

SB2277



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2277

Introduced 2/15/2013, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

New Act
50 ILCS 705/10.6 new
720 ILCS 5/24-2

Creates the Illinois License to Carry Firearms for Self-Defense Act. Authorizes the county sheriff to issue licenses to carry concealed firearms to persons at least 21 years of age who meet certain requirements. Requires an applicant for a license to have completed specified training requirements developed by the Illinois Law Enforcement Training Standards Board consisting of classroom instruction and live firing exercises. Preempts home rule. Amends the Illinois Police Training Act and the Criminal Code of 2012 to make conforming changes. Effective January 1, 2014.

LRB098 03804 RLC 33820 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

A BILL FOR

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
5 Illinois License to Carry Firearms for Self-Defense Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means the Illinois Law Enforcement Training
8 Standards Board.

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

13 "Fund" means the County License to Carry Firearms for
14 Self-Defense Trust Fund in each county.

15 "Handgun" has the meaning ascribed to it in paragraph (h)
16 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

17 "License" means a license to carry a concealed firearm
18 issued by the county sheriff.

19 "Licensee" means a person who is issued a license to carry
20 a concealed firearm by the county sheriff.

21 Section 10. Licensee for concealed firearms. The county
22 sheriff is authorized to issue licenses to carry concealed

1 firearms to persons qualified as provided in this Act. Licenses
2 to carry concealed firearms shall be valid throughout the State
3 for a period of 3 years from the date of issuance. Any person
4 in compliance with the terms of the license may carry concealed
5 firearms on or about his or her person. The licensee shall
6 carry the license at all times the licensee is carrying a
7 concealed firearm and shall display the license upon the
8 request of a law enforcement officer.

9 Section 15. Application for license and qualifications of
10 applicants.

11 (a) An applicant for a license shall obtain the application
12 from the sheriff of the county in which the applicant resides.
13 The completed application and all accompanying material plus an
14 application fee of \$100 for a new license or \$75 for a renewal
15 shall be presented to the office of the sheriff of the county
16 in which the applicant resides.

17 The sheriff shall evaluate the application and
18 accompanying material, and within 30 days, the sheriff shall
19 either issue or deny the license.

20 (b) The sheriff, upon a person's application for a
21 concealed firearms license, upon receipt of the appropriate
22 fees, and after compliance with the procedures set out in this
23 Section, shall issue the applicant a concealed firearms license
24 if the person:

25 (i) is at least 21 years of age;

1 (ii) resides within the State of Illinois and has been
2 a resident for the last 6 months (except the 6 months shall
3 be waived for members of the Armed Forces) and is a
4 permanent resident of the United States;

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

6 (iv) has not been convicted of a crime punishable by
7 imprisonment for a term exceeding one year, or of a
8 misdemeanor evidencing violence, is not free on any form of
9 bond or pretrial release for a felony or a misdemeanor
10 evidencing violence, and has no outstanding warrants for
11 those crimes;

12 (v) has no record of mental disease or mental illness
13 on file that would evidence incapacity, or lack of proper
14 mental capacity;

15 (vi) has not been committed to a state or federal
16 facility for the abuse of a controlled substance,
17 methamphetamine, or cannabis and has not been convicted of
18 a misdemeanor violation of the Illinois Controlled
19 Substances Act or Cannabis Control Act or similar laws of
20 any other state relating to controlled substances or
21 cannabis within a 10 year period immediately preceding the
22 date on which the application is submitted; and

23 (vii) does not chronically and habitually use
24 alcoholic beverages as evidenced by the applicant having 2
25 or more convictions for violating Section 11-501 of the
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance within 5 years preceding his or her application
2 or the applicant having elected treatment under the
3 supervision of a licensed program in accordance with the
4 Alcoholism and Other Drug Abuse and Dependency Act or
5 similar laws of any other state within a 5 year period
6 immediately preceding the date on which the application is
7 submitted.

