



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB1408

by Rep. Thomas Bennett

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1

from Ch. 38, par. 24-1

720 ILCS 5/24-1.6

720 ILCS 5/24-2

Amends the Criminal Code of 2012. Provides that a person who has been issued a currently valid Firearm Owner's Identification Card may transport in a vehicle an accessible rifle, shotgun, or other long gun without the weapon being broken down in a non-functioning state or without the weapon being enclosed in a case, firearm carrying box, shipping box, or other container if the firearm is unloaded.

LRB099 07246 RLC 27347 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 Sections 24-1, 24-1.6, and 24-2 as follows:

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

7 Sec. 24-1. Unlawful Use of Weapons.

8 (a) A person commits the offense of unlawful use of weapons  
9 when he knowingly:

10 (1) Sells, manufactures, purchases, possesses or  
11 carries any bludgeon, black-jack, slung-shot, sand-club,  
12 sand-bag, metal knuckles or other knuckle weapon  
13 regardless of its composition, throwing star, or any knife,  
14 commonly referred to as a switchblade knife, which has a  
15 blade that opens automatically by hand pressure applied to  
16 a button, spring or other device in the handle of the  
17 knife, or a ballistic knife, which is a device that propels  
18 a knifelike blade as a projectile by means of a coil  
19 spring, elastic material or compressed gas; or

20 (2) Carries or possesses with intent to use the same  
21 unlawfully against another, a dagger, dirk, billy,  
22 dangerous knife, razor, stiletto, broken bottle or other  
23 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

2 (3) Carries on or about his person or in any vehicle, a  
3 tear gas gun projector or bomb or any object containing  
4 noxious liquid gas or substance, other than an object  
5 containing a non-lethal noxious liquid gas or substance  
6 designed solely for personal defense carried by a person 18  
7 years of age or older; or

8 (4) Carries or possesses in any vehicle or concealed on  
9 or about his person except when on his land or in his own  
10 abode, legal dwelling, or fixed place of business, or on  
11 the land or in the legal dwelling of another person as an  
12 invitee with that person's permission, any pistol,  
13 revolver, stun gun or taser or other firearm, except that  
14 this subsection (a) (4) does not apply to or affect  
15 transportation of:

16 (A) weapons, other than rifles, shotguns, or other  
17 long guns that are transported in a vehicle, that meet  
18 one of the following conditions:

19 (i) are broken down in a non-functioning  
20 state; or

21 (ii) are not immediately accessible; or

22 (iii) are unloaded and enclosed in a case,  
23 firearm carrying box, shipping box, or other  
24 container by a person who has been issued a  
25 currently valid Firearm Owner's Identification  
26 Card; or

1           (B) rifles, shotguns, or other long guns in a  
2           vehicle by a person who has been issued a currently  
3           valid Firearm Owner's Identification Card if the  
4           firearms are unloaded; or

5           (5) Sets a spring gun; or

6           (6) Possesses any device or attachment of any kind  
7           designed, used or intended for use in silencing the report  
8           of any firearm; or

9           (7) Sells, manufactures, purchases, possesses or  
10          carries:

11           (i) a machine gun, which shall be defined for the  
12           purposes of this subsection as any weapon, which  
13           shoots, is designed to shoot, or can be readily  
14           restored to shoot, automatically more than one shot  
15           without manually reloading by a single function of the  
16           trigger, including the frame or receiver of any such  
17           weapon, or sells, manufactures, purchases, possesses,  
18           or carries any combination of parts designed or  
19           intended for use in converting any weapon into a  
20           machine gun, or any combination or parts from which a  
21           machine gun can be assembled if such parts are in the  
22           possession or under the control of a person;

23           (ii) any rifle having one or more barrels less than  
24           16 inches in length or a shotgun having one or more  
25           barrels less than 18 inches in length or any weapon  
26           made from a rifle or shotgun, whether by alteration,

1 modification, or otherwise, if such a weapon as  
2 modified has an overall length of less than 26 inches;  
3 or

