

**SB3385**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**SB3385**

Introduced 2/14/2014, by Sen. William R. Haine

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/24-2

Amends the Criminal Code of 2012. Provides that the unlawful use of weapons violation prohibiting a person from selling, manufacturing, purchasing, possessing, or carrying a rifle having one or more barrels less than 16 inches in length does not apply to a rifle with a barrel or barrels less than 16 inches in length if the overall length of the weapon as modified is less than 26 inches and the person selling, manufacturing, purchasing, or possessing such a rifle has been issued a Dealer in Firearms Other Than Destructive Devices license or a Manufacturer of Firearms Other Than Destructive Devices license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives. Effective immediately.

LRB098 19443 RLC 55559 b

**A BILL FOR**

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

25 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
26 24-1.6 do not apply to or affect any of the following:

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

6           (2) Duly authorized military or civil organizations  
7           while parading, with the special permission of the  
8           Governor.

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

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

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

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

19               (1) Peace officers while in performance of their  
20               official duties.

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

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



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

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

20           During transportation, such weapons shall be broken  
21 down in a non-functioning state or not immediately  
22 accessible.

23           (6) The manufacture, transport, testing, delivery,  
24 transfer or sale, and all lawful commercial or experimental  
25 activities necessary thereto, of rifles, shotguns, and  
26 weapons made from rifles or shotguns, or ammunition for

1 such rifles, shotguns or weapons, where engaged in by a  
2 person operating as a contractor or subcontractor pursuant  
3 to a contract or subcontract for the development and supply  
4 of such rifles, shotguns, weapons or ammunition to the  
5 United States government or any branch of the Armed Forces  
6 of the United States, when such activities are necessary  
7 and incident to fulfilling the terms of such contract.

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

14 (7) A ~~person possessing~~ a rifle with a barrel or  
15 barrels less than 16 inches in length if the overall length  
16 of the weapon as modified is less than 26 inches and:

17 (A) the person purchasing or possessing such a  
18 rifle has been issued a Curios and Relics license from  
19 the U.S. Bureau of Alcohol, Tobacco, Firearms and  
20 Explosives; or

21 (B) the person purchasing or possessing such a  
22 rifle is an active member of a bona fide, nationally  
23 recognized military re-enacting group and the  
24 modification is required and necessary to accurately  
25 portray the weapon for historical re-enactment  
26 purposes; the re-enactor is in possession of a valid

1 and current re-enacting group membership credential;

2 or

3 (C) the person selling, manufacturing, purchasing,

4 or possessing such a rifle has been issued a Dealer in

5 Firearms Other Than Destructive Devices license or a

6 Manufacturer of Firearms Other Than Destructive

7 Devices license from the U.S. Bureau of Alcohol,

8 Tobacco, Firearms and Explosives and the overall

9 length of the weapon as modified is not less than 26

10 inches.

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

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

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

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

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

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

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

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

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

1 report of any firearm, but only such possession and activities  
2 as are within the lawful scope of a licensed manufacturing  
3 business described in this subsection (g-5). During  
4 transportation, these devices shall be detached from any weapon  
5 or not immediately accessible.

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

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

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

1 in shooting competitions at the 2016 Olympic and Paralympic  
2 Games and sanctioned test events leading up to the 2016 Olympic  
3 and Paralympic Games.

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

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

22 (Source: P.A. 97-465, eff. 8-22-11; 97-676, eff. 6-1-12;  
23 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13; 98-63, eff. 7-9-13;  
24 98-463, eff. 8-16-13.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.