

SB2792



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2792

Introduced 2/17/2016, by Sen. Gary Forby

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 19295 RLC 43687 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 a private security contractor, private
10 detective, or private alarm contractor agency licensed by
11 the Department of Financial and Professional Regulation,
12 if their duties include the carrying of a weapon under the
13 provisions of the Private Detective, Private Alarm,
14 Private Security, Fingerprint Vendor, and Locksmith Act of
15 2004, while actually engaged in the performance of the
16 duties of their employment or commuting between their homes
17 and places of employment. A person shall be considered
18 eligible for this exemption if he or she has completed the
19 required 20 hours of training for a private security
20 contractor, private detective, or private alarm
21 contractor, or employee of a licensed private security
22 contractor, private detective, or private alarm contractor
23 agency and 20 hours of required firearm training, and has
24 been issued a firearm control card by the Department of
25 Financial and Professional Regulation. Conditions for the
26 renewal of firearm control cards issued under the

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

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

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

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

17 (8) Persons employed by a financial institution as a
18 security guard for the protection of other employees and
19 property related to such financial institution, while
20 actually engaged in the performance of their duties,
21 commuting between their homes and places of employment, or
22 traveling between sites or properties owned or operated by
23 such financial institution, and who, as a security guard,
24 is a member of a security force registered with the
25 Department; provided that any person so employed has
26 successfully completed a course of study, approved by and

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

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

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

26 (11) Investigators of the Office of the State's

1 Attorneys Appellate Prosecutor authorized by the board of
2 governors of the Office of the State's Attorneys Appellate
3 Prosecutor to carry weapons pursuant to Section 7.06 of the
4 State's Attorneys Appellate Prosecutor's Act.

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

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

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

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

24 (14) Manufacture, transportation, or sale of weapons
25 to persons authorized under subdivisions (1) through
26 (13.5) of this subsection to possess those weapons.

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

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

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

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

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

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

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

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

26 (1) Peace officers while in performance of their

1 official duties.

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

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

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

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

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

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

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

21 (7) A person possessing a rifle with a barrel or
22 barrels less than 16 inches in length if: (A) the person
23 has been issued a Curios and Relics license from the U.S.
24 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
25 the person is an active member of a bona fide, nationally
26 recognized military re-enacting group and the modification

1 is required and necessary to accurately portray the weapon
2 for historical re-enactment purposes; the re-enactor is in
3 possession of a valid and current re-enacting group
4 membership credential; and the overall length of the weapon
5 as modified is not less than 26 inches.

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

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

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

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

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

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

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

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

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

1 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
2 24-1.6 do not apply to or affect any parole agent or parole
3 supervisor who meets the qualifications and conditions
4 prescribed in Section 3-14-1.5 of the Unified Code of
5 Corrections.

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

14 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
15 24-1.6 do not apply to or affect any currently employed or
16 retired State correctional officer who meets the
17 qualifications and conditions prescribed in Section 3-2-12 of
18 the Unified Code of Corrections.

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. 98-63, eff. 7-9-13; 98-463, eff. 8-16-13; 98-725,
23 eff. 1-1-15; 99-174, eff. 7-29-15.)

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

1 (730 ILCS 5/3-2-12 new)

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

4 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
5 24-1.6 of the Criminal Code of 2012 do not apply to currently
6 employed or retired State correctional officers who meet the
7 following conditions:

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

23 (2) The currently employed or retired State
24 correctional officer shall purchase the firearm at his or
25 her own expense and shall register the firearm with the

1 Illinois Department of State Police and with any other
2 local law enforcement agencies that require the
3 registration.

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

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

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