8 Section 20. Contents of application. The initial
9 application shall be in writing, under oath and under the
10 penalties of perjury, on a standard form promulgated by the
11 sheriff and shall be accompanied by the appropriate fees and
12 required documentation. The application shall only contain or
13 require the following information:

14 (i) the applicant's name, address, gender, race, date
15 and place of birth, and driver license or State
16 identification card number;

17 (ii) an affirmation that the applicant is at least 21
18 years of age and that the applicant possesses a currently
19 valid Illinois Firearm Owner's Identification Card,
20 together with the card number and a photocopy of the
21 Firearm Owner's Identification Card;

22 (iii) a full set of legible fingerprints of the
23 applicant taken by any federal, State, county or municipal
24 law enforcement agency. The cost of fingerprinting shall be
25 paid by the applicant. The State, county or local law

1 enforcement agencies may not charge more than \$10 to
2 fingerprint an applicant;

3 (iv) a head and shoulder color photograph taken within
4 30 days preceding the date on which the application is
5 submitted;

6 (v) questions to certify or demonstrate that the
7 applicant has completed the firearms and deadly use of
8 force training and education prerequisites specified under
9 this Act and a photocopy of a certificate or other evidence
10 of completion of a course to show compliance;

11 (vi) a statement that the applicant is a resident of
12 the State of Illinois and has been a resident for the last
13 6 months (except the 6 months shall be waived for members
14 of the Armed Forces) and is a permanent resident of the
15 United States;

16 (vii) a waiver of privacy and confidentiality rights
17 and privileges enjoyed by the applicant under all federal
18 and state laws governing justice, psychological, or
19 psychiatric records, or access to records relating to the
20 applicant's history of juvenile court, or criminal
21 institutionalization, and an affirmative request that any
22 person having custody of those records provide them or
23 information concerning them to the sheriff;

24 (viii) an affirmation that the applicant has never been
25 convicted of any felony or misdemeanor involving the use or
26 threat of physical force or violence to any person; and has

1 never been adjudicated a delinquent minor for an offense
2 which, had he or she been tried as an adult, would have
3 been such a felony or misdemeanor. The application shall
4 also contain the following statement along with a signature
5 line for use by the applicant, which statement the
6 applicant shall affirm under oath: "I, the undersigned,
7 state, under oath and subject to the penalty of perjury,
8 that I am not a streetgang member as defined in Section 10
9 of the Illinois Streetgang Terrorism Omnibus Prevention
10 Act, and I will not join or become associated with a
11 criminal streetgang."; and

12 (ix) a conspicuous warning that false statements made
13 by the applicant will result in prosecution for perjury in
14 accordance with Section 32-2 of the Criminal Code of 2012.

15 Section 25. Fees. Fees collected under this Act and
16 deposited into the County License to Carry Firearms for
17 Self-Defense Trust Fund shall be used exclusively by the
18 sheriff for administrating the provisions of this Act. Any
19 excess monies in the Fund may be used to ensure the prompt and
20 efficient processing of applications received under Section 20
21 of this Act. The application fee shall be retained by the
22 office of the sheriff for official expenses of the office
23 associated with this Act.

24 Fees for a concealed firearms license shall be:

25 New license..\$100

1 Renewal..\$75
2 Duplicate of a lost or destroyed license..\$25
3 Corrected license due to change of address or name..\$25
4 Late renewal fee..\$25

5 Section 30. Approval of application.

6 (a) If the sheriff finds that the applicant possesses a
7 valid Firearm Owner's Identification Card, meets the training
8 requirements of this Act, and has provided the documentation
9 and paid the fees required for issuance of a concealed firearms
10 license, and that, as nearly as it is possible to determine,
11 nothing in the applicant's background or present circumstances
12 disqualify him or her from possessing a firearm in Illinois,
13 the Sheriff shall approve the application and issue the
14 applicant a wallet sized license bearing the photograph, name,
15 and address of the applicant and identifying the office issuing
16 the license within 30 days.

17 (b) The sheriff may consider an objection or recommendation
18 made by the sheriff or municipal police department supported by
19 specific and articulable reasons, in a written report, why the
20 applicant should be denied a license and may deny the license
21 based solely on those objections. If the objection contains
22 false, malicious, or inaccurate information, the sheriff or
23 municipal police department filing the objection shall bear all
24 of the applicant's costs if the applicant prevails in an
25 appeal.

1 (c) If the applicant is found to be ineligible, the sheriff
2 shall deny the application, and notify the applicant in
3 writing, stating the grounds for denial and informing the
4 applicant of the right to submit, within 30 days, any
5 additional documentation relating to the grounds of the denial.
6 Upon receiving the additional documentation, the sheriff shall
7 reconsider his or her decision and inform the applicant within
8 30 days of the result of the reconsideration. The applicant
9 shall be informed of the right to appeal the denial in the
10 circuit court of his or her place of residence.

