

**98TH GENERAL ASSEMBLY****State of Illinois****2013 and 2014****SB2806**

Introduced 1/29/2014, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2

Amends the Criminal Code of 2012. Provides that certain provisions of the unlawful use of weapons statute do not apply to persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by a private security contractor, private detective, or private alarm contractor agency licensed by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment (deletes provision that the commuting is accomplished within one hour from departure from home or place of employment, as the case may be). Provides that the firearm control card shall be carried by the private security contractor, private detective, or private alarm contractor, or employee of the licensed private security contractor, private detective, or private alarm contractor agency at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card. Deletes provision that the exemption for a person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to the commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, applies only to security guards who are members of a security force of at least 5 persons. Makes other changes concerning exemptions from certain unlawful use of weapons violations for security guards.

LRB098 15343 RLC 50372 b

1 AN ACT concerning criminal law.

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

14 (6) Any person regularly employed in a commercial or
15 industrial operation as a security guard for the protection
16 of persons employed and private property related to such
17 commercial or industrial operation, while actually engaged
18 in the performance of his or her duty or traveling between
19 sites or properties belonging to the employer, and who, as
20 a security guard, is a member of a security force ~~of at~~
21 ~~least 5 persons~~ registered with the Department of Financial
22 and Professional Regulation; provided that such security
23 guard has successfully completed a course of study,
24 approved by and supervised by the Department of Financial
25 and Professional Regulation, consisting of not less than 40
26 hours of training that includes the theory of law

1 enforcement, liability for acts, and the handling of
2 weapons. A person shall be considered eligible for this
3 exemption if he or she has completed the required 20 hours
4 of training for a security officer and 20 hours of required
5 firearm training, and has been issued a firearm control
6 card by the Department of Financial and Professional
7 Regulation. Conditions for the renewal of firearm control
8 cards issued under the provisions of this Section shall be
9 the same as for those cards issued under the provisions of
10 the Private Detective, Private Alarm, Private Security,
11 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
12 control card shall be carried by the security guard at all
13 times when he or she is in possession of a concealable
14 weapon permitted by his or her firearm control card.

15 (7) Agents and investigators of the Illinois
16 Legislative Investigating Commission authorized by the
17 Commission to carry the weapons specified in subsections
18 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
19 any investigation for the Commission.

20 (8) Persons employed by a financial institution as a
21 security guard for the protection of other employees and
22 property related to such financial institution, while
23 actually engaged in the performance of their duties,
24 commuting between their homes and places of employment, or
25 traveling between sites or properties owned or operated by
26 such financial institution, and who, as a security guard,

1 is a member of a security force registered with the
2 Department of Financial and Professional Regulation;
3 provided that any person so employed has successfully
4 completed a course of study, approved by and supervised by
5 the Department of Financial and Professional Regulation,
6 consisting of not less than 40 hours of training which
7 includes theory of law enforcement, liability for acts, and
8 the handling of weapons. A person shall be considered to be
9 eligible for this exemption if he or she has completed the
10 required 20 hours of training for a security officer and 20
11 hours of required firearm training, and has been issued a
12 firearm control card by the Department of Financial and
13 Professional Regulation. Conditions for renewal of firearm
14 control cards issued under the provisions of this Section
15 shall be the same as for those issued under the provisions
16 of the Private Detective, Private Alarm, Private Security,
17 Fingerprint Vendor, and Locksmith Act of 2004. ~~The Such~~
18 firearm control card shall be carried by the security guard
19 ~~person so trained~~ at all times when he or she ~~such person~~
20 is in possession of a concealable weapon permitted by his
21 or her firearm control card. For purposes of this
22 subsection, "financial institution" means a bank, savings
23 and loan association, credit union or company providing
24 armored car services.

25 (9) (Blank). ~~Any person employed by an armored car~~
26 ~~company to drive an armored car, while actually engaged in~~

1 ~~the performance of his duties.~~

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

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

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

11 (12.5) Probation officers while in the performance of
12 their duties, or while commuting between their homes,
13 places of employment or specific locations that are part of
14 their assigned duties, with the consent of the chief judge
15 of the circuit for which they are employed.

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

20 (13.5) A person employed as an armed security guard at
21 a nuclear energy, storage, weapons or development site or
22 facility regulated by the Nuclear Regulatory Commission
23 who has completed the background screening and training
24 mandated by the rules and regulations of the Nuclear
25 Regulatory Commission.

26 (14) Manufacture, transportation, or sale of weapons

1 to persons authorized under subdivisions (1) through
2 (13.5) of this subsection to possess those weapons.

3 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
4 to or affect any person carrying a concealed pistol, revolver,
5 or handgun and the person has been issued a currently valid
6 license under the Firearm Concealed Carry Act at the time of
7 the commission of the offense.

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

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

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

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

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

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

26 (c) Subsection 24-1(a)(7) does not apply to or affect any

1 of the following:

2 (1) Peace officers while in performance of their
3 official duties.

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

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

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

1 are within the lawful scope of a licensed manufacturing
2 business described in this paragraph.

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

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

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

23 (7) A person possessing a rifle with a barrel or
24 barrels less than 16 inches in length if: (A) the person
25 has been issued a Curios and Relics license from the U.S.
26 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)

1 the person is an active member of a bona fide, nationally
2 recognized military re-enacting group and the modification
3 is required and necessary to accurately portray the weapon
4 for historical re-enactment purposes; the re-enactor is in
5 possession of a valid and current re-enacting group
6 membership credential; and the overall length of the weapon
7 as modified is not less than 26 inches.

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

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

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

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

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

24 (2) Bonafide collectors of antique or surplus military
25 ordinance.

26 (3) Laboratories having a department of forensic

1 ballistics, or specializing in the development of
2 ammunition or explosive ordinance.

3 (4) Commerce, preparation, assembly or possession of
4 explosive bullets by manufacturers of ammunition licensed
5 by the federal government, in connection with the supply of
6 those organizations and persons exempted by subdivision
7 (g) (1) of this Section, or like organizations and persons
8 outside this State, or the transportation of explosive
9 bullets to any organization or person exempted in this
10 Section by a common carrier or by a vehicle owned or leased
11 by an exempted manufacturer.

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

1 transportation, these devices shall be detached from any weapon
2 or not immediately accessible.

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

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

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

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

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

19 (Source: P.A. 97-465, eff. 8-22-11; 97-676, eff. 6-1-12;
20 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13; 98-63, eff. 7-9-13;
21 98-463, eff. 8-16-13.)