4 (iii) any bomb, bomb-shell, grenade, bottle or  
5 other container containing an explosive substance of  
6 over one-quarter ounce for like purposes, such as, but  
7 not limited to, black powder bombs and Molotov  
8 cocktails or artillery projectiles; or

9 (8) Carries or possesses any firearm, stun gun or taser  
10 or other deadly weapon in any place which is licensed to  
11 sell intoxicating beverages, or at any public gathering  
12 held pursuant to a license issued by any governmental body  
13 or any public gathering at which an admission is charged,  
14 excluding a place where a showing, demonstration or lecture  
15 involving the exhibition of unloaded firearms is  
16 conducted.

17 This subsection (a) (8) does not apply to any auction or  
18 raffle of a firearm held pursuant to a license or permit  
19 issued by a governmental body, nor does it apply to persons  
20 engaged in firearm safety training courses; or

21 (9) Carries or possesses in a vehicle or on or about  
22 his person any pistol, revolver, stun gun or taser or  
23 firearm or ballistic knife, when he is hooded, robed or  
24 masked in such manner as to conceal his identity; or

25 (10) Carries or possesses on or about his person, upon  
26 any public street, alley, or other public lands within the

1 corporate limits of a city, village or incorporated town,  
2 except when an invitee thereon or therein, for the purpose  
3 of the display of such weapon or the lawful commerce in  
4 weapons, or except when on his land or in his own abode,  
5 legal dwelling, or fixed place of business, or on the land  
6 or in the legal dwelling of another person as an invitee  
7 with that person's permission, any pistol, revolver, stun  
8 gun or taser or other firearm, except that this subsection  
9 (a) (10) does not apply to or affect transportation of  
10 weapons as provided in subsection 24-1(a)(4)(B) or that  
11 meet one of the following conditions:

12 (i) are broken down in a non-functioning state; or

13 (ii) are not immediately accessible; or

14 (iii) are unloaded and enclosed in a case, firearm  
15 carrying box, shipping box, or other container by a  
16 person who has been issued a currently valid Firearm  
17 Owner's Identification Card.

18 A "stun gun or taser", as used in this paragraph (a)  
19 means (i) any device which is powered by electrical  
20 charging units, such as, batteries, and which fires one or  
21 several barbs attached to a length of wire and which, upon  
22 hitting a human, can send out a current capable of  
23 disrupting the person's nervous system in such a manner as  
24 to render him incapable of normal functioning or (ii) any  
25 device which is powered by electrical charging units, such  
26 as batteries, and which, upon contact with a human or

1 clothing worn by a human, can send out current capable of  
2 disrupting the person's nervous system in such a manner as  
3 to render him incapable of normal functioning; or

4 (11) Sells, manufactures or purchases any explosive  
5 bullet. For purposes of this paragraph (a) "explosive  
6 bullet" means the projectile portion of an ammunition  
7 cartridge which contains or carries an explosive charge  
8 which will explode upon contact with the flesh of a human  
9 or an animal. "Cartridge" means a tubular metal case having  
10 a projectile affixed at the front thereof and a cap or  
11 primer at the rear end thereof, with the propellant  
12 contained in such tube between the projectile and the cap;  
13 or

14 (12) (Blank); or

15 (13) Carries or possesses on or about his or her person  
16 while in a building occupied by a unit of government, a  
17 billy club, other weapon of like character, or other  
18 instrument of like character intended for use as a weapon.  
19 For the purposes of this Section, "billy club" means a  
20 short stick or club commonly carried by police officers  
21 which is either telescopic or constructed of a solid piece  
22 of wood or other man-made material.