11 Section 35. Revocation of a license. A license issued under
12 Section 30 shall be suspended or revoked if the license holder
13 becomes ineligible to be issued a license under the criteria
14 set forth in paragraph (i), (ii), (iii), (iv), (v), (vi), or
15 (vii) of Section 20 or subsection (b) of Section 30 of this
16 Act.

17 When an order of protection is issued under Section 112A-14
18 of the Code of Criminal Procedure of 1963 or under Section 214
19 of the Illinois Domestic Violence Act of 1986 against a person
20 holding a license issued under this Act, the holder of the
21 license shall surrender the license to the court or to the
22 officer serving the order. The officer to whom the license is
23 surrendered shall forthwith transmit the license to the court
24 issuing the order. The license shall be suspended until the
25 order is terminated.

1 Section 40. Notification of renewal. Not later than 120
2 days before the expiration of any license issued under this
3 Act, the sheriff shall notify the license holder in writing of
4 the expiration and furnish an application for renewal of the
5 license.

6 Section 45. Renewal of license.

7 (a) The license shall be renewed for a qualified applicant
8 upon receipt of the properly completed renewal application and
9 required renewal fee. The renewal application shall contain the
10 same required information as set forth in paragraphs (i)
11 through (ix) of Section 20, except that in lieu of the firearm
12 education and use of deadly force training, the applicant need
13 only demonstrate previous issuance of and continued
14 eligibility for a concealed firearms license.

15 (b) A licensee who fails to file a renewal application on
16 or before its expiration date must pay an additional late fee
17 of \$25. A person who fails to renew his or her application
18 within 6 months after its expiration must reapply for a new
19 license and pay the fee for a new application.

20 Section 50. Change of address, change of name, and lost or
21 destroyed licenses.

22 (a) Within 30 days after changing his or her permanent
23 residence, and within 30 days after loss or destruction of a

1 concealed firearms license, the licensee shall notify the
2 sheriff and the Department of State Police of the loss,
3 destruction, change of name, or change of residence. Failure to
4 notify the Department of State Police shall constitute a
5 noncriminal violation with a penalty of \$25 payable to the
6 Department of State Police.

7 (b) If a person issued a license to carry a concealed
8 firearm changes residence within this State, or changes his or
9 her name, the person to whom the license was issued may, upon
10 payment of \$25 and presentation of their current license to the
11 sheriff, obtain a corrected concealed firearms license with a
12 change of address or change of name upon furnishing a notarized
13 statement to the sheriff that the licensee has changed
14 residence or his or her name, and upon submission of the
15 information as set forth in paragraph (i) of Section 20 and a
16 photograph as set forth in paragraph (iv) of Section 20. A
17 concealed firearms license shall be automatically invalid
18 after 30 days if the licensee has not notified the Department
19 of State Police of a change of residence. A license corrected
20 under this subsection shall be issued within 48 hours.

21 (c) If a license to carry a concealed firearm is lost or
22 destroyed, the license shall be automatically invalid, and the
23 person to whom the license was issued may obtain a duplicate,
24 upon payment of \$25 to the sheriff and furnishing a notarized
25 statement to the sheriff that the license was lost or
26 destroyed, and submission of the information as set forth in

1 paragraph (i) of Section 20 and a photograph as set forth in
2 paragraph (iv) of Section 20.

3 Section 55. Automated listing.

4 (a) At least once per month, the sheriff shall transmit a
5 listing of all persons to whom the sheriff has issued or
6 revoked a license under this Act. That listing shall contain
7 the person's name, address, gender, race, date and place of
8 birth, and driver license or State identification card number.

9 (b) The Department of State Police shall maintain an
10 automated listing of license holders, and this information
11 shall be available on-line, upon request, at all times to all
12 Illinois law enforcement agencies. Except as provided in this
13 Act, information on applications for licenses, names and
14 addresses, or other identifying information relating to
15 license holders shall be confidential and shall not be made
16 available except to law enforcement agencies.

