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

1 of proving such an exemption.

2 (i) Nothing in this Article shall prohibit, apply to, or
3 affect the transportation, carrying, or possession, of any
4 pistol or revolver, stun gun, taser, or other firearm consigned
5 to a common carrier operating under license of the State of
6 Illinois or the federal government, where such transportation,
7 carrying, or possession is incident to the lawful
8 transportation in which such common carrier is engaged; and
9 nothing in this Article shall prohibit, apply to, or affect the
10 transportation, carrying, or possession of any pistol,
11 revolver, stun gun, taser, or other firearm, not the subject of
12 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
13 this Article, 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 Owners Identification Card.

16 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
17 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
18 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;
19 revised 8-23-12.)

20 Section 10. The Unified Code of Corrections is amended by
21 adding Section 3-2-12 as follows:

22 (730 ILCS 5/3-2-12 new)

23 Sec. 3-2-12. State correctional officers; off-duty
24 firearms.

1 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
2 24-1.6 of the Criminal Code of 2012 do not apply to currently
3 employed or retired State correctional officers who meet the
4 following conditions:

5 (1) The currently employed or retired State
6 correctional officer must receive training in the use of
7 firearms while off duty conducted by the Illinois Law
8 Enforcement Training Standards Board and be certified as
9 having successfully completing such training by the Board.
10 The Board shall determine the amount of such training and
11 the course content for such training. The currently
12 employed or retired State correctional officer shall
13 requalify for the firearms training annually at a State
14 range certified by the Illinois Law Enforcement Training
15 Standards Board. The expenses of such retraining shall be
16 paid by the currently employed or retired State
17 correctional officer and moneys for the costs of such
18 requalification shall be expended at the request of the
19 Illinois Law Enforcement Training Standards Board.

20 (2) The currently employed or retired State
21 correctional officer shall purchase such firearm at his or
22 her own expense and shall register the firearm with the
23 Illinois Department of State Police and with any other
24 local law enforcement agencies that require such
25 registration.

26 (3) The currently employed or retired State

1 correctional officer may not carry any Illinois Department
2 of Corrections or Department of Juvenile Justice
3 State-issued firearm while off duty. A person who violates
4 this paragraph (3) is subject to disciplinary action by the
5 Illinois Department of Corrections or the Department of
6 Juvenile Justice.

7 (4) State correctional officers who are or were
8 discharged from employment by the Illinois Department of
9 Corrections or the Department of Juvenile Justice shall no
10 longer be considered law enforcement officials and all
11 their rights as law enforcement officials shall be revoked
12 permanently.

13 (b) For the purposes of this Section, "State correctional
14 officer" means an employee of the Department of Corrections or
15 the Department of Juvenile Justice who has custody and control
16 over inmates in an adult or juvenile correctional facility.