23 (b) Sentence. A person convicted of a violation of  
24 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
25 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
26 Class A misdemeanor. A person convicted of a violation of

1 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
2 person convicted of a violation of subsection 24-1(a)(6) or  
3 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
4 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
5 Class 2 felony and shall be sentenced to a term of imprisonment  
6 of not less than 3 years and not more than 7 years, unless the  
7 weapon is possessed in the passenger compartment of a motor  
8 vehicle as defined in Section 1-146 of the Illinois Vehicle  
9 Code, or on the person, while the weapon is loaded, in which  
10 case it shall be a Class X felony. A person convicted of a  
11 second or subsequent violation of subsection 24-1(a)(4),  
12 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
13 felony. The possession of each weapon in violation of this  
14 Section constitutes a single and separate violation.

15 (c) Violations in specific places.

16 (1) A person who violates subsection 24-1(a)(6) or  
17 24-1(a)(7) in any school, regardless of the time of day or  
18 the time of year, in residential property owned, operated  
19 or managed by a public housing agency or leased by a public  
20 housing agency as part of a scattered site or mixed-income  
21 development, in a public park, in a courthouse, on the real  
22 property comprising any school, regardless of the time of  
23 day or the time of year, on residential property owned,  
24 operated or managed by a public housing agency or leased by  
25 a public housing agency as part of a scattered site or  
26 mixed-income development, on the real property comprising



1 any public park, on the real property comprising any  
2 courthouse, in any conveyance owned, leased or contracted  
3 by a school to transport students to or from school or a  
4 school related activity, in any conveyance owned, leased,  
5 or contracted by a public transportation agency, or on any  
6 public way within 1,000 feet of the real property  
7 comprising any school, public park, courthouse, public  
8 transportation facility, or residential property owned,  
9 operated, or managed by a public housing agency or leased  
10 by a public housing agency as part of a scattered site or  
11 mixed-income development commits a Class 2 felony and shall  
12 be sentenced to a term of imprisonment of not less than 3  
13 years and not more than 7 years.

14 (1.5) A person who violates subsection 24-1(a)(4),  
15 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
16 time of day or the time of year, in residential property  
17 owned, operated, or managed by a public housing agency or  
18 leased by a public housing agency as part of a scattered  
19 site or mixed-income development, in a public park, in a  
20 courthouse, on the real property comprising any school,  
21 regardless of the time of day or the time of year, on  
22 residential property owned, operated, or managed by a  
23 public housing agency or leased by a public housing agency  
24 as part of a scattered site or mixed-income development, on  
25 the real property comprising any public park, on the real  
26 property comprising any courthouse, in any conveyance

1 owned, leased, or contracted by a school to transport  
2 students to or from school or a school related activity, in  
3 any conveyance owned, leased, or contracted by a public  
4 transportation agency, or on any public way within 1,000  
5 feet of the real property comprising any school, public  
6 park, courthouse, public transportation facility, or  
7 residential property owned, operated, or managed by a  
8 public housing agency or leased by a public housing agency  
9 as part of a scattered site or mixed-income development  
10 commits a Class 3 felony.

11 (2) A person who violates subsection 24-1(a)(1),  
12 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
13 time of day or the time of year, in residential property  
14 owned, operated or managed by a public housing agency or  
15 leased by a public housing agency as part of a scattered  
16 site or mixed-income development, in a public park, in a  
17 courthouse, on the real property comprising any school,  
18 regardless of the time of day or the time of year, on  
19 residential property owned, operated or managed by a public  
20 housing agency or leased by a public housing agency as part  
21 of a scattered site or mixed-income development, on the  
22 real property comprising any public park, on the real  
23 property comprising any courthouse, in any conveyance  
24 owned, leased or contracted by a school to transport  
25 students to or from school or a school related activity, in  
26 any conveyance owned, leased, or contracted by a public

1 transportation agency, or on any public way within 1,000  
2 feet of the real property comprising any school, public  
3 park, courthouse, public transportation facility, or  
4 residential property owned, operated, or managed by a  
5 public housing agency or leased by a public housing agency  
6 as part of a scattered site or mixed-income development  
7 commits a Class 4 felony. "Courthouse" means any building  
8 that is used by the Circuit, Appellate, or Supreme Court of  
9 this State for the conduct of official business.