17 Section 60. Privacy of license holders and applicants.
18 Except as provided in this Section, information on applications
19 for licenses, names and addresses, or other identifying
20 information relating to license holders shall be confidential,
21 not subject to the Freedom of Information Act, and shall not be
22 made available except to law enforcement agencies or as
23 otherwise provided in this Section.

24 Requests for information about any license holder or

1 applicant made by persons other than a bona fide law
2 enforcement agency shall be made in writing together with any
3 fee required for providing the information.

4 No State or local law enforcement agency shall provide a
5 list of names of any or all license holders or applicants in
6 the State of Illinois or a county, except that the Department
7 of State Police or sheriff may, upon proper application and the
8 payment of the required fee, provide to the requester, in
9 written form only, confirmation that an individual has or has
10 not been issued, applied for, or denied a license, or had a
11 license revoked under this Act. No identifying information
12 other than the name shall be provided.

13 Only the Department of State Police or sheriff may provide
14 statistical information on:

15 (i) the number of licenses or applications issued or
16 received;

17 (ii) the race, age, or gender of applicants or those
18 issued licenses;

19 (iii) the county of residence of applicants or those
20 issued licenses;

21 (vi) the number of licenses revoked and the reason for
22 revocation.

23 Nothing in this Section shall prevent any law enforcement
24 agency from releasing information about an individual as part
25 of a criminal investigation.

26 The names of all persons, other than law enforcement

1 agencies and peace officers, requesting information under this
2 Section shall be public records. No other agency of government
3 other than the Department of State Police or sheriff shall
4 provide any information to a requester not entitled to it by
5 law.

6 Section 65. Concealed firearms license.

7 (a) A concealed firearm license shall authorize the person
8 in whose name the license is issued to carry concealed firearms
9 on or about his or her person or vehicle throughout the State.
10 No license issued under this Section shall authorize any person
11 to carry a concealed firearm into or upon:

12 (i) Any state or local police or sheriff's office or
13 station without the consent of the chief law enforcement
14 officer in charge of that office or station.

15 (ii) The facility of any adult or juvenile detention or
16 correctional institution, prison, or jail.

17 (iii) Any courthouse solely occupied by the Circuit,
18 Appellate, or Supreme Court or a courtroom of any of those
19 courts, or court proceeding.

20 (iv) Any meeting of the governing body of a unit of
21 local government; or any meeting of the General Assembly or
22 a committee of the General Assembly.

23 The General Assembly or a county or municipality may by
24 statute or ordinance prohibit or limit the carrying of
25 concealed firearms by license holders in that portion of a

1 building owned, leased, or controlled by that unit of
2 government. That portion of a building in which the
3 carrying of concealed firearms is prohibited or limited
4 shall be clearly identified by signs conspicuously posted
5 at each entrance to the restricted area. The statute or
6 ordinance shall exempt any building used for public housing
7 by private persons, highway rest areas, firing ranges, and
8 private dwellings owned, leased, or controlled by that unit
9 of government from any restriction on the carrying or of
10 possession of a firearm. The statute or ordinance shall not
11 specify any criminal penalty for its violation but may
12 specify that a person violating the statute or ordinance
13 may be denied entrance to the building, ordered to leave
14 the building and if an employee of the unit of government,
15 be subjected to disciplinary measures for violation of the
16 provisions of the statute or ordinance. The provisions of
17 this item (iv) shall not apply to any other unit of
18 government.

19 (v) Any portion of an establishment licensed to
20 dispense beer or alcoholic beverages for consumption on the
21 premises, if that portion of the establishment is primarily
22 devoted to that purpose.

23 This paragraph (v) does not apply to any bona fide
24 restaurant open to the general public having dining
25 facilities for at least 25 persons and that receives at
26 least 50% of its gross annual income from the dining

1 facilities by the sale of food.

2 (vi) Any area of an airport to which access is
3 controlled by the inspection of persons and property.

4 (vii) Any place where the carrying of a firearm is
5 prohibited by federal law.

6 (viii) Inside any elementary or secondary school
7 facility without the consent of school authorities.

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

13 (x) A riverboat gambling operation or horse racing
14 facility accessible by the public.

15 (xi) Any gated area of an amusement park.

16 (xii) Any stadium, arena, or collegiate or
17 professional sporting event.

18 (xiii) A church or other place of religious worship.

19 A violation of this subsection (a) is a Class A
20 misdemeanor.

21 (a-5) A concealed firearm license does not authorize the
22 concealed carrying or transportation of a stun gun or taser.

