

HB3318



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3318

by Rep. John D. Anthony

SYNOPSIS AS INTRODUCED:

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

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

LRB099 10171 RLC 30395 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning correctional officers.

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

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

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (12.5) Probation officers while in the performance of
3 their duties, or while commuting between their homes,
4 places of employment or specific locations that are part of
5 their assigned duties, with the consent of the chief judge
6 of the circuit for which they are employed, if they have
7 received weapons training according to requirements of the
8 Peace Officer and Probation Officer Firearm Training Act.

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

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

19 (14) Manufacture, transportation, or sale of weapons
20 to persons authorized under subdivisions (1) through
21 (13.5) of this subsection to possess those weapons.

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

1 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
2 24-1.6 do not apply to or affect any of the following:

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

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

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

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

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

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

21 (1) Peace officers while in performance of their
22 official duties.

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

26 (3) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in
2 the performance of their official duty.

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

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

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

25 (6) The manufacture, transport, testing, delivery,
26 transfer or sale, and all lawful commercial or experimental

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

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

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

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

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

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

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

14 (1) 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 (2) Bonafide collectors of antique or surplus military
18 ordinance.

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

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

1 outside this State, or the transportation of explosive
2 bullets to any organization or person exempted in this
3 Section by a common carrier or by a vehicle owned or leased
4 by an exempted manufacturer.

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

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

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

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

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

25 (h) An information or indictment based upon a violation of
26 any subsection of this Article need not negative any exemptions

1 contained in this Article. The defendant shall have the burden
2 of proving such an exemption.

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

17 (Source: P.A. 97-465, eff. 8-22-11; 97-676, eff. 6-1-12;
18 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13; 98-63, eff. 7-9-13;
19 98-463, eff. 8-16-13; 98-725, eff. 1-1-15.)

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

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

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

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

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

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

26 (3) The currently employed or retired State

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

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

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