10 (3) Paragraphs (1), (1.5), and (2) of this subsection  
11 (c) shall not apply to law enforcement officers or security  
12 officers of such school, college, or university or to  
13 students carrying or possessing firearms for use in  
14 training courses, parades, hunting, target shooting on  
15 school ranges, or otherwise with the consent of school  
16 authorities and which firearms are transported unloaded  
17 enclosed in a suitable case, box, or transportation  
18 package.

19 (4) For the purposes of this subsection (c), "school"  
20 means any public or private elementary or secondary school,  
21 community college, college, or university.

22 (5) For the purposes of this subsection (c), "public  
23 transportation agency" means a public or private agency  
24 that provides for the transportation or conveyance of  
25 persons by means available to the general public, except  
26 for transportation by automobiles not used for conveyance

1 of the general public as passengers; and "public  
2 transportation facility" means a terminal or other place  
3 where one may obtain public transportation.

4 (d) The presence in an automobile other than a public  
5 omnibus of any weapon, instrument or substance referred to in  
6 subsection (a)(7) is prima facie evidence that it is in the  
7 possession of, and is being carried by, all persons occupying  
8 such automobile at the time such weapon, instrument or  
9 substance is found, except under the following circumstances:  
10 (i) if such weapon, instrument or instrumentality is found upon  
11 the person of one of the occupants therein; or (ii) if such  
12 weapon, instrument or substance is found in an automobile  
13 operated for hire by a duly licensed driver in the due, lawful  
14 and proper pursuit of his trade, then such presumption shall  
15 not apply to the driver.

16 (e) Exemptions. Crossbows, Common or Compound bows and  
17 Underwater Spearguns are exempted from the definition of  
18 ballistic knife as defined in paragraph (1) of subsection (a)  
19 of this Section.

20 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
21 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
22 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

23 (720 ILCS 5/24-1.6)

24 Sec. 24-1.6. Aggravated unlawful use of a weapon.

25 (a) A person commits the offense of aggravated unlawful use

1 of a weapon when he or she knowingly:

2 (1) Carries on or about his or her person or in any  
3 vehicle or concealed on or about his or her person except  
4 when on his or her land or in his or her abode, legal  
5 dwelling, or fixed place of business, or on the land or in  
6 the legal dwelling of another person as an invitee with  
7 that person's permission, any pistol, revolver, stun gun or  
8 taser or other firearm; or

9 (2) Carries or possesses on or about his or her person,  
10 upon any public street, alley, or other public lands within  
11 the corporate limits of a city, village or incorporated  
12 town, except when an invitee thereon or therein, for the  
13 purpose of the display of such weapon or the lawful  
14 commerce in weapons, or except when on his or her own land  
15 or in his or her own abode, legal dwelling, or fixed place  
16 of business, or on the land or in the legal dwelling of  
17 another person as an invitee with that person's permission,  
18 any pistol, revolver, stun gun or taser or other firearm;  
19 and

20 (3) One of the following factors is present:

21 (A) the firearm, other than a pistol, revolver, or  
22 handgun, possessed was uncased, loaded, and  
23 immediately accessible at the time of the offense; or

24 (A-5) the pistol, revolver, or handgun possessed  
25 was uncased, loaded, and immediately accessible at the  
26 time of the offense and the person possessing the

1 pistol, revolver, or handgun has not been issued a  
2 currently valid license under the Firearm Concealed  
3 Carry Act; or

4 (B) the firearm, other than a pistol, revolver, or  
5 handgun, possessed was uncased, unloaded, and the  
6 ammunition for the weapon was immediately accessible  
7 at the time of the offense; or

8 (B-5) the pistol, revolver, or handgun possessed  
9 was uncased, unloaded, and the ammunition for the  
10 weapon was immediately accessible at the time of the  
11 offense and the person possessing the pistol,  
12 revolver, or handgun has not been issued a currently  
13 valid license under the Firearm Concealed Carry Act; or