23 (b) The owner, business or commercial lessee, manager of a
24 private business enterprise, or any other organization,
25 entity, or person in control of a premises may:

26 (i) prohibit persons holding a license for concealed

1 firearms from carrying concealed firearms on the premises;
2 and

3 (ii) prohibit employees holding a license for
4 concealed firearms, not under a collective bargaining
5 agreement, who are not authorized by the employer, from
6 carrying concealed firearms on the property of the
7 employer.

8 If the building or the premises are open to the public, the
9 employer of the business enterprise shall post conspicuous
10 signs on or about the premises notifying the public that
11 carrying a concealed firearm is prohibited. Possession of a
12 firearm in a vehicle on the premises shall not be a criminal
13 offense if the firearm is not removed from the vehicle or
14 brandished while the vehicle is on the premises. An employer
15 may prohibit employees, not under a collective bargaining
16 agreement, or other persons holding a license for a concealed
17 firearm from carrying a concealed firearm in vehicles owned by
18 the employer. Carrying a concealed firearm in a location
19 specified in this subsection (b) by a license holder shall not
20 be a criminal offense but may subject the person to denial to
21 the premises or removal from the premises.

22 Section 70. Immunity of sheriff, employees, and agents. The
23 office of the sheriff, or any employee or agent of the sheriff,
24 shall not be liable for damages in any civil action arising
25 from alleged wrongful or improper granting, renewing, or

1 failure to revoke licenses issued under this Act. The office of
2 the sheriff or any employee or agent of the office of the
3 sheriff shall not be liable for submitting specific and
4 articulable reasons why an applicant should be denied a
5 license, unless the objection contains false, malicious, or
6 inaccurate information.

7 Section 75. Applicant training.

8 (a) The applicant training course shall be the standardized
9 training course furnished by the Board and taught by a
10 qualified firearms instructor, consisting of:

11 (1) Eight hours of classroom instruction, covering at
12 least the following topics:

13 (i) handgun safety in the classroom, at home, on
14 the firing range and while carrying the firearm;

15 (ii) the basic principles of marksmanship;

16 (iii) care and cleaning of handguns;

17 (iv) by means of a videotape produced or approved
18 by the Board:

19 (A) the requirements for obtaining a concealed
20 firearms license in this State;

21 (B) laws relating to firearms as prescribed in
22 the Firearm Owners Identification Card Act,
23 Article 24 of the Criminal Code of 2012, and 18
24 U.S.C. 921 through 930; and

25 (C) laws relating to the justifiable use of

1 force as prescribed in Article 7 of the Criminal
2 Code of 2012;

3 (v) a written exam not to exceed 100 questions
4 testing the knowledge of the applicant on the subject
5 matter covered in the course.

6 (2) Live firing exercises of sufficient duration for
7 each applicant to fire a handgun:

8 (i) from a standing position;

9 (ii) a minimum of 20 rounds;

10 (iii) at a distance of 7 yards from a B-21
11 silhouette target, or an equivalent as approved by the
12 Board.

13 (b) The classroom portion of the course may be, at the
14 qualified firearms instructor's discretion, divided into
15 segments of not less than 2 hours each.

16 (c) (1) An applicant training course shall not be open to
17 persons who are less than 21 years of age.

18 (2) Applicant training course students shall complete a
19 course application form, which shall include a statement
20 acknowledging receipt of copies of pertinent statutory
21 provisions listed in clauses (A), (B), and (C) of subparagraph
22 (iv) of paragraph (1) of subsection (a) and a liability waiver.

23 (3) The course application form may be obtained from the
24 qualified firearms instructor at the time of the course.

25 (d) At the conclusion of the classroom portion of the
26 applicant training course, the qualified firearms instructor

1 shall:

2 (1) distribute a standard course examination to the
3 students;

4 (2) not leave the room in which the examination is
5 being held while the examination is in progress;

6 (3) collect examination booklets and answer sheets
7 from each student at the end of the examination period;

8 (4) not grade the examinations in the presence of
9 students; and

10 (5) not divulge an applicant's numeric score on the day
11 of the examination, but the instructor may indicate whether
12 an applicant passed or failed the examination.

13 (e) A person shall not:

14 (1) Make an unauthorized copy of the applicant training
15 course examination, in whole or in part;

16 (2) Possess the applicant training course examination,
17 or questions from the examination, unless authorized by the
18 Board; or

19 (3) Divulge the contents of an applicant training
20 course examination question to another person.

21 (f) (1) Students shall provide their own safe, functional
22 handgun and factory-loaded ammunition.

23 (2) Prior to conducting range firing, the certified
24 firearms instructor shall:

25 (i) inspect each applicant's firearm; and

26 (ii) not allow the firing of a handgun that is not in

1 sound mechanical condition or otherwise may pose a safety
2 hazard.

3 (g) Grades of "passing" shall not be given on range work to
4 an applicant who:

5 (1) does not follow the orders of the certified
6 firearms instructor;

7 (2) in the judgment of the certified firearms
8 instructor, handles a firearm in a manner that poses a
9 danger to the applicant or to others; or

10 (3) during the testing portion of the range work fails
11 to hit the silhouette portion of the target with a majority
12 of 20 rounds.

13 (h) Certified firearms instructors shall:

14 (1) allow monitoring of their classes by officials of
15 any certifying agency;

16 (2) make all course records available upon demand to
17 authorized personnel of the Board; and

18 (3) not divulge course records except as authorized by
19 the certifying agency.

20 (i) (1) Fees for applicant training courses shall not exceed
21 \$125 per student.

22 (2) Qualified firearms instructors shall collect the fee
23 and remit \$25 of the fee to the Board.

24 (3) Fees shall not be refunded to students who fail or
25 otherwise do not complete the course.

26 (j) An applicant training course shall not have more than

1 40 students in the classroom portion or more than 5 students
2 per range officer engaged in range firing.

3 (k) Within 3 working days after the completion of the
4 course, the certified firearms instructor shall:

5 (1) grade the examinations; and

6 (2) mail to the Board:

7 (i) the completed course application form, showing
8 the student's score on the written examination and
9 indicating whether the student passed or failed the
10 range work, and

11 (ii) the graded examinations.

12 (l) Within 15 days after receipt of the material described
13 in subsection (k), the Board shall mail to the applicant:

14 (i) a certificate of successful course completion; or

15 (ii) notification that the applicant has failed the
16 course and will not be certified.

17 (m) A student shall be issued a certificate of completion
18 if he or she:

19 (i) answers at least 70% of the written examination
20 questions correctly; and

21 (ii) achieves a grade of "passing" on the range work.

22 (n) (i) Students who score below 70% on the written
23 examination may retake the examination one time without having
24 to retake the course.

25 (ii) Students who do not achieve a grade of "passing" on
26 the range work may repeat the range work twice without having

1 to retake the course.

2 (iii) Notices of failure will include information on
3 whether the student failed the written exam, the range firing,
4 or both.

5 Section 80. Firearms instructor certification. The Board
6 shall certify instructors who have met the requirements of this
7 Section.

8 (a) Persons who are not certified firearms instructors
9 shall not teach applicant training courses.

10 (b) Persons who are not certified firearms instructors
11 shall not advertise or otherwise represent courses they teach
12 as qualifying their students to meet the requirements to
13 receive a license to carry concealed firearms in this State.

14 (c) Persons who are not certified instructor trainers shall
15 not teach instructor qualification courses.

16 (d) Persons wishing to become certified firearms
17 instructors shall:

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

19 (2) be a citizen of the United States; and

20 (3) meet the requirements of subsection (b) of Section
21 15. Persons wishing to become instructor trainers, in
22 addition to the other requirements of this subsection (d),
23 shall:

24 (A) possess at least a high school diploma or GED
25 certificate,

1 (B) have at least one of the following valid
2 firearms instructor certifications:

3 (I) National Rifle Association Personal
4 Protection Instructor;

5 (II) National Rifle Association Pistol
6 Marksmanship Instructor;

7 (III) Certification from a firearms
8 instructor's course offered by a State or federal
9 governmental agency; or

10 (IV) A similar firearms instructor qualifying
11 course, approved by the Police Training Board.

12 (e) (1) Applicants shall agree to criminal history
13 background checks.

14 (2) An applicant may be disqualified from becoming a
15 certified instructor, or have his or her instructor
16 qualification revoked if the applicant:

17 (A) does not meet the requirements of this Act to
18 possess a concealed firearms license;

19 (B) provides false or misleading information to the
20 Board; or

21 (C) has had a prior instructor qualification revoked by
22 the Board.