14 (C) the person possessing the firearm has not been  
15 issued a currently valid Firearm Owner's  
16 Identification Card; or

17 (D) the person possessing the weapon was  
18 previously adjudicated a delinquent minor under the  
19 Juvenile Court Act of 1987 for an act that if committed  
20 by an adult would be a felony; or

21 (E) the person possessing the weapon was engaged in  
22 a misdemeanor violation of the Cannabis Control Act, in  
23 a misdemeanor violation of the Illinois Controlled  
24 Substances Act, or in a misdemeanor violation of the  
25 Methamphetamine Control and Community Protection Act;  
26 or

1 (F) (blank); or

2 (G) the person possessing the weapon had a order of  
3 protection issued against him or her within the  
4 previous 2 years; or

5 (H) the person possessing the weapon was engaged in  
6 the commission or attempted commission of a  
7 misdemeanor involving the use or threat of violence  
8 against the person or property of another; or

9 (I) the person possessing the weapon was under 21  
10 years of age and in possession of a handgun, unless the  
11 person under 21 is engaged in lawful activities under  
12 the Wildlife Code or described in subsection  
13 24-2 (b) (1), (b) (3), or 24-2 (f).

14 (a-5) "Handgun" as used in this Section has the meaning  
15 given to it in Section 5 of the Firearm Concealed Carry Act.

16 (b) "Stun gun or taser" as used in this Section has the  
17 same definition given to it in Section 24-1 of this Code.

18 (c) This Section does not apply to or affect the  
19 transportation or possession of weapons as provided in  
20 subsection 24-1(a)(4)(B) or that:

21 (i) are broken down in a non-functioning state; or

22 (ii) are not immediately accessible; or

23 (iii) are unloaded and enclosed in a case, firearm  
24 carrying box, shipping box, or other container by a person  
25 who has been issued a currently valid Firearm Owner's  
26 Identification Card.

1 (d) Sentence.

2 (1) Aggravated unlawful use of a weapon is a Class 4  
3 felony; a second or subsequent offense is a Class 2 felony  
4 for which the person shall be sentenced to a term of  
5 imprisonment of not less than 3 years and not more than 7  
6 years.

7 (2) Except as otherwise provided in paragraphs (3) and  
8 (4) of this subsection (d), a first offense of aggravated  
9 unlawful use of a weapon committed with a firearm by a  
10 person 18 years of age or older where the factors listed in  
11 both items (A) and (C) or both items (A-5) and (C) of  
12 paragraph (3) of subsection (a) are present is a Class 4  
13 felony, for which the person shall be sentenced to a term  
14 of imprisonment of not less than one year and not more than  
15 3 years.

16 (3) Aggravated unlawful use of a weapon by a person who  
17 has been previously convicted of a felony in this State or  
18 another jurisdiction is a Class 2 felony for which the  
19 person shall be sentenced to a term of imprisonment of not  
20 less than 3 years and not more than 7 years.

21 (4) Aggravated unlawful use of a weapon while wearing  
22 or in possession of body armor as defined in Section 33F-1  
23 by a person who has not been issued a valid Firearms  
24 Owner's Identification Card in accordance with Section 5 of  
25 the Firearm Owners Identification Card Act is a Class X  
26 felony.



1 (e) The possession of each firearm in violation of this  
2 Section constitutes a single and separate violation.

3 (Source: P.A. 98-63, eff. 7-9-13.)

4 (720 ILCS 5/24-2)

5 Sec. 24-2. Exemptions.

6 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
7 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
8 the following:

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

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

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

21 (4) Special agents employed by a railroad or a public  
22 utility to perform police functions, and guards of armored  
23 car companies, while actually engaged in the performance of  
24 the duties of their employment or commuting between their  
25 homes and places of employment; and watchmen while actually

1 engaged in the performance of the duties of their  
2 employment.