23 (f) The training course to certify firearms instructors and
24 instructor trainers shall include:

25 (1) 16 hours of classroom instruction covering at least
26 the following topics:

1 (i) By means of a videotape produced or approved by the
2 Board:

3 (A) the requirements for obtaining a concealed
4 firearms license in this State;

5 (B) laws relating to firearms as contained in the
6 Firearm Owners Identification Card Act, Article 24 of
7 the Criminal Code of 2012, and 18 U.S.C. 921 through
8 930;

9 (C) laws relating to the justifiable use of force
10 as contained in Article 7 of the Criminal Code of 2012;

11 (D) the conduct of applicant training courses;

12 (E) record-keeping requirements of this Act;

13 (F) the basic nomenclature of handguns;

14 (G) the basic principles of marksmanship; and

15 (H) the safe handling of handguns.

16 (2) A classroom demonstration, during which the
17 instructor candidate shall receive instruction on and
18 demonstrate competency in the ability to prepare and
19 deliver a classroom presentation using materials from the
20 applicant curriculum.

21 (3) Range instruction and firing of live ammunition,
22 during which the instructor candidate shall receive
23 instruction on and demonstrate competency in the ability
24 to:

25 (i) handle and fire a handgun safely and
26 accurately;

1 (ii) conduct a function test and safety inspection
2 of common types of handguns;

3 (iii) clean common types of handguns; and

4 (iv) supervise and conduct live firing exercises
5 in a safe and efficient manner.

6 (g) To qualify as a certified firearms instructor or
7 instructor trainer, instructor candidates shall achieve:

8 (1) A minimum score of 70% on a written examination
9 covering the material taught during the classroom portion
10 of the course;

11 (2) A minimum score of 80% on range firing of a handgun
12 from the standing position while aiming at a B-21 PC
13 silhouette target or an equivalent as approved by the
14 Board, with a minimum of:

15 (i) ten rounds from 7 yards; and

16 (ii) ten rounds from 15 yards; and

17 (iii) a score of "passing" from the course
18 instructor for demonstrating competency in each of the
19 following:

20 (A) Supervising and conducting live fire;

21 (B) Cleaning and inspecting handguns; and

22 (C) Preparing and delivering the classroom
23 lecture.

24 (h) Instructor candidates who fail to meet the minimum
25 requirements of subsection (g) of this Section may retake the
26 examination, range work, or classroom demonstration one time

1 without having to repeat the course.

2 (i) Qualified firearms instructor and instructor trainer
3 certificates shall be valid for 5 years from the date of
4 issuance. Qualified firearms instructors or instructor
5 trainers may renew their certification by successfully
6 completing a refresher course offered or approved by the Board.

7 (j) The fees for instructor trainer or refresher courses
8 shall be \$100 per student.

9 (1) The fees for qualified instructor courses shall be
10 no more than \$100 per student. The instructor trainer shall
11 remit \$25 per student to the Board.

12 (2) Fees shall not be refunded to those who do not pass
13 or otherwise fail to complete a course.

14 (k) Course participants shall provide their own safe,
15 functional handgun and factory-loaded ammunition.

16 (l) Prior to conducting range firing, the course instructor
17 shall:

18 (i) inspect each applicant's firearm; and

19 (ii) not allow the firing of a handgun which is not in
20 sound mechanical condition or otherwise may pose a safety
21 hazard.

22 Section 85. Study. The Secretary of State shall conduct a
23 study, to determine the cost and feasibility of creating a
24 method of adding an identifiable code, background, or other
25 means to show that a person has been issued a license to carry

1 a concealed firearm by the sheriff on the person's driver's
2 license or State identification card.

3 Section 90. Report. By March 1 of each year, the
4 Department of State Police shall submit a statistical report to
5 the Governor, the President of the Senate, and the Speaker of
6 the House of Representatives, indicating the number of licenses
7 issued, revoked, suspended, denied, and issued after appeal in
8 the previous calendar year and in total and also the number of
9 licenses currently valid. The report shall also include the
10 number of arrests, convictions, and types of crimes in the
11 previous calendar year by individuals issued licenses to carry
12 a concealed firearm.

13 Section 95. Preemption. The regulating of carrying
14 firearms being an exclusive function of the State under Section
15 24-1 and 24-1.6 of the Criminal Code of 2012, an ordinance of a
16 unit of local government, including a home rule unit, is
17 invalid if it is inconsistent with the Illinois License to
18 Carry Firearms for Self-Defense Act. It is declared to be the
19 policy of this State that the regulation of the right to carry
20 concealed firearms and the issuance of licenses to carry
21 concealed firearms is an exclusive power and function of the
22 State. A home rule unit may not regulate the carrying of
23 concealed firearms. This Section is a denial and limitation of
24 home rule powers and functions under subsection (h) of Section

1 6 of Article VII of the Illinois Constitution.

2 Section 100. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 105. The Illinois Police Training Act is amended by
5 adding Section 10.6 as follows:

6 (50 ILCS 705/10.6 new)

7 Sec. 10.6. Illinois License to Carry Firearms for
8 Self-Defense Act training course. The Board shall initiate,
9 develop, and oversee a training course for the Illinois License
10 to Carry Firearms for Self-Defense Act under that Act. The
11 training course shall include all of the subjects enumerated in
12 the Illinois License to Carry Firearms for Self-Defense Act.
13 The Board shall issue a certificate to those persons
14 successfully completing the course according to that Act.

15 Section 110. The Criminal Code of 2012 is amended by
16 changing Section 24-2 as follows:

17 (720 ILCS 5/24-2)

18 Sec. 24-2. Exemptions.

19 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
20 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
21 the following:

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

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

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

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

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

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

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

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

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

1 any investigation for the Commission.

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

1 means a bank, savings and loan association, credit union or
2 company providing armored car services.

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

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

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

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

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

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

24 (13.5) A person employed as an armed security guard at
25 a nuclear energy, storage, weapons or development site or
26 facility regulated by the Nuclear Regulatory Commission

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

4 (14) Manufacture, transportation, or sale of weapons
5 to persons authorized under subdivisions (1) through
6 (13.5) of this subsection to possess those weapons.

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

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

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

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

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

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

25 (6) Carrying a concealed firearm by a licensee who (i)
26 has a valid license to carry a concealed firearm issued

1 under the Illinois License to Carry Firearms for
2 Self-Defense Act; or (ii) has an expired license to carry a
3 concealed firearm issued under the Illinois License to
4 Carry Firearms for Self-Defense Act, which has been expired
5 for 60 days or less and the person is otherwise eligible
6 for a license under the Act.

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

9 (1) Peace officers while in performance of their
10 official duties.

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

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

17 (4) Manufacture, transportation, or sale of machine
18 guns to persons authorized under subdivisions (1) through
19 (3) of this subsection to possess machine guns, if the
20 machine guns are broken down in a non-functioning state or
21 are not immediately accessible.

22 (5) Persons licensed under federal law to manufacture
23 any weapon from which 8 or more shots or bullets can be
24 discharged by a single function of the firing device, or
25 ammunition for such weapons, and actually engaged in the
26 business of manufacturing such weapons or ammunition, but

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

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

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

24 The exemption granted under this subdivision (c)(6)
25 shall also apply to any authorized agent of any such
26 contractor or subcontractor who is operating within the

1 scope of his employment, where such activities involving
2 such weapon, weapons or ammunition are necessary and
3 incident to fulfilling the terms of such contract.

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

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

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

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

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

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

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

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

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

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

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

25 (g-5) Subsection 24-1(a)(6) does not apply to or affect
26 persons licensed under federal law to manufacture any device or

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

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

21 (g-7) Subsection 24-1(a)(6) does not apply to a peace
22 officer while serving as a member of a tactical response team
23 or special operations team. A peace officer may not personally
24 own or apply for ownership of a device or attachment of any
25 kind designed, used, or intended for use in silencing the
26 report of any firearm. These devices shall be owned and

1 maintained by lawfully recognized units of government whose
2 duties include the investigation of criminal acts.

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

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

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

1 revolver, stun gun, taser, or other firearm, not the subject of
2 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
3 this Article, which is unloaded and enclosed in a case, firearm
4 carrying box, shipping box, or other container, by the
5 possessor of a valid Firearm Owners Identification Card.

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

10 Section 999. Effective date. This Act takes effect January
11 1, 2014.