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

1 private security contractor, private detective, or private  
2 alarm contractor, or employee of the licensed agency at all  
3 times when he or she is in possession of a concealable  
4 weapon.

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

1 the Private Detective, Private Alarm, Private Security,  
2 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
3 control card shall be carried by the security guard at all  
4 times when he or she is in possession of a concealable  
5 weapon.

6 (7) Agents and investigators of the Illinois  
7 Legislative Investigating Commission authorized by the  
8 Commission to carry the weapons specified in subsections  
9 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
10 any investigation for the Commission.

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

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

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

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

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

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

24 (12.5) Probation officers while in the performance of  
25 their duties, or while commuting between their homes,  
26 places of employment or specific locations that are part of

1 their assigned duties, with the consent of the chief judge  
2 of the circuit for which they are employed, if they have  
3 received weapons training according to requirements of the  
4 Peace Officer and Probation Officer Firearm Training Act.

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

9 (13.5) A person employed as an armed security guard at  
10 a nuclear energy, storage, weapons or development site or  
11 facility regulated by the Nuclear Regulatory Commission  
12 who has completed the background screening and training  
13 mandated by the rules and regulations of the Nuclear  
14 Regulatory Commission.

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

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

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

25 (1) Members of any club or organization organized for  
26 the purpose of practicing shooting at targets upon

1 established target ranges, whether public or private, and  
2 patrons of such ranges, while such members or patrons are  
3 using their firearms on those target ranges.

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

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

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

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

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

17 (1) Peace officers while in performance of their  
18 official duties.

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

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

25 (4) Manufacture, transportation, or sale of machine  
26 guns to persons authorized under subdivisions (1) through

1 (3) of this subsection to possess machine guns, if the  
2 machine guns are broken down in a non-functioning state or  
3 are not immediately accessible.

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

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

21 (6) The manufacture, transport, testing, delivery,  
22 transfer or sale, and all lawful commercial or experimental  
23 activities necessary thereto, of rifles, shotguns, and  
24 weapons made from rifles or shotguns, or ammunition for  
25 such rifles, shotguns or weapons, where engaged in by a  
26 person operating as a contractor or subcontractor pursuant



1 to a contract or subcontract for the development and supply  
2 of such rifles, shotguns, weapons or ammunition to the  
3 United States government or any branch of the Armed Forces  
4 of the United States, when such activities are necessary  
5 and incident to fulfilling the terms of such contract.

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

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

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

26 (e) Subsection 24-1(a)(8) does not apply to any owner,

1 manager or authorized employee of any place specified in that  
2 subsection nor to any law enforcement officer.

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

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

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

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

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

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

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

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

23           (g-7) Subsection 24-1(a)(6) does not apply to a peace  
24 officer while serving as a member of a tactical response team  
25 or special operations team. A peace officer may not personally  
26 own or apply for ownership of a device or attachment of any

1 kind designed, used, or intended for use in silencing the  
2 report of any firearm. These devices shall be owned and  
3 maintained by lawfully recognized units of government whose  
4 duties include the investigation of criminal acts.

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

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

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

1 nothing in this Article shall prohibit, apply to, or affect the  
2 transportation, carrying, or possession of any pistol,  
3 revolver, stun gun, taser, or other firearm, not the subject of  
4 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
5 this Article, which is unloaded and enclosed in a case, firearm  
6 carrying box, shipping box, or other container, by the  
7 possessor of a valid Firearm Owners Identification Card; and  
8 nothing in this Article shall prohibit, apply to, or affect the  
9 transportation of any rifle, shotgun, or other long gun in a  
10 vehicle by a person who has been issued a currently valid  
11 Firearm Owner's Identification Card if the firearm is unloaded.  
12 (Source: P.A. 97-465, eff. 8-22-11; 97-676, eff. 6-1-12;  
13 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13; 98-63, eff. 7-9-13;  
14 98-463, eff. 8-16-13; 98-725, eff. 1-